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Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade

Notification No. 34 / 2015-2020
New Delhi, Dated. 28th September, 2020

Subject: Amendment in the Import Policy Condition No. 3 of Chapter 71 of ITC (HS)-2017, Schedule- I (Import Policy)

S.O. (E): In exercise of powers conferred by Section 3 of the Foreign Trade (Development and Regulation) Act, 1992 (No.22 of 1992) read with Para 1.02 and 2.01 of the Foreign Trade Policy (FTP) 2015-2020, the Central Government hereby amends the Import Policy Condition No. 3 of Chapter 71 of ITC (HS) 2017, Schedule-I (Import Policy).

2. Existing Policy Condition No. 3:

"(3) No import of rough diamonds shall be permitted unless accompanied by Kimberley Process (KP) Certificate as specified by Gem & Jewellery EPC"

Amended Policy Condition No. 3:

"(3) Import of rough diamonds shall be permitted only if accompanied by Kimberley Process (KP) Certificate as specified by Gem & Jewellery EPC:

Provided that in cases of errors of minor nature i.e. typographical errors or errors apparent on the face of records, the Gem & Jewellery EPC may on the basis of electronic or documentary instructions of the Kimberley Process (KP) Certificate Issuing Authority endorse such instructions to the Kimberley Process (KP) Certificate accompanying the rough diamonds as per the Standard Operating Procedure (SOP) which is annexed to this Notification. Such endorsed Kimberley Process (KP) Certificate shall be treated as valid when produced along with the duly endorsed copies of the electronic or documentary instructions.

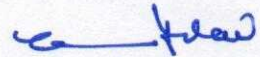
Provided further that the Gem & Jewellery EPC may, at the request of the Kimberley Process (KP) Certificate Issuing Authority which has issued the Kimberley Process (KP) Certificate accompanying the imported rough diamonds, issue a Technical Kimberley Process (KP) Certificate, as per the Standard Operating Procedure (SOP), for re-export of such rough diamonds, in cases where the imported rough diamonds have not left Customs control and re-export is ordered by Customs authorities."

3. This amended Policy Condition shall also be applicable to pending imports of rough diamonds.

4. Effect of this Notification: Endorsement of Kimberley Process (KP) Certificates issued by valid Kimberley Process (KP) Certificate Issuing Authority in the case of errors of minor

nature i.e typographical errors or errors apparent on the face of records can be allowed subject to endorsement by Gem & Jewellery EPC as per the Standard Operating Procedure (SOP) which is annexed to this Notification. Further re-export of imported rough diamonds, if so ordered by Customs Authorities can be allowed subject to the Technical Kimberley Process Certificate issued by the Gem & Jewellery Export Promotion Council (GJEPC).

This issues with the approval of Minister of Commerce & Industry.


28/09/2020
(Amit Yadav)

Director General of Foreign Trade &
Ex-officio Addl. Secretary to the Government of India

(F. No. 01/89/180/36/AM-11/PC-2A-Part-II/e-1717)

Annexure to Notification No. 34 / 2015-2020 dated 28th September 2020

Standard Operating Procedure

1. The Standard Operating Procedure (SOP) as outlined below in para (iii) is to implement the endorsement of the Kimberley Process (KP) Certificate and issuance of a Technical Kimberley Process (KP) Certificate as provided in the Import Policy Condition No. 3 of Chapter 71 of ITC (HS) 2017, Schedule-I (Import Policy).
2. The SOP is for coverage of errors of minor nature i.e. typographical errors or errors apparent on the face of records. **This will not cover the cases of attempted unauthorized imports involving substantive violations warranting action as per the Customs Act, 1962.**
3. **Standard Operating Procedure to be followed:**
 - a. Gem & Jewellery Export Promotion Council (GJEPC) through authorised signatory will inform the KP Certificate Issuing authority electronically of the exporting country indicating the error marking a copy to the local Customs authority.
 - b. Simultaneously, Indian importer will be informed through CHA / directly about the same and the request letter with undertaking will be taken from the importer indicating the discrepancy and confirming the veracity of the shipment
 - c. Upon receipt of letter cum undertaking from the importing party and confirmation from the KP Certificate issuing authority, GJEPC will ask for certified amendment copy from the KP issuing authority/fresh KP certificate
 - d. The KP Certificate issuing authority can endorse such instructions /changes on the copy of KP Certificate issued by them and re-stamp it OR send the amendment in e-mail based on their process or issue a fresh KP certificate. E-mail communication will be endorsed by GJEPC.
 - e. GJEPC will endorse the KP Certificates received from KP issuing authority indicating the changes and same to be uploaded on E-Sanchit portal.
 - f. Customs will be submitted the copy of mail/communication of the KP issuing authority received from the "authorised e-mail ID of exporting country" and duly endorsed by GJEPC.
 - g. In cases of re-export authorized by Customs, such parcels may be re-exported to the country accompanied by Technical Certificates to be issued by GJEPC.
 - h. **General Notes:**
 - i. The mode of communication with KP Import / Export authority will be by mail communication except in the cases wherein formal hard copy communication/ documentary evidence is desired by any of the countries.
 - ii. All communication with CHA / Party must be recorded in hard copy or e mail.



