

Ordinance
of the Minister of the Economy, Labour and Social Policy
16 April 2004
on the Mode and Method of Carrying out Inspections by Assay Administration Employees

Under art. 15 b of the Act of 3 April 1993 – Hallmarking Law (Journal of Law no. 55, item 249 and further amendments) the following ruling is issued:

- § 1. The Ordinance defines:
- 1) the mode and method of carrying out inspections by assay administration employees;
 - 2) inspection authorisation types, professional IDs and inspection reports.
- § 2.1. Inspection teams are responsible for carrying out the inspection. They comprise at least two assay administration employees.
2. Inspection teams are appointed by assay administration bodies, which decide the composition of such teams and indicate a chairperson.
- § 3. Assay administration bodies, in indicating an inspection team, must ensure that its composition guarantees unbiased and objective carrying out of inspections.
- § 4.1. Assay administration bodies and public administration units, of which mention is made in art. 15a of the Act of 3 April 1993 – Hallmarking Law, as well as the police, may, under agreement, jointly organise inspections and offer each other emergency assistance during inspections.
2. The bodies, of which mention is made in item 1, may exchange information between themselves on matters concerning breaches of the law, which come to light as a result of inspections or by other means.
- § 5.1. Inspections are carried out in places where manufacture, repair or trade of precious metal articles takes place.
2. Inspections are carried out by assay administration body employees on presentation of a professional ID, which authorises them to engage in such activities, and once written authorisation to carry out such inspections has been submitted.
 3. Members of inspection teams are authorised to enter buildings and enclosures and to freely move about the area subject to inspection without the need to apply for permits, as under regulation, and they themselves are not searched.
 4. Specimen professional IDs are defined under Appendix 1 to this Ordinance.
 5. Specimen written authorisations to carry out inspections are defined under Appendix 2 to this Ordinance.
- § 6.1. Inspections are carried out during the normal working hours of the party subject to inspection.
2. Inspections may be carried out at a time other than the normal working hours of the party subject to inspection, providing it (the party) expresses approval.
- § 7. Inspections are carried out in the presence of the party subject to inspection or by a person authorised by this party, after it (the party) has been informed of its rights and obligations.
- § 8. The inspection team gathers its findings on the basis of information proceeding from the inspection, explanations given by the inspected party and employees, as well as other evidence, in particular documents and secured precious metal articles.
- § 9. 1. After the inspection an inspection report is drawn up. Specimen inspection reports are defined under Appendix 3 to this Ordinance.
2. The inspection report is drawn up in two identical copies, one of which is given to the controlled party.
 3. The inspection report is signed by members of the inspection team and the inspected party.
 4. If, during the inspection, representatives of other public administration units or the police took part, an additional copy of the inspection report is drawn up and given to the above-mentioned.
 5. In the event of the inspected party refusing to sign the inspection report the inspection team places a note concerning this event on the report.
 6. Refusal by the inspected party to sign the inspection report does not halt implementation of inspection findings.
- § 10. This Ordinance comes into force 3 days after it has been announced.

Minister of the Economy, Labour and Social Policy: delivery note J.Piechota