

On approval of the Rules for Import into the Territory of the Republic of Kazakhstan from Countries outside the Eurasian Economic Union and Export from the Territory of the Republic of Kazakhstan to these Countries of Precious Stones, Jewellery and Other Items, Import into and Export from the Territory of the Republic of Kazakhstan of Rough Natural Diamonds subject to the Kimberley Process Certification Scheme and the annulment of certain decisions of the Government of the Republic of Kazakhstan

Invalidated Unofficial translation

Decree № 356 of the Government of the Republic of Kazakhstan of June 20, 2016. It became invalid by the Decree of the Government of the Republic of Kazakhstan dated December 18, 2024 № 1068.

Unofficial translation

Footnote. It became invalid by the Decree of the Government of the Republic of Kazakhstan dated 18.12.2024 № 1068 (effective after ten calendar days after the date of its first official publication).

Under sub-paragraphs 3) and 4) of Article 3 of the Law of the Republic of Kazakhstan of January 14, 2016 “On Precious Metals and Precious Stones”, the Government of the Republic of Kazakhstan **HEREBY DECREES AS FOLLOWS:**

1. That the following shall be approved:

1) the enclosed Rules for Import into the Territory of the Republic of Kazakhstan from Countries outside the Eurasian Economic Union and Export from the Territory of the Republic of Kazakhstan to these Countries of Precious Stones, Jewellery and Other Items;

2) the enclosed Rules for Import into and Export from the Territory of the Republic of Kazakhstan of Rough Natural Diamonds subject to the Kimberley Process Certification Scheme.

2. That the following shall be declared null and void:

1) Decree of the Government of the Republic of Kazakhstan No. 1479 of November 23, 2012 “On determining the responsible organisation for the examination of precious stones, including rough natural diamonds and jewellery made of precious metals and gemstones, and approval of the Rules of Import into the Territory of the Republic of Kazakhstan from Countries outside the Customs Union and Export from the Territory of the Republic of Kazakhstan to these Countries of Precious Stones, Jewellery of Precious Metals and Precious Stones, Import to and Export from the Territory of the Republic of Kazakhstan of Rough Natural Diamonds subject to Kimberley Process Certification Scheme, as well as Stamping of Items of Precious

Metals and Precious Stones” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2012, No. 80, p. 1189);

2) Decree of the Government of the Republic of Kazakhstan No. 1170 of November 4, 2014 “On Amendments and Additions to Decree of the Government of the Republic of Kazakhstan No. 1479 of November 23, 2012 “On identifying the responsible organisation for the examination of precious stones, including rough natural diamonds and jewellery made of precious metals and gemstones, and approval of the Rules of Import into the Territory of the Republic of Kazakhstan from Countries outside the Customs Union and Export from the Territory of the Republic of Kazakhstan to these Countries of Precious Stones, Jewellery of Precious Metals and Precious Stones, Import to and Export from the Territory of the Republic of Kazakhstan of Rough Natural Diamonds subject to Kimberley Process Certification Scheme, as well as Stamping of Items of Precious Metals and Precious Stones” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2014, No. 67, p. 620).

3. That this Decree shall enter into force ten calendar days after the date of its first official publication.

*Prime Minister
of the Republic of Kazakhstan*

K. Massimov

Approved
by Decree of the Government
of the Republic of Kazakhstan
No. 356 of June 20, 2016

Rules

for Import into the Territory of the Republic of Kazakhstan from Countries outside the Eurasian Economic Union and Export from the Territory of the Republic of Kazakhstan to these Countries of Precious Stones, Jewellery and Other Items

1. General provisions

1. These Rules for Import into the Territory of the Republic of Kazakhstan from Countries outside the Eurasian Economic Union and Export from the Territory of the Republic of Kazakhstan to these Countries of Precious Stones, Jewellery and Other Items (hereinafter - the Rules) have been elaborated under the Law of the Republic of Kazakhstan “On Precious Metals and Precious Stones” dated January 14, 2016.

