

Precious Metal Articles Act
Official consolidated text
(RS Official Gazette No. 4/06)

Zakon o izdelkih iz plemenitih kovin
Uradno prečiščeno besedilo (ZlPK-UPB1)
(Ur. l. RS, No. 4/06)

I. GENERAL PROVISIONS

Article 1

This Act provides the technical requirements for precious metal articles (hereinafter referred to as 'the articles') on the market; the procedures for assessment and certification of conformity; trading and supervision of the articles.

The provisions of this Act shall also apply to blanks and semi-finished articles of precious metals, such as granules, bars, plates, flakes, wires, strips, and the like.

Article 2

Only the articles which comply with the prescribed technical requirements, and which have been assayed and marked in compliance with this Act may be placed on the market.

Article 3

The terms used for the purpose of this Act shall mean:

1. "precious metals" - platinum, gold, palladium and silver. Platinum is the most precious metal, followed by gold, palladium and silver;
2. "alloy of precious metal" - a solid compound made of at least one precious metal and one or several other metals;
3. "articles" - items of jewellery, goldsmith's, watchmaker's or silversmith's ware or other articles made entirely or partly from precious metals or their alloys. The articles shall be complete as regards all their metal components.
4. "fineness" - the mass portion of precious metal contained in total mass of an alloy, expressed in parts per thousand;
5. "standard of fineness" - the lowest mass portion of precious metal contained in total mass of an alloy, expressed in parts per thousand;

6. "coating of precious metals" - a coating or layer of precious metals applied on all parts of the article by means of a chemical, electro-chemical, mechanical or physical process;
7. "solder" - an alloy of precious metals which may only be used as a binder;
8. "blank of precious metal" – a piece of precious metal intended for reworking or processing;
9. "semi-finished article of precious metal" – an article intended for making a finished article;
10. "ingots and granules of precious metals" – pieces of non-worked or non-processed precious metal;
11. "supplier" – manufacturer, manufacturer's agent or importer.

Article 4

The technical and related administrative and organisational assignments in the field of precious metal articles laid down in this and other Acts shall be performed by the Metrology Institute of the Republic of Slovenia within the Ministry of Higher Education, Science and Technology (hereinafter referred to as 'MIRS').

Besides other assignments in the field of precious metal articles laid down in the Act, MIRS shall primarily:

- participate in the preparation of technical and other regulations which shall under the Act be issued by the relevant Ministers upon prior approval of the Minister responsible for precious metal articles (hereinafter referred to as "the Minister");
- propose liaisons with international organisations and foreign organisations in the field of precious metal articles;
- co-operate with international organisations and represent in them the national service for precious metals;

Article 5

The provisions of this Act shall not apply to:

1. the articles intended for export;
2. the articles imported on a temporary basis as samples or exhibits;
3. the articles completely coated with enamel, precious stones, pearls, or with other non-metallic coatings;
4. the articles of non-precious metal completely coated with precious metals.

Article 5a

The provisions of this Act relating to assaying and marking of the articles shall not apply to:

- articles of gold and palladium of a mass lower than 1 g, and articles of silver of a mass lower than 7 g;
- blanks and semi-finished articles of precious metals.

Article 6

The provisions of this Act relating to articles marking shall not apply to:

1. articles of platinum of a mass lower than 1 g, and articles so small or fragile that it is technically impossible to affix the corresponding marks to them;
2. accessories of insignificant mass or value of precious metal on gemstones, pearls or other articles;
3. musical instruments or parts of such instruments made from precious metals
4. articles or objects designed for medical, dental, veterinary, scientific and technical purposes;
5. ingots and granules of precious metals used in banking transactions, including stock exchange wafers;
6. legal tender of any country, memorial coins or medals made from precious metals;

The articles listed in the above paragraph shall have a certificate of conformity the contents and form of which shall be prescribed by the Minister.

