

**Ordinance**  
**of the Minister of the Economy, Labour and Social Policy**  
dated, 8 April 2004

**on precious metal articles**

On the strength of art. 5 and art. 6, item 4 of the Act of 3 April 1993 – Hallmarking Law (Journal of Law, no. 55, item 249 and further amendments), the following is ruled:

**Chapter 1**  
**General Provisions**

- § 1.** The ordinance defines:
- 1) standards of fineness for precious metal articles;
  - 2) the requirements which precious metal articles submitted for testing and hallmarking should fulfil, manner in which they are submitted, methods of testing and the hallmarking of these articles;
  - 3) approach towards precious metal articles not complying with the lowest standard of fineness as indicated under the Ordinance;
  - 4) cases in which hallmarks may be replaced in trade by assay test certificates.
- § 2.** Whenever there is mention in the Ordinance of:
- 1) the Act – this is understood as the Act of 3 April 1993 Hallmarking Law;
  - 2) articles – this is understood as jewellers' articles made out of precious metals, in particular jewellery, cutlery and corpus articles;
  - 3) manufacturers – this is understood as manufacturers of precious metal articles, artisans goldsmiths, silversmiths and jewellery artists, who have registered a maker's mark in the Regional Assay Office appropriate to their address;
  - 4) importers – this is understood as natural persons, legal persons and organisational units which do not hold legal personality and who bring in from abroad articles for trade purposes.
- § 3.** In cases defined under the Ordinance hallmarking administration bodies issue an official description of the article or precious metal object, hereinafter referred to as "description", which, in particular, contains the following:
- 1) application number and date;
  - 2) article name;
  - 3) article mass;
  - 4) article test results;
  - 5) signature of person drawing up the description.

**Chapter 2**  
**Article Standards of Fineness**

- § 4.1.** The following standards of fineness shall be recognised:
- 1) for articles:
    - a) platinum – 0.950;
    - b) palladium – 0.850, 0.500;
    - c) gold – 0.960, 0.750, 0.585, 0.500, 0.375, 0.333;
    - d) silver – 0.925, 0.875, 0.830, 0.800;
  - 2) for precious metal semi-products, used in dentistry, hereinafter referred to as "dental materials":

- a) platinum crowns – 0.950;
  - b) gold crowns – 0.916;
  - c) golden casts of bridge spans and manufacture of displaceable dentures – 0.833, 0.750;
  - d) golden casts of clasps and gold wire – 0.750;
  - e) displaceable and fixed dentures:
    - silver-palladium alloy – for palladium: – 0.333;
    - silver-gold-palladium alloy – for palladium and gold together: – 0.302.
2. In platinum articles made of alloy, in which apart from platinum there is also iridium and rhodium, the content of platinum is regarded as the joint content of these metals.
  3. In dental materials made of gold alloys, in which apart from gold there is platinum, iridium and rhodium, the content of gold is regarded as the joint content of these metals.
  4. In defining precious metal content in dental articles and materials no negative tolerance is accepted.

### **Chapter 3**

#### **Requirements for Articles Submitted for Hallmarking and Manner in Which They are Submitted**

- § 5.** The alloy used for manufacturing articles, with the exception of the alloy used in the manufacture of core wire, ought to be uniform, in other words in each place, both on the surface as inside, it should demonstrate identical precious metal content.
- § 6.1.** For joining elements of gold articles with fineness:
- 1) below 0.750, solder ought to be applied with fineness at least equal to that of the article;
  - 2) above 0.750, solder ought to be applied with fineness not less than 0.750.
2. For joining elements of the following articles:
    - 1) platinum – solder ought to be applied, in which the minimum total precious metal content is 0.800;
    - 2) palladium – solder ought to be applied, in which the minimum total precious metal content is 0.700;
    - 3) silver – solder ought to be applied, in which minimum fineness is 0.550.
  3. For joining machine-produced golden and silver chain elements solder may be applied which does not contain precious metals, but providing that this does not lower the fineness of the article.
  4. Solder cannot be used for reinforcing, weighing down, filling out or decorating articles.
- § 7.1.** Articles ought to be submitted for testing and hallmarking once the basic manufacturing processes have been completed, giving them their final shape, in order to ensure that the hallmarks and maker's mark do not become deformed or erased during the final stages of processing.
2. Hallmarked articles, which are reshaped or supplemented, may on the owner's request be submitted by the manufacturer responsible for reshaping or supplementing the article, to renewed testing and hallmarking.
  3. Hallmarked articles, whose hallmarks have been damaged in the process of repair or final processing, ought to be submitted to renewed testing and hallmarking by the person responsible for the repair or processing.
  4. Newly manufactured articles may be submitted without stones.
  5. Articles submitted for testing and hallmarking ought to be cleaned, sorted and disentangled.
- § 8.** The article should contain a space for placing the hallmark.
- § 9. 1.** Articles should be submitted for testing and hallmarking with all constituent parts.
2. Incomplete or damaged articles cannot be hallmarked.