2. Basic concepts used herein:

1) examination of precious stones, jewellery and other items made of precious metals and gems (hereinafter - examination) - organisation and performance of tests made by responsible organisations, including identification of precious stones and sampling of precious metals in jewellery and other items made of precious metals and gems, verification of authenticity of assay stamps;

2) jewellery and other items of precious metals and precious stones (hereinafter - jewellery and other items) - items, except for coins made of precious metals, precious metals and their alloys, made of precious stones, precious metals and their alloys with various types of artistic processing, with inlays of precious stones and other materials of natural or artificial origin or without them, used as various decorations, utilitarian household items and/or for cultic and decorative purposes;

3) competent authority - the central executive body responsible for management and, to the extent provided for by the legislation of the Republic of Kazakhstan, inter-branch coordination in the field of regulation of production of precious metals and turnover of precious metals and precious stones, raw materials containing precious metals, jewellery and other items;

4) responsible organisation - a legal entity accredited under the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment to carry out the examination.

2. Procedure for import into the territory of the Republic of Kazakhstan from countries outside the Union and export from the territory of the Republic of Kazakhstan to these countries gems, jewellery and other items

3. When gems, jewellery and other items are imported into the territory of the Republic of Kazakhstan from countries outside the Union (hereinafter referred to as import), prior to the performance of customs operations related to the customs declaration and customs clearance, an expert examination shall be made by the responsible organisation. The expertise shall be performed on a paid basis under the Rules for Expertise approved by the competent authority.

4. State control shall be implemented by the competent authority as per the decisions of the Eurasian Economic Commission and the legislation of the Republic of Kazakhstan through customs posts determined by the competent authority in the field of customs affairs.

5. When importing gemstones, jewellery and other items for state control, the applicant (authorised representative of the applicant) shall provide the following documents to an official of the competent authority:

1) a copy of a foreign trade agreement (contract), annexes and (or) additions thereto in the national and/or Russian languages, and in the absence of a foreign trade agreement (contract) - a copy of another document confirming the intentions of the parties.

If the foreign trade agreement (contract) is not available in the national and/or Russian language, the copy of the agreement (contract) shall be accompanied by a stapled and certified translation (indicating the position and date, signature and stamp of the applicant);

2) an expert opinion from the responsible organisation.

6. The State Control Act shall be made out and delivered to the applicant (or the applicant's authorised representative) within one working day of the receipt of the documents.

7. After passing the state control when importing gems, jewelry and other items and receiving the act of state control, the applicant (an authorized representative of the applicant) shall perform customs operations related to the customs declaration and customs clearance of gems, jewelry and other items under the customs legislation of the Republic of Kazakhstan.

8. When exporting precious stones, jewellery and other items from the territory of the Republic of Kazakhstan to countries outside the Union (hereinafter referred to as export), an expert examination shall be made by the responsible organisation. The expertise shall be performed on a paid basis as per the Rules of Expertise approved by the competent authority.

9. The competent authority shall exercise state control pursuant to the decisions of the Eurasian Economic Commission and the legislation of the Republic of Kazakhstan through the customs posts determined by the competent body in the field of customs affairs.

10. When exporting precious stones, jewellery and other items, the applicant (authorised representative of the applicant) shall present the following documents to an official of the competent authority:

1) a copy of a foreign trade agreement (contract), annexes and (or) additions thereto in the national and/or Russian languages, and in the absence of a foreign trade agreement (contract) - a copy of another document confirming the intentions of the parties.

If the foreign trade agreement (contract) is not available in the national and/or Russian language, the copy of the agreement (contract) shall be accompanied by a stapled and certified translation (indicating the position and date, signature and stamp of the applicant);

2) an expert opinion from the responsible organisation.

11. The State Control Act shall be drawn up and issued to the applicant (or the applicant's authorised representative) within one working day of receiving the documents.

12. Upon passing state control for export of gems, jewelry and other items and receiving the act of state control, the applicant (an authorized representative of the applicant) shall perform customs operations related to the customs declaration and customs clearance of gems, jewelry and other items under the customs legislation of the Republic of Kazakhstan.

Rules

for Import into and Export from the Territory of the Republic of Kazakhstan of Rough Natural Diamonds subject to the Kimberley Process Certification Scheme

1. General provisions

1. These Rules for Import into and Export from the Territory of the Republic of Kazakhstan of Rough Natural Diamonds subject to the Kimberley Process Certification Scheme (hereinafter - the Rules) have been elaborated under the Law of the Republic of Kazakhstan dated January 14, 2016 “On Precious Metals and Precious Stones”.

2. Rough natural diamonds shall be imported and exported in containers secured against unauthorised opening.

3. A competent authority shall exchange information with the Secretariat of the Kimberley Process by means of electronic communication.