II. TECHNICAL REQUIREMENTS

Article 7

The articles shall comply with one of the following standards of fineness:

1. Platinum articles

- 999 parts per thousand (999/1000)
- 950 parts per thousand (950/1000)
- 900 parts per thousand (900/1000)
- 850 parts per thousand (850/1000)

2. Gold articles

- 999 parts per thousand (999/1000)
- 990 parts per thousand (990/1000)
- 986 parts per thousand (986/1000)
- 916 parts per thousand (916/1000)
- 900 parts per thousand (900/1000)

840 parts per thousand (840/1000)
800 parts per thousand (800/1000)
750 parts per thousand (750/1000)
585 parts per thousand (585/1000)
500 parts per thousand (500/1000)
417 parts per thousand (417/1000)
375 parts per thousand (375/1000)
333 parts per thousand (333/1000)

3. Palladium articles

999 parts per thousand (999/1000)
950 parts per thousand (950/1000)
500 parts per thousand (500/1000)

4. Silver articles

999 parts per thousand (999/1000)
925 parts per thousand (925/1000)
900 parts per thousand (900/1000)
835 parts per thousand (835/1000)
800 parts per thousand (800/1000)

Article 8

Platinum articles whose standard of fineness is lower than 850 parts per thousand (850/1000), gold articles whose standard of fineness is lower than 333 parts per thousand (333/1000), palladium articles whose standard of fineness is lower than 500 parts per thousand (500/1000), and silver articles whose standard of fineness is lower than 800 parts per thousand (800/1000), shall not be the articles in the sense of this Act.

Article 9

When the standard of fineness of an article exceeds the standard of fineness defined in Article 7 hereof but does not reach the next higher standard, the article shall be considered to have the lower standard of fineness.

Article 10

The articles may also contain solder. The standard of fineness of solder shall equal that of the article.

Solder shall have one of the standards of fineness listed in Article 7 hereof.

Article 11

The articles may contain non-precious metal and non-metal parts, provided that these are clearly distinguishable from the precious metal part of the article. Non-precious, metal and non-metal, parts must not be coated with a coating of precious metal, which would give them the appearance of precious metal.

Article 12

A coating of precious metal shall have at least the fineness of the article which is coated. Besides coatings of precious metal laid down in this Act, coating of rhodium is also permitted.

Article 13

For the items referred to in Articles 10, 11 and 12 hereof, the Minister shall prescribe detailed technical requirements which the articles shall meet.

For technical reasons, the Minister may prescribe derogations from the requirements referred to in Articles 10, 11 and 12 hereof.

III. ASSESSMENT AND CERTIFICATION OF CONFORMITY

Article 14

The supplier shall have his mark registered by MIRS or by an institution authorized for registration of supplier's marks in another Member State of the European Union or the European Economic Area.

A supplier who ensures the conformity of the articles with the regulations himself shall have his mark registered by MIRS.

The supplier shall notify MIRS of any changes in relation with his business or registered office, or of any changes in his establishments or branches as well as suspension of his operations within 15 days from the occurrence of the change or suspension of operations.

Article 15

Prior to placing an article on the market, the supplier shall ensure its conformity with the prescribed technical requirements.

The supplier may ensure the conformity of the articles by maintaining the prescribed technical documentation or by submitting the articles to MIRS for assaying and affixing the mark of conformity.

The assaying and affixing of the mark of conformity shall be performed by the assay laboratory being an internal organisational unit of MIRS (hereinafter referred to as "the laboratory").

Prior to placing an article on the market, the supplier shall affix the supplier's mark and the fineness mark on the article.

Article 16

The supplier may submit the articles for assaying and affixing the mark of conformity also to legal persons or sole traders appointed by the Minister. The Minister may only appoint such legal persons or sole traders whose competence has been previously verified according to the rules of accreditation, and who meet additional requirements for assaying and marking the articles.

Additional requirements for assaying and marking the articles shall primarily comprise the analytical methods for assaying blanks of precious metals, semi-finished articles of precious metals, individual parts of the articles and the articles, for compliance of fineness, and the ways of marking the articles.

The Minister shall lay down in detail, by a regulation, the additional requirements referred to in the previous paragraph, and the procedure of appointing the legal person or sole trader referred to in paragraph 1 of this Article.

Article 17

A supplier who ensures the conformity of the articles with the regulations himself shall describe in technical documentation the system for ensuring conformity with the regulations.

The technical documentation referred to in the previous paragraph shall include at least information referring to:

- the type (platine, gold, palladium, silver) and fineness of the articles;
- the use of blanks of precious metals, semi-finished articles of precious metals and solders, supplied either by suppliers having a certified quality system or by suppliers not having a certified quality system, or with a statement that the supplier produces the alloys himself ;
- the supply of individual parts of the articles (e.g. clasps, locks, etc.), either by suppliers having a certified quality system or by suppliers not having a certified quality system;
- the indication of standard analytical methods used by the manufacturer to test blanks of precious metals, semi-finished articles of precious metals, individual parts of the articles, and the articles, for compliance of fineness, and the frequency of the tests, or indication of the laboratory which conducts the tests;

- the description of all the procedures used in the production of the articles which affect the fineness;
- the description of other procedures and methods employed by the manufacturer to additionally assure the quality of his work and the conformity of his articles with the regulations;
- the description of the procedures for keeping files on the quantity of tested and marked articles;
- the way of reporting that he ensures himself the conformity of the articles with the regulations.