- iii. In case of issues when solution to any situation is not derived between Customs / GJEPC or KP Authorities, Customs may permit re-export of shipment upon request made by the party within specific timelines.
- iv. GJEPC will issue Technical certificate for such cases when the shipment and details on KP Certificates is mismatched and/or shipment is opened for valuation or identification purpose and to be re-exported, if ordered by Customs Authorities.
- v. For re-export of shipments which are not opened for any purpose and supported with valid KP Certificate issued by Export authority, Technical Certificate may not be required to be issued by GJEPC, provided there is no offence subsisting under the Customs Act, 1962 or any other law for the time being in force, in relation to the imported goods. Similarly, in case of shipment returned to India without opening of the same by importing country and supported with KP certificate issued by GJEPC, technical certificate may not be required, provided there is no offence subsisting under the Customs Act, 1962 or any other law for the time being in force, in relation to the imported goods.

4. Additional guidelines on specific instances are as follows:

S.No.	Nature of Instance	Process / Steps to be followed
1	Difference in HS Classification mentioned on the KP Certificate and opinion of the valuation panel member, if the same classification is proved to be conforming to WCO rules	The amendment can be allowed if the importer accepts such change in the final assessment of Bill of Entry. GJEPC after receiving instruction from KP Certificate issuing authority in electronic or documentary form may endorse the amendment in the KP Certificate.
2	Short shipment received under one KP Certificate and noticed before filing of Bill of Entry. Balance goods shipped under another KPC.	If both the shipments arrive at the same port for examination by the Customs parallelly, then GJEPC may endorse amendment in KP Certificate after obtaining instructions from KP Certificate issuing authority in electronic or documentary form.
3	Marginal difference in the Carat & US\$ value mentioned on invoice & KPC (eg. Shipment for difference of 0.01 cents held up).	<ol style="list-style-type: none"> i. Amendment may be considered if import documents support such errors. ii. GJEPC endorses the KP Certificate after tallying the same with invoice, packing list and airway bill. iii. In case any incorrect data is noticed, GJEPC can endorse amendment in KPC after obtaining instructions from

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		KPC issuing authority in electronic or documentary form.
4	Switching of two KP Certificates and attached to the wrong packages destined for India	If both such parcels are exported by the same exporting entity and are at the same port in India and the same officer can verify both the original KPCs, then Customs may consider allowing exchange of KPC on the basis of consultation/recommendation from GJEPC with due communication from the KPC issuing authority of exporting country.
5	Short shipment noticed at the time of examination after filing of Bill of Entry	In such cases, GJEPC after receiving instructions from KPC issuing authority in electronic or documentary form may issue Technical Certificate for re-export if such re-export is allowed by Customs.
6	Wrong shipment meant for another country received due to switching of whole parcels accompanies by KPC	For such cases, GJEPC will issue Technical certificate for re-export, to be allowed by Customs
7	Wrong KP Certificate (meant for another country) sent with the shipment or placed inside the shipment meant for India	<ul style="list-style-type: none"> i. For re-export allowed by Customs , GJEPC will issue Technical Certificate ii. In genuine cases supported by communication from KPC Authority of exporting country, such situation can be treated akin to consignment arriving in India without KPC and matter can be dealt with as per Circular no. 53/2003-Customs dated 23.06.2003

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