3. Articles, of which mention is made in item 2, are returned to the person that submitted them together with a description containing additional information on missing parts or damage.

**§ 10.1.** The composition of the article should not contain parts made out of base metal, with the exception:

- 1) of elements of articles, in which the use of base metal is necessary for technical reasons or for giving the constituent parts of the article the required durability and elasticity;
- 2) of decorative elements on condition that the metal for decoration differs in colour from the precious metal, out of which the article is made.
2. Parts made out of base metal ought to be marked with the symbol "MET" or "METAL" by the manufacturer or the hallmarking administration body.
3. If for technical reasons it is not possible to mark the article, of which mention is made in item 2, articles containing base metal parts cannot be hallmarked.
4. Watches containing mechanical parts, made out of base metal and articles with spring parts and magnetic clasps made out of base metal, are submitted to hallmarking without the need to fulfil the requirements, of which mention is made in item 2.

**§ 11.1.** Testing and marking of an article by hallmarking is carried out, in particular, on application of the manufacturer, importer or his authorised representative.

2. Testing and marking of an article by hallmarking may take place through application by a natural person.

**§ 12.1.** Application for an article to be tested and hallmarked is submitted verbally to the computer application register.

2. Application for an article to be tested and hallmarked may take place on the strength of an identification card issued to manufacturers and importers by the Assay Office, in which on receipt of articles and on their issue bar codes are applied.
3. Application, of which mention is made in item 1, ought to include in particular the following:
  - 1) name and surname of the applicant or the name of the company;
  - 2) address of the applicant or the company;
  - 3) the PESEL identification number or the passport number of the applicant or the registration number of maker's marks or importers issued by the Regional Assay Office;
  - 4) number, mass and sort of submitted goods;
  - 5) description of any article damage.
4. Data, of which mention is made in item 3, is entered in the application record, and must be confirmed on the printed out registration form by the applicant, who places his signature.
5. Entities, of which mention is made in § 11 item 1, ought to additionally submit the declared fineness of the article and issue a recommendation as to article procedure during testing and hallmarking.
6. The manufacturer's authorised representative or the importer ought to add to the application authorisation to represent him in matters concerning article hallmarking.

**§ 13.1.** Written confirmation of receipt of an article, containing an ordinal number indicating the date it was submitted, is issued to the applicant once he has shown a document proving identity and once the appropriate hallmark fee has been made.

2. The article may be collected on the strength of written confirmation, of which mention is made in item.1, and once a document proving identity has been shown.

**§ 14.** In the event of computer system breakdown and on submitting the article for hallmarking beyond the usual location of hallmarking administration bodies, application is made on a form issued by the Local Assay Office, and in two copies.

**§ 15.1.** Dates for submitting larger amounts of articles ought to be agreed upon with the Head of the Local Assay Office or his Deputy.

2. Dates for collecting the article ought to be decided with the applicant when the article is being submitted.

#### **Chapter 4** **Article Testing Methods**

§ 16.1. Articles are tested by using the following:

- 1) the analytical methods:
    - a) cupellation method – for gold alloys;
    - b) weight method – for platinum and palladium alloys;
    - c) potentiometric method, the Volhard method and the Gay-Lussac method – for silver alloys;
  - 2) approximate touchstone method.
2. In testing the X-ray fluorescence spectroscopy method and density gauging may be used.
  3. The methods, of which mention is made in item 1 point 1, are not used for testing articles beyond the usual location of hallmarking administration bodies.

§ 17.1. New articles are tested by using the analytical method.

2. Individual used articles are tested by means of the approximate touchstone method.
3. In case of difficulty of defining the fineness of an individual used article by means of the approximate touchstone method the article is tested, on applicant approval, by applying one of the analytical methods.
4. The Heads of the Local Assay Offices or persons in charge of hallmarking activities carried out beyond the usual location of Assay Offices, may express approval to define precious metal content in articles, of which mention is made in item 1, by means of the approximate touchstone method, provided these articles are made of alloys, corresponding to templates applied in Assay Offices.