The Minister may prescribe in detail the contents of the technical documentation.

Article 18

In his request for assaying and affixing the conformity mark, the supplier shall indicate the number of articles, their total mass and the fineness of the alloy.

When the laboratory or the legal person or sole trader referred to in Article 16 hereof has established through assaying that the submitted article complies with the standard of fineness marked on it, and that it also meets the other prescribed technical requirements, it shall affix the conformity mark on the article.

When the laboratory or the legal person or sole trader referred to in Article 16 hereof has established through assaying that the submitted article does not reach the standard of fineness marked on it, or that it does not meet the other prescribed technical requirements, it shall reject the request for affixing the conformity mark.

Upon a written request by the supplier the assaying of the article shall be repeated by another accredited laboratory. The findings of the repeated assay shall be final.

When the result of the repeated assay is favourable for the supplier, the supplier shall not be charged for the cost of the repeated assay.

IV. MARKING OF THE ARTICLES

Article 19

Reworked articles in which a change of fineness of the alloy has occurred during the reworking process, shall be marked anew with the supplier's mark, fineness mark and conformity mark.

Transfer of an affixed mark from one article to another shall be prohibited.

Once the article has been marked, no other accessories shall be added.

Article 20

The articles consisting of various alloys, or of various standards of fineness of the same precious metal, between which there is no clearly distinguishable limit or difference, shall bear the fineness mark of the least precious alloy. When the limit between the alloys is clearly distinguishable, each component part may be marked with the fineness mark, whereas the fineness mark on the part made of the least precious alloy shall be obligatory.

The articles composed of various alloys of various precious metals, between which there is no clearly distinguishable limit or difference, shall bear the fineness mark of the least precious metal. When the limit is clearly distinguishable, each component part may be marked with the fineness mark, whereas the fineness mark on the part of the alloy made of the least precious metal shall be obligatory.

The articles consisting of parts of precious metals as well as of parts of other materials shall bear the fineness mark on the part made of precious metal. The non-precious metal parts of the article shall bear the mark "metal".

The articles may be coated with a coating of a metal more precious than the alloy they are made of. Such articles shall bear the fineness mark of the precious metal they are made of.

Article 21

The Minister shall prescribe the procedure for determining the supplier's mark and its form, the procedure for its registration, the form of the fineness marks, the form of the conformity mark and the method of marking the articles.

V. PAYMENT OF COSTS

Article 22

The cost of assaying and marking the articles, as well as the cost of checking the system which ensures product conformity with the regulations, and the cost of checking the technical documentation and product conformity with the data in the technical documentation, shall be paid by the supplier.

The cost of monitoring referred to in Article 28 hereof shall be paid by the legal person or sole trader referred to in Article 16 hereof.

The amount of costs and the method of payment shall be prescribed by the Government of the Republic of Slovenia.

VI. TRADING IN THE ARTICLES

Article 23

In shops, the articles shall be kept separately from other merchandise.

Pictures of the conformity marks as well as a table of standards of fineness for precious metals referred to in Article 7 hereof shall be displayed at a visible place in the premises where the articles are sold. A magnifying glass shall be made available to the buyers of the articles, enabling them to see clearly and to distinguish the marks on the articles. No articles of the type referred to in paragraph 2 of Article 5 hereof shall be allowed in the premises where the articles are sold.

VII. SUPERVISION

Article 24

MIRS shall perform the supervision of the articles on the market. The supervision of the articles on the market shall consist of checking them against the prescribed requirements.

The supervision referred to in the previous paragraph shall be performed by inspectors for precious metal articles, who are organised in a special internal organisational unit within MIRS.

Article 25 (Deleted)

Article 26

The inspector shall have the right to withdraw the articles from the market and to order their assaying in the laboratory. Based on the finding of the laboratory that an article, which the inspector has withdrawn from the market and ordered its assaying, does not comply with the prescribed technical requirements, the inspector shall issue a decision banning the sale of the article until the irregularities have been removed.