4. Basic concepts used herein:

1) the International Rough Diamond Certification Scheme certificate (hereinafter referred to as the Kimberley Process certificate) is a standard form of document identifying a shipment of rough natural diamonds as complying with the requirements of the Certification Scheme;

2) a competent authority - the central executive body responsible for management and, to the extent prescribed by the legislation of the Republic of Kazakhstan, inter-branch coordination in the field of regulation of production of precious metals and turnover of precious metals and precious stones, raw materials containing precious metals, jewellery and other products;

3) responsible organisation - a legal entity accredited under the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment to perform an examination.

2. Procedure for import into and export from the territory of the Republic of Kazakhstan of rough natural diamonds, subject to the Kimberley Process Certification Scheme

5. When rough natural diamonds are imported into the territory of the Republic of Kazakhstan (hereinafter - import), given the Kimberley Process Certification Scheme, information on the Kimberley Process Certificate (specifying the certificate number, date of issue and validity of the certificate) shall be supplied to the state revenue authority).

6. In the case of failure to provide this information or the expiry of the Kimberley Process Certificate, the import of a shipment of rough natural diamonds into the territory of the Republic of Kazakhstan shall be prohibited.

7. When natural rough diamonds are imported, prior to customs operations related to customs declaration and customs clearance, an expert examination shall be performed by the responsible organisation. The expert examination shall be performed on a paid basis as per the Rules for Expert Examination approved by the competent authority.

8. State control shall be exercised by the competent authority following the decisions of the Eurasian Economic Commission and the legislation of the Republic of Kazakhstan through customs posts determined by the competent authority in the field of customs affairs.

9. When importing rough natural diamonds, the applicant (an authorised representative of the applicant) shall present the following documents to an official of the competent authority:

1) a copy of a foreign trade agreement (contract), annexes and (or) additions thereto in the national and/or Russian languages, and in the absence of a foreign trade agreement (contract) - a copy of another document confirming the intentions of the parties.

If the foreign trade agreement (contract) is not available in the national and/or Russian language, the copy of the agreement (contract) shall be accompanied by a stapled and certified translation (indicating the position and date, signature and stamp of the applicant);

2) an expert opinion from the responsible organisation;

3) Kimberley Process Certificate of the exporting state, issued under the requirements of the international certification scheme for rough natural diamonds.

10. The State Control Act shall be drawn up and issued to the applicant within one working day of the receipt of the documents.

11. After passing the state control and receipt of the state control act when importing rough natural diamonds, the applicant (an authorised representative of the applicant) shall make customs operations related to the customs declaration and customs clearance of rough natural diamonds under the customs legislation of the Republic of Kazakhstan.

12. When natural rough diamonds are exported from the territory of the Republic of Kazakhstan (hereinafter - export), with due consideration of the Kimberley Process Certification Scheme, an expert evaluation shall be performed by the relevant organisation prior to customs operations related to the customs declaration and customs clearance. The expert evaluation shall be done on a paid basis as per the Rules of Expert Evaluation approved by the competent authority.

13. State control shall be exercised by the competent authority following the decisions of the Eurasian Economic Commission and the legislation of the Republic of Kazakhstan through customs posts determined by the competent authority in the field of customs affairs.

14. When exporting rough natural diamonds, the applicant (an authorised representative of the applicant) shall file the following documents with an official of the competent authority:

1) a copy of a foreign trade agreement (contract), annexes and (or) additions thereto in the national and/or Russian languages, and in the absence of a foreign trade agreement (contract) - a copy of another document confirming the intentions of the parties.

If there is no foreign trade agreement (contract) in the national language and/or Russian, the copy of the agreement (contract) shall be accompanied by a stapled and certified translation (indicating the position and date, signature and stamp of the applicant));

2) an expert opinion from the responsible organisation.

15. The State Control Act shall be drawn up and issued to the applicant (or the applicant's authorised representative) within one working day of receiving the documents.

16. When exercising state control, a Kimberley Process Certificate in the form approved by the competent authority shall be prepared and delivered simultaneously with the act of state control.

17. After passing the state control and receiving the act of state control for export of rough natural diamonds, the applicant (an authorised representative of the applicant) shall perform customs operations related to the customs declaration and customs clearance of rough natural diamonds under the customs legislation of the Republic of Kazakhstan.