§ 18.1. In the case of articles, of which mention is made in § 17 item 1, precious metal samples are taken from the submitted lot of articles, which are necessary for carrying out the analysis and are representative of the alloy, from which the given articles are made.

2. The number of samples taken depends on the number, mass and type of alloy, from which the submitted lot of articles are made.
3. In the event of adding to the lot of new articles samples of alloys, from which the articles were made, it is possible to analyse these samples, without the need to destroy the ready articles, after indicating by means of the approximate touchstone method or other auxiliary methods, that the sample belongs to the same alloy.

§ 19.1. In the case of testing gold or platinum articles by means of the analytical method the applicant, on being issued with a receipt, is returned the remainder of the precious metal from the analysis and the unused part of the article.

2. In the case of testing silver or palladium articles by means of the analytical method the applicant, on being issued with a receipt, is returned the unused part of the article.

#### **Chapter 5** **Methods of Hallmarking Articles** **and Procedure in the Case of Articles Not Passing the Lowest Standard of Fineness** **and Graphical Hallmarking Forms**

§ 20.1. A hallmark is an official mark, confirming that the Assay Office has carried out tests defining precious metal content in the article, and informing about the results of such tests.

2. The following types of hallmarks are defined:
  - 1) basic;
  - 2) additional;
  - 3) approval;

4) main.

**§ 21.1.** Basic hallmarks indicate the type of precious metal and its fineness, in that basic hallmarks for gold alloy indicate fineness in figures:

- 1) 1 - for fineness 0.960;
- 2) 2 - for fineness 0.750;
- 3) 3 - for fineness 0.585;
- 4) 4 - for fineness 0.500;
- 5) 5 - for fineness 0.375;
- 6) 6 - for fineness 0.333.

2. For every precious metal type and fineness individual basic hallmarks are used.

**§ 22.1.** The additional hallmark defines the type of precious metal.

2. The additional hallmark, together with the basic hallmark, is applied for auxiliary marking of precious metal articles when:

- 1) the article comprises a number of joined together parts of the same precious metal – the presence of the additional hallmark carries information which indicates that all parts of the article correspond to the marked fineness; or
- 2) the composition of the article contains parts that are made of precious metals other than the main part of the article – the presence of additional hallmarks indicates the type of precious metal in the non-main part, in that the fineness of this metal cannot be lower than that defined under § 4 item 1 point 1.

**§ 23.1.** Approval hallmarks are used to confirm validity of domestic hallmarks placed in keeping with binding regulations at the time the article was marked.

2. Approval hallmarks are placed on the article next to the basic hallmark or the additional hallmark.

3. In the case of all precious metals one type of approval hallmark is used.

**§ 24.1.** If a second test on an article containing domestic hallmarks or foreign hallmarks or hallmarks shows a different precious metal content than indicated by the mark placed on the article, no approval mark is applied.

2. In cases, of which mention is made in item 1, it is necessary to cancel the hallmarks or marks on the article by using an official deletion mark, hereinafter referred to as "deletion mark" and to mark the article anew, in accordance with the test results.

3. The deletion mark ought to look like an "XX" or "X" sign, and bear an incuse image.

4. Hallmarks on articles, of which mention is made in art. 8 item 1 point 1 of the Act, cannot be cancelled.

**§ 25.** The applicant ought to be informed about the possibility of deleting the mark or hallmark.

**§ 26.1.** Main hallmarks are used to mark articles mentioned in art. 8 item 1 point 6 of the Act.

2. For all precious metals one type of main hallmark is used.

3. Main hallmarks are used together with additional hallmarks.

4. The contents of precious metals in articles, of which mention is made in art. 8 item 1 point 6 of the Act, ought to be marked in figures, in thousandths.

5. Articles, of which mention is made in art. 8 item 1 point 6 of the Act, should additionally contain marks defining the date, month and year of the analysis and the application number.

6. Marks, of which mention is made in items 4-5, are placed by using symbols containing figures from 0 to 9.

7. Hallmarks and marks ought to be placed on the tested object in the following order:

- 1) date, month and year of testing;
- 2) application number;
- 3) additional hallmark;

- 4) exact content of precious metal;
- 5) main hallmark.
8. Marks should appear in one or two lines.
9. In cases justified for technical reasons the Assay Office may limit the number of marks to marks defined under item 7 points 3-5, which are placed in one line.
10. Irrespective of the placing of hallmarks and marks on the article a description may be issued to the applicant.