Should the inspector establish that the article on the market is not marked or that it is not marked in the prescribed way, he shall issue a decision banning its sale until the irregularities have been removed.

A legal person or a sole trader who is being supervised shall allow the inspector to perform the supervision unhindered, which includes his entering the premises in which the articles are sold or kept in order to be sold.

An appeal against the decision referred to in paragraphs 1 and 2 of this Article may be made to the ministry in charge of precious metal articles. The appeal against the decision shall not withhold its execution.

Article 27

The system for ensuring product conformity with the regulations, the technical documentation and the conformity of articles with the data provided in the technical documentation shall be checked by the laboratory or the legal person or sole trader referred to in Article 16 hereof. The checking may also consist in assaying samples of finished articles taken in specified time intervals.

Should the laboratory or the legal person or sole trader referred to in Article 16 hereof establish that the fineness of a sample of finished article that has been assayed in accordance with the above paragraph is not complying, MIRS shall issue a decision banning the sale of the article until the irregularities have been removed.

In the case of major or recurring infringements by the supplier referred to in Article 17 hereof, MIRS shall issue a decision requesting the supplier to submit to the laboratory or to the legal person or sole trader referred to in Article 16 hereof all the articles which have not yet been assayed and marked, for assessment of their conformity with the regulations and marking with the conformity mark.

The obligation of submitting the articles to the laboratory or the legal person or sole trader referred to in Article 16 hereof for assessment of product conformity with the prescribed requirements and marking them with the conformity mark may last up to one year maximum. When making the decision, MIRS shall take into account the nature of the deficiencies found and their consequences.

An appeal may be made against the decision referred to in paragraphs 2 and 3 of this Article. The appeal against the decision shall not withhold its execution.

Article 28

MIRS shall monitor the work of the legal persons or sole traders referred to in Article 16 hereof for which they have been appointed.

Should MIRS establish that the legal person or sole trader referred to in Article 16 hereof does not perform its work in conformity with the regulations, or that it no longer meets the requirements for appointment, it shall propose to the Minister to cancel the decision of appointment.

Article 29

(Deleted)

VIII. VALIDITY OF MARKS OF FOREIGN ORIGIN

Article 30

The supplier's marks and conformity marks that have been issued in accordance with the international agreements ratified by the Republic of Slovenia shall be valid in the Republic of Slovenia.

IX. PENAL PROVISIONS

Article 31

A supplier shall be fined with a fine of SIT 60,000 for not having issued the certificate of conformity referred to in paragraph 2 of Article 6 hereof.

The responsible person of the supplier having committed the act as per the previous paragraph shall be fined with a fine of SIT 30,000 r.

A legal person or sole trader shall be fined with a fine of SIT 60,000 for not having the articles in his shop separated from other merchandise, or for not having displayed at a visible place in the premises where the articles are being sold pictures of the marks of conformity, and a table of standards of fineness of precious metals referred to in Article 7 hereof, or for not making available a magnifying glass which makes it possible to see clearly and to distinguish the marks on the article (Article 23).

The responsible person of the legal person or the responsible person of the sole trader having committed the act as per the previous paragraph shall be fined with a fine of SIT 30,000.

Article 32

For each article placed on the market by a legal person, which is not marked or which is not marked in the prescribed way (Article 2, paragraph 4 of Article 15 and Article 20), the legal person shall be fined with a fine of SIT 7,000.

A sole trader having committed the act as per the previous paragraph shall be fined with a fine of SIT 5,000 per article.

The responsible person of the legal person or the responsible person of the sole trader having committed the act as per paragraph 1 of this Article shall be fined with a fine of SIT 3, 500.

Article 33

A legal person or a sole trader shall be fined with a fine of SIT 100,000 to 200,000 for:

1. having placed on the market articles which do not comply with the prescribed technical requirements (Articles 2, 7, 10, 11 and 12, and paragraph 1 of Article 15);
2. not having notified MIRS of changes in accordance with paragraph 3 of Article 14 hereof.

The responsible person of the legal person or the responsible person of the sole trader having committed the act as per the previous paragraph shall be fined with a fine of SIT 50,000 to 100,000.

Article 34

A legal person or a sole trader shall be fined with a fine of SIT 500,000 to 1,000,000 for the offence of:

1. not having registered the supplier's mark (paragraph 1 of Article 14);
2. having transferred an affixed mark from one article to another (paragraph 2 of Article 19);
