



REPÚBLICA DE MOÇAMBIQUE

COUNCIL OF MINISTERS

Decree n° 64/2021 of 1 September

Being necessary to ensure an effective implementation of the Regulations for the Trading of Diamonds, Precious Metals and Gemstones, as well as to ensure the tracking of said mineral products, in accordance with the Kimberley Process Certification System and other rules relating to the trading of precious metals and gemstones, under the provisions of subparagraph 1(f) of article 203 of the Constitution of the Republic, the Council of Ministers, decrees:

ARTICLE 1

(Nature)

The Kimberley Process Management Unit, known for short as UGPK, created by Decree No. 26/2015 of 20 November, is a public institution endowed with technical and administrative autonomy, subordinated to the Minister who oversees the area of Mineral Resources.

ARTICLE 2

(Attributions)

The UGPK is responsible for everything related to the implementation of the Kimberley Process, namely, the management of technical and administrative procedures for screening, security and internal control of rough diamonds, within the scope of the Kimberley Process and the trading of precious metals and gemstones.

ARTICLE 3

(Competencies of UGPK)

1. The UGPK has the following competences:
 - a) Issue technical opinions regarding the Kimberley Process;
 - b) Ensure the legitimacy of the tracking the production, import, export and transit of rough diamonds, precious metals and gemstones;
 - c) Ensure the implementation and compliance with the rules governing the Kimberley Process and the Kimberley Process Certification System;
 - d) Coordinate the operation of the Kimberley Process Certification System and the trade in precious metals and gems in the country;
 - e) Cooperate in defining and overseeing the implementation of methods of certification, tracking of rough diamonds, precious metals and gemstones, as well as preventing and combating illicit trafficking;
 - f) Ensure the preparation and propose the hierarchical approval of the Kimberley Process Certificate Templates for precious metals and gemstones;
 - g) Issue the Kimberley Process Certificate for rough diamonds and the Certificate of Origin for precious metals and gemstones;
 - h) Propose the staff of the Kimberley Process Precious Metals and Gemstones Management Unit;
 - i) Technically advise the National Kimberley Process, Precious Metals and Gemstones Council.
2. The UGPK is also empowered to ensure the creation and maintenance of a database, as well as the periodic publication of statistical data on:
 - a) Imports and exports of precious metals and gemstones;
 - b) Production of rough diamonds, precious metals and gemstones, specifying the weight expressed in carats and the value of this production;
 - c) Exports and imports of rough diamonds specifying, where possible, the origin and provenance, the weight expressed in carats and the value, in accordance with codes 7102 10, 7102 21 and 7102 31 of the Harmonized Commodity Description and Coding System.

ARTICLE 4

(Structure)

The UGPK has the following structure:

- a) The management
- b) Board of Directors; and
- c) Technical Council.

ARTICLE 5

(Appointment)

1. The UGPK is headed by an Executive Secretary.
2. The Executive Secretary is appointed by the Prime Minister, on the proposal of the Minister who oversees the area of mineral resources.

ARTICLE 6

(Competences of the Executive Secretary)

The Executive Secretary has the following competences:

- a) To direct the organization, functioning and activities of the UGPK;
- b) Submit for approval by the President of CNPK the matters that require superior decision;
- c) Submit UGPK activity reports to the CNPK;
- d) Establish contacts with the Chair and Rotating Secretariat of the Kimberley Process, as well as with similar institutions of other participants in the Kimberley Process;
- e) Propose the appointment of representatives from Mozambique in the different thematic working groups of the Kimberley Process, for approval by the CNPK;
- f) Represent the UGPK in forums on the Kimberley Process within the scope of its attributions;
- g) Perform other tasks assigned to it by the Minister with oversight and by the CNPK.

ARTICLE 7

(Technical Brigades)

1. The Technical Brigades are made up of experts from different sectors and are responsible for carrying out technical examinations and expert reviews of all shipments of rough diamonds, precious metals or gems subjects of export or import.
2. In addition to the UGPK experts, the Technical Brigades include other experts and specialists in the area of diamonds, precious metals and gemstones, from institutions that oversee the following areas:
 - a) Mineral Resources;
 - b) Finance (Tax Authority)
 - c) Commerce; and
 - d) Interior.

ARTICLE 8

(Revenues)

1. The following are UGPK revenues:
 - a) Subsidies from the State Budget;
 - b) 30% of the amounts of fines imposed under the Regulation for the Trading of Diamonds, Precious Metals and Gemstones;
 - c) 30% of the sale value of mineral products seized in accordance with the Regulation for the Trading of Diamonds, Precious Metals and Gemstones;
 - d) 40% of the fees under the Regulation for the Trading of Diamonds, Precious Metals and Gemstones;
 - e) External financing and funds consigned by the State;
 - f) Funds resulting from institutional support and training provided for in contracts relating to diamonds, precious metals or gemstones; and
 - g) 100% of revenues from services rendered to public or private entities.

ARTICLE 9

(Services)

1. The Kimberley Process Precious Metals and Gemstone Management Unit, provides public and private entities with the following services:
 - a) Expert oversight and processing for the purpose of exporting and/or importing diamonds;
 - b) Valuation of rough diamonds, precious metals and gemstones;
 - c) Identification of rough diamonds, precious metals and gemstones;
 - d) Evaluation of the precious metal contents;
 - e) Valuation of rough diamonds and cut gemstones; and
 - f) Other services related to those referred to in the preceding paragraphs under the terms of the applicable law.
2. The amount to be charged for the provision of services referred to in the preceding paragraph is provided for in Annex I to this decree.
3. The value referred to in the previous number may be revised by a joint ministerial diploma of the Ministers who oversee the areas of mineral resources and Finance.

ARTICLE 10

(Expenditure)

The following are UGPK expenses:

- a) Expenses resulting from its operation;
- b) The acquisition, maintenance, operation and conservation costs of movable and immovable assets or services and other charges inherent to the fulfilment of its competences.

ARTICLE 11

(Organic Status and Staff Regime)

1. The Minister who oversees the area of Mineral Resources has the authority to:
 - a) Submit the proposal for the Organisational Charter of the UGPK for approval by the Interministerial Commission for Public Administration, within 60 days from the date of publication of this Decree.
 - b) Submit the proposal for UGPK staff and career plan structure to the competent entity, within 60 days from the date of publication of the Organisational Charter referred to in the previous number.
 - c) Determine the sector's human resources to be transferred to the UGPK;
2. The staff of the UGPK is governed by the legal regime of the Public Administration, while being permissible to enter into an employment contract under the terms of the labour legislation whenever it is compatible with the nature of the functions to be performed.

ARTICLE 12

(Remuneration)

1. The remuneration and benefits of the Executive Secretary and UGPK staff will be determined by a joint order of the Ministers who oversee the areas of Mineral Resources and Finance.
2. Subsidies of the members of the Technical Brigades will be fixed by a joint order of the Ministers who oversee the areas of Mineral Resources and Finance.

ARTICLE 13

(Revocation)

Except for the provisions of article 1 regarding the creation of the Kimberley Process Precious Metals and Gemstones Management Unit, Decree No. 26/2015 of 20 November is revoked.

ARTICLE 14

(Implementation)

This Decree enters into force on the date of its publication.

Approved by the Council of Ministers, on August 2021

Let it be Published

The Prime Minister, Carlos Agostinho de Rosário.