

Ordinance on the International Trade in Rough Diamonds (Diamond Ordinance)

Unofficial translation. Only the German, French and Italian versions are binding.

dated 29 November 2002 (as of 20 February 2020)

The Swiss Federal Council,

on the basis of Article 2 of the Embargo Law of 22 March 2002¹,
on the basis of the Decision of the Kimberley Process Conference of 5 November 2002

orders:

Art. 1 Subject Matter

This Ordinance regulates the import, export and transit of rough diamonds, together with the related customs warehouse procedure.

Art. 2 Definitions

In this Ordinance,

- a. “KP Certification Scheme” shall mean the Certification Scheme of the Kimberley Process;
- b. “participant” shall mean any of the countries and international organisations that participate in the Kimberley Certification Scheme, as detailed in the Appendix hereto;
- c. “certificate” shall mean a forgery-resistant document issued by a participant that identifies a shipment of rough diamonds as being in compliance with the KP Certification Scheme;
- d. “rough diamonds” shall mean diamonds with the customs tariff codes 7102.10, 7102.21 and 7102.31.

Art. 3 Import

¹ The import of rough diamonds shall be permitted only if:

- a. the shipment is accompanied by a certificate from a participant;
- b. the rough diamonds are shipped in sealed and tamper resistant containers; and
- c. it can clearly be seen that the certificate pertains to the shipment.

² Irregularities shall be reported by the customs authorities to seco.

Art. 4 Export

¹ The export of rough diamonds shall be permitted only if:

- a. the shipment is intended for a participant;
- b. the shipment is accompanied by a Swiss certificate that has been endorsed by the customs authorities;

¹ SR 946.231

- c. the rough diamonds are shipped in sealed and tamper resistant containers; and
- d. it can clearly be seen that the certificate pertains to the shipment.

² A Swiss certificate shall be endorsed by the customs authorities if:

- a. the contents of the shipment correspond to the data on the certificate; and
- b. the rough diamonds have been shipped to Switzerland by a participant.

³ Irregularities shall be reported by the customs authorities to seco.

⁴ Swiss certificates may be obtained from seco in return for a fee of 50 Swiss francs.

Art. 5 Temporary Import and Export

The provisions on import and export shall also apply to the temporary import and export of rough diamonds.

Art. 6 Transit

Provided the rough diamonds remain under customs control while in transit, Articles 3 and 4 above shall not apply.

Art. 7 Customs Warehouse Procedure

The provisions on import and export shall also apply to storage in a customs warehouse and to release from storage in such a warehouse.

Art. 8 Competent Customs Offices

¹ Rough diamonds may be cleared through customs only by the customs offices at the airports of Basel, Geneva and Zurich.

² The Directorate-General for Customs, in consultation with seco, may declare additional customs offices competent to issue customs clearance for rough diamonds.

Art. 9 Safekeeping of Documents

All documents that are essential to the trade in rough diamonds must be held in safekeeping for a period of five years from the date of customs clearance and must be handed over to the competent authorities on request.

Art. 10 Controls

¹ seco shall carry out controls. It may order confiscation or forfeiture.

² Border controls shall be the responsibility of the Federal Customs Administration.

Art. 11 Penal Provisions

¹ Whoever violates the provisions of Articles 3-7 of this Ordinance shall be liable to punishment in accordance with Article 9 of the Embargo Law.

² Whoever violates Article 9 of this Ordinance shall be liable to punishment in accordance with Article 10 of the Embargo Law.

³ Violations in terms of Articles 9 and 10 of the Embargo Law shall be prosecuted and tried by seco.

⁴ The provisions of Article 11 paragraph 2 and Article 14 paragraph 2 of the Embargo Law shall be reserved.

Art. 12 Amendment of Current Legislation

The ordinances listed below shall be amended as follows:

29. **Ordinance of 25 November 1998² on Measures against UNITA**

Art. 5 Rough Diamonds

With regard to the import, export of rough diamonds that originate in Angola, together with the deposit and storage in and release from customs warehouses of such diamonds, the provisions of the Ordinance of the International Trade in Rough Diamonds of 29 November 2002 shall apply.

2. Ordinance of 25 November 1998³ on Measures against Sierra Leone

Art. 2a Rough Diamonds

With regard to the import, export of rough diamonds that originate in Sierra Leone, together with the deposit and storage in and release from customs warehouses of such diamonds, the provisions of the Ordinance of the International Trade in Rough Diamonds of 29 November 2002 shall apply.

Art. 13 Transitional Provisions

A Swiss certificate shall also be endorsed by the customs authorities in the event that the rough diamonds were in Switzerland before 1 January 2003.

Art. 14 Commencement

This Ordinance shall come into force on 1 January 2003.

² SR 946.204

³ SR 946.209

29 November 2002

On behalf of the Swiss Confederation:
The President of the Confederation, Kaspar Villiger
The Federal Chancellor, Annemarie Huber-Hotz

List of Participants

Angola	Mali
Armenia	Mauritius
Australia	Mexico
Bangladesh	Namibia
Belarus	New Zealand
Botswana	Norway
Brazil	Panama
Cambodia	People's Republic of China
Cameroon	Republic of Congo
Canada	Republic of Korea
Central African Republic	Russian Federation
Côte d'Ivoire	Sierra Leone
Democratic Republic of the Congo	Singapore
European Union ⁴	South Africa
Gabon	Sri Lanka
Ghana	Swaziland
Guinea	Switzerland
Guyana	Tanzania
India	Thailand
Indonesia	Togo
Israel	Turkey
Japan	Ukraine
Kazakhstan	United Arab Emirates
Laos	United States of America
Lesotho	Venezuela
Lebanon	Vietnam
Liberia	Zimbabwe
Malaysia	

The trade of rough diamonds is also permitted with Chinese Taipei.

⁴ During a transition period from 1 February 2020 to 31 December 2020 the United Kingdom is treated as a member state of the European Union for the purposes of the Kimberley Process Certification Scheme.