**§ 27.** If the test on the article submitted to the Assay Office reveals precious metal content higher than the lowest standard of fineness, but not compliant with the fineness declared by the applicant or any standard of fineness defined under § 4 then:

- 1) this article is marked as passing the next lowest standard of fineness; and
- 2) a description is issued in which fineness is indicated in accordance with test results.

**§ 28.1.** Each constituent part of the article ought to pass one of the standards of fineness, of which mention is made in § 4.

2. An article submitted for testing and hallmarking, made up of parts demonstrating various standards of fineness of the same precious metal, is given a hallmark corresponding to the lowest confirmed standard of fineness.
3. If individual parts of the article, which qualify for replacement, in particular solder or fastenings, demonstrate lower standard of fineness than the main part of the article or are made of base metal, and replacements of these elements permits hallmarking of the article with fineness in keeping with test results on the main part, then the hallmarking administration body may return the article, together with a description, to the applicant.
4. Once the elements of the article have been replaced, of which mention is made in item 3, the article may be hallmarked.

**§ 29.1.** If the contents of the precious metal in articles submitted to Assay Offices for testing and hallmarking purposes are lower than the lowest standard of fineness foreseen for the given metal and article category, they are returned to the applicant after they have been marked "MET" and the hallmarks deleted by using the deletion mark, providing the articles were previously hallmarked.

2. The "MET" image ought to be incuse in a rectangular frame and rounded corners.
3. In the case of platinum articles with fineness higher than 0.800 and articles, of which mention is made in art. 8 item 1 point 1 of the Act, the applicant is given an assay test certificate.

**§ 30.1.** If for technical reasons it is impossible to mark the article directly or if there is a danger that the article could be damaged, hallmarks can be placed on a seal attached to the article in a manner making it impossible to separate it from the article without breaking the hallmark.

2. In cases, of which mention is made in item 1, the applicant ought to be returned the article with a description, in that information on the article mass should not include the mass of the seal.

**§ 31.** Description of images and graphical figures of hallmarks are defined in the Appendix to the Ordinance.

**§ 32.1.** Hallmarks defined in the Appendix to the Ordinance ought to be made as follows:

- 1) types 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 24 and 25 - with relief image;
- 2) types 18, 19, 20, 21, 22, 23 - with incuse image;
- 3) types 7, 8, 9 and 10 – with relief and incuse image.
2. Mark types with incuse image, of which mention is made in item 1 point 3, are marked with the letter "L" which appears next to the figure defining the number type used for distinguishing from marks of the same type made with relief image.
3. Hallmarking of precious metal articles is carried out by using hallmark markers produced as hallmark negatives.

## **Chapter 6**

### **Issuing of Assay Test Certificates**

- § 33.** Assay test certificates may be issued under the following circumstances:
- 1) in the case of articles containing base metal parts, if for technical reasons the mark "MET" or "METAL" cannot be placed;
  - 2) in the case of articles, whose precious metal content is higher than the lowest standard of fineness, but not compliant with the fineness declared by the applicant or any standard of fineness defined under § 4, if the placing of hallmarks should be lower than the artistic value of the article;
  - 3) in the case of articles, which cannot be hallmarked without damaging them or which do not contain enough space for a hallmark, and whose seals cannot be hallmarked;
  - 4) in the case of articles, of which mention is made in art. 8 item 1 point 1 of the Act, if hallmarking can cause them to become damaged.
- § 34.1.** The assay test certificate ought to contain:
- 1) indication of the certificate issuing body together with its seal;
  - 2) certificate issue date;
  - 3) date the article was submitted;
  - 4) article name;
  - 5) article mass;
  - 6) description of markings appearing on the article;
  - 7) description of article characteristic traits;
  - 8) name of test method used;
  - 9) test results;
  - 10) type of metal and standard of fineness of the article;
  - 11) signature of person authorised to issue the certificate;
  - 12) additional information, which the Assay Office regards as necessary.
2. If the assay test certificate is issued for a larger lot of identical or similar articles, the number of items should be given and the total mass of these articles should be stated.
  3. A photograph taken in the Assay Office of the article or object may be attached to the assay test certificate.

## **Chapter 7**

### **Temporary and End Regulations**

- § 35.** Articles which have been tested and hallmarked with domestic hallmarks, prior to this Ordinance coming into force, do not require renewed testing and hallmarking before being traded, providing the hallmarks have not been destroyed or erased.
- § 36.** The Ordinance comes into force after the passage of 14 days from the day it was announced.

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