Commission Implementing Regulation (EU) 2020/2149 of 9 December 2020 amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds, in order to add Italy as a Union authority and to take into account the withdrawal of the United Kingdom from the Union

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2149

of 9 December 2020

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds,[(1)] and in particular Article 17, Article 19(1 and 2), and Article 20 thereof,

Whereas:

(1) The Withdrawal Agreement[(2)] sets out the arrangements for the withdrawal of the United Kingdom of Great Britain and Northern Ireland ('United Kingdom') from the Union and from the European Atomic Energy Community ('Euratom').

(2) The transition period set out in Part Four of the Withdrawal Agreement ends on 31 December 2020 when Union law ceases to apply to and in the United Kingdom.

(3) Pursuant to Article 5(4) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement, read in conjunction with Annex 2 to that Protocol, the provisions of Regulation (EC) No 2368/2002 apply to and in the United Kingdom in respect of Northern Ireland. The Protocol on Ireland/Northern Ireland will become applicable at the end of the transition period.

(4) Annex II to Regulation (EC) No 2368/2002 lists the Participants in the Kimberley Process certification scheme and their duly appointed competent authorities.

(5) By virtue of the adoption of the Administrative Decision '*Admission of the United Kingdom of Great Britain and Northern Ireland to the Kimberley Process Certification Scheme'* by Kimberley Process Participants at the Delhi Plenary in November 2019, the United Kingdom is admitted as a Kimberley Process certification scheme Participant, with such participation taking effect only from the date on which Union law ceases to apply to and in the United Kingdom. The United Kingdom should be added to the list of Kimberley Process Participants in Annex II to Regulation (EC) No 2368/2002.

(6) In addition, the addresses of the competent authorities of several participants in the Kimberley Process, found in Annex II to Regulation (EC) No 2368/2002, require an update.

(7) Article 19 of Regulation (EC) No 2368/2002 provides for a list of Union authorities to be maintained by the Commission in Annex III to that Regulation.

(8) Following the request for designation of a Union authority pursuant to Article 19 of Regulation (EC) No 2368/2002 by Italy, the Commission met with the Union authority designated by Italy to verify its preparedness to assume the duties referred to in Regulation (EC) No 2368/2002. The preparations undertaken and the procedures envisaged by the Union authority designated by Italy suggest that it will be able to reliably, timely, effectively and adequately fulfil the tasks required by Chapters II, III and V of Regulation (EC) No 2368/2002. The relevant authority in Italy should therefore be added to the list of Union authorities in Annex III to Regulation (EC) No 2368/2002.

(9) Following the withdrawal of the United Kingdom from the Union and Euratom, the Union authority in the United Kingdom should be removed from the list of Union authorities in Annex III to Regulation (EC) No 2368/2002.

(10) In accordance with Article 17(4) of Regulation (EC) No 2368/2002, the Commission shall list in Annex V each organisation that fulfils the requirements of Article 17. Following the withdrawal of the United Kingdom from the Union and Euratom, the *London Diamond Bourse and Club* should be removed from the list of diamond organisations implementing the system of warranties and industry self-regulation, found in Annex V to Regulation (EC) No 2368/2002.

(11) Annexes II, III and V to Regulation (EC) No 2368/2002 should be amended accordingly.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 22 of Regulation (EC) No 2368/2002.

(13) To allow the Union's implementation of the Kimberley Process certification scheme in relation to the United Kingdom as soon as possible, this Regulation should enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2368/2002 is amended as follows:

(1) Annex II is replaced by the text in Annex I to this Regulation;

(2) Annex III is replaced by the text in Annex II to this Regulation;

(3) Annex V is replaced by the text in Annex III to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 December 2020.

For the Commission

Josep BORRELL FONTELLES

Vice-President

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2149. (See end of Document for details)*

ANNEX I

ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20

ANGOLA

Ministry of Mineral Resources and Petroleum and Gas

Av. 4 de Fevereiro no 105

1279 Luanda

Angola

Export authority:

Ministry of Industry and Trade

Largo 4 de Fevereiro #3

Edifício Palacio de vidro

1242 Luanda

Angola

ARMENIA

Department of Gemstones and Jewellery

Ministry of Economy

M. Mkrtchyan 5

Yerevan

Armenia

AUSTRALIA

Department of Foreign Affairs and Trade

Investment and Business Engagement Division

R.G. Casey Building

John McEwen Crescent

Barton ACT 0221

Australia

Import and export authority:

Department of Home Affairs

Customs and Border Revenue Branch

Australian Border Force

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2149. (See end of Document for details)*

5 Constitution Ave

Canberra City 2600

Australia

Department of Industry, Science, Energy and Resources

GPO Box 2013

Canberra ACT 2601

Australia
BANGLADESH

Export Promotion Bureau

TCB Bhaban

1, Karwan Bazaar

Dhaka

Bangladesh
BELARUS

Ministry of Finance

Department for Precious Metals and Precious Stones

Sovetskaja Str, 7

220010 Minsk

Republic of Belarus
BOTSWANA

Ministry of Minerals, Green Technology and Energy Security (MMGE)

Fairgrounds Office Park, Plot No 50676 Block C

P/Bag 0018

Gaborone

Botswana
BRAZIL

Ministry of Mines and Energy

Esplanada dos Ministérios, Bloco‘U’, 4° andar

70065, 900 Brasilia, DF

Brazil
CAMBODIA

Ministry of Commerce

Lot 19–61, MOC Road (113 Road), Phum Teuk Thla, Sangkat Teuk Thla

Khan Sen Sok, Phnom Penh