

ACT
3 April 1993
Hallmarking Law
(uniform text)

(Journal of Law, 1993, no. 55, item 249 and amendments:
Journal of Law, 2000, no. 120, item 1268;
Journal of Law, 2001, no. 63, item 636; no. 126, item 1382; no. 154, item 1800, and
Journal of Law, 2003, no. 171, item 1664)

- Art.1.1. Precious metal articles for commerce in the Republic of Poland are subject to testing and hallmarking by the following hallmarking administration bodies:
- 1) President of the Central Office of Measures (GUM), acting under separate provisions, hereinafter referred to as "Office President";
 - 2) Regional Assay Office Directors;
 - 3) Local Assay Office Heads.
2. Hallmarking administration bodies carry out tasks with the support of offices subordinate to them.
3. The Office President appoints and recalls Regional Assay Office Directors.
4. The Office President appoints and recalls the Heads of Local Assay Offices on application from the appropriate Regional Assay Office Directors.
- Art.1a.1. The Minister in charge of the Economy details, by way of ordinance, the scope of activity of hallmarking administration bodies.
2. The Minister in charge of the Economy details, by way of ordinance, calls into being and abolishes Regional and Local Assay Offices, details their area of activity/locations in the light of local needs and traditions specific to *voivodes* and *powiats* (local administrative regions), as well as the economic environment in which offices would be expected to operate.
 3. The setting up of Regional Assay Offices is defined in the Regulations issued by the Office President, in consideration of office personnel/financial capacity.
- Art.2. Precious metals, as understood under the Act, are as follows: platinum, gold, silver and metals belonging to the platinum family - iridium, osmium, palladium, rhodium and ruthenium, in pure form or other metal alloy form.
- Art.3.1. Precious metal content in articles is defined by fineness.
2. Fineness is understood as the proportion of pure mass precious metal content in the alloy to alloy mass, expressed in thousandths.
- Art.4. An article passes a given standard of fineness, providing the content of the precious metal is not less than that fixed for the given standard of fineness.
- Art.5. The Minister in charge of the Economy details, by way of ordinance:
- 1) standards of fineness for precious metal articles, in keeping with provisions as under articles 3 and 4;
 - 2) requirements which precious metal articles ought to meet on being submitted to assaying and hallmarking, the mode of submitting them for such, the methods employed in assaying and hallmarking of such articles and hallmark designs, taking into consideration in particular the obligations of entities obliged to submit articles, the method of testing precious metal content in such articles, the criteria for selecting hallmarks for given articles and description of hallmark images;
 - 3) procedure concerning precious metal articles not passing the lowest standard of fineness, as under point 1, and taking into consideration in particular the possibility of marking them with "MET" or issuing an assay certificate and procedure concerning articles not passing standard of fineness as declared by parties submitting them.
- Art.6. 1. Precious metal articles, passing standard of fineness as under art. 5, point 1, are hallmarked appropriately as for precious metals and fineness.
2. The hallmarking of articles is regarded as an administrative decision.

3. Under specific circumstances hallmarks may be replaced for commercial purposes by an assay certificate.
 4. The Minister in charge of the Economy details, by way of ordinance, instances, as under item 3, of articles not permitted to bear a hallmark, in particular those instances where an article may be damaged during the hallmarking process, where lack of space does not allow hallmarking and the inclusion of base metal elements.
- Art.7. 1. Precious metal articles may be sold in the Republic of Poland providing they bear the following:
- 1) Polish hallmarks;
 - 2) hallmarks, which are recognised in the Republic of Poland on the strength of international agreements;
 - 3) hallmarks, on the basis of which precious metal articles have been approved for sale in European Union Member States.
2. The Office President may waive the obligation of assaying and hallmarking precious metal articles imported and bearing the hallmark of an assay office of the country, in which they were produced, providing the contents of the pure precious metal in these articles is not smaller than the lowest standard of fineness, as under art. 5, point 1.
 3. Waiving the obligation of assaying and hallmarking articles, as under item 2, is an administrative decision.
- Art.8. 1. There is no requirement to submit the following items for assaying and hallmarking:
- 1) antique articles, of historical and artistic value;
 - 2) tools and equipment or their parts, used for research, medicinal and industrial purposes;
 - 2a) medical equipment or their parts;
 - 3) badges, orders, state decorations and other;
 - 4) incrustations;
 - 5) coins, even if they constituent part of precious metal articles;
 - 6) raw materials, semi-finished products and scrap metal, in particular blocks, bars, sheet metal, bands, wire, with reservation to art. 11.
2. The Minister in charge of Culture and National Heritage Protection details, by way of ordinance, the criteria under which articles are qualified, as under item 1, point 1, taking into consideration in particular articles of historical or artistic value, which were made at least 36 years before the day the obligation to submit them to assaying and hallmarking with the purpose of trading them in the Republic of Poland, came into force.
- Art.9. 1. Platinum or gold articles with a mass of less than 1 gram and silver articles with a mass of less than 5 grams are not subject to assaying and hallmarking. Such articles ought to correspond to one of the standards of fineness as under art. 5, point 1.
2. Articles, as under item 1, must be supplied by the party offering them for commercial purposes with information on their mass and fineness.
- Art.10. Articles, as under articles 8 and 9, may be admitted to assaying and hallmarking on applicant request.
- Art.11. Provisions of the Act on precious metal articles apply appropriately to precious metal semi-finished articles, earmarked for dental purposes.
- Art.12. Base metal articles, coated with precious metal or in appearance reminiscent of precious metals, must, by the manufacturer or seller, bear the inscription "METAL" or "MET", or be marked otherwise, as agreed upon with the locally appropriate Assay Office.
- Art.13.1. New precious metal articles must bear the mark of the manufacturer.
2. Manufacturers of articles, as under item 1, must personally agree type of maker's mark in the locally appropriate Regional Assay Office and submit these maker's marks to the office for registration.
- Art.14. Sellers of precious metal articles and goldsmiths must display clearly, for the benefit of customers, hallmark designs of articles for sale.
- Art.15.1. Surveillance, ensuring compliance with provisions of the Act, is effected by assay administration bodies.

2. Surveillance, as under item 1, involves primarily inspections carried out by assay administration employees, who, on presenting identification and written authority, have the right to the following:
 - 1) entry onto the premises, in which manufacturing, repair or sale of precious metal articles takes place;
 - 2) the checking of documents confirming registration of business activities;
 - 3) the gathering of verbal and written explanations on matters relating to the inspection;
 - 4) the gathering and securing of proof of non-compliance with the provisions of the law;
 - 5) the noting down of particulars of persons, where necessary, in order to establish their identity.
 3. Inspection, as under item 2, concerns compliance with the provisions of the law by private individuals, legal persons, and organisational units not holding legal personality, engaged in manufacturing, repair or sale of precious metal articles, hereinafter referred to as "inspected persons".
 4. Inspected persons have the following rights:
 - 1) access to information on their rights and the scope of the inspection being carried out;
 - 2) to be present throughout the inspection carried out by assay office employees;
 - 3) to sign inspection reports or to submit, within a period of 7 days from the day the report was submitted, a written explanation of the reasons for refusing to sign the report.
- Art.15a.1. Assay office bodies, in enforcing compliance with the provisions of the law, work with other public administration offices authorised to carry out inspections.
2. Assay administration bodies or authorised employees may call for, where necessary, police assistance, in the event of resistance impeding or preventing inspection.
- Art.15b. The Minister in charge of the Economy, in agreement with the Minister in charge of the Interior details, by way of ordinance, the mode and manner of carrying out inspections, noting down of identity and drawing up of reports, with particular consideration to the following:
- 1) scope of inspection, including the making available of precious metal articles and documentation relating to manufacturing, repair and sale of these articles, as well as the securing of proof indicating non-compliance with the law;
 - 2) scope of cooperation with public administration authorities and the police.
- Art.16.1. A fee is charged for activities carried out by assay administration bodies and assay offices relating to:
- 1) testing of precious metal alloys and articles produced from these alloys;
 - 2) hallmarking of tested articles and alloys;
 - 3) expert examination of articles and alloys.
2. The Minister in charge of Public Finance, having sought the opinion of the President of the Central Office of Measures details, by way of ordinance, fee levels and the manner in which they are collected.
 3. Fees for Assay Office activities, not npaid on time, are collected by administrative decision. Monies owed are subject to the same provisions as under tax liabilities.
- Art.17. Anyone:
- 1) trading in non-hallmarked precious metal articles;
 - 2) who fails to comply with provisions under art. 13, items 1 or 2 or under art. 14;
 - 3) trading in articles not marked as under art. 12;
 - 4) who prevents assay administration bodies from carrying out inspections:
 - a) by impeding entry onto the premises;
 - b) by refusing to submit documents, as under art. 6, item 3 and art. 7, item 3;
 - c) by impeding the gathering and securing of proof indicating non-compliance with the law;
- is subject to a penalty in the form of a fine.
- Art.18. Decisions pronounced on matters as mentioned under art. 17 are taken on the strength of provisions under the Code of Procedure on misdemeanours.

- Art.19. The Act of 29 June 1962 - Hallmarking Law - is rendered null and void (Journal of Law no. 39, item 173 and of 1989, no. 35, item 192).
- Art.19a. The provision under art. 7, item 1, point 3, comes into force on the day the Republic of Poland becomes a member of the European Union.
- Art.20. The Act comes into force on 1 January 1994.
Act 1664 introducing final amendments is binding from 17 November 2003.

President of the Republic of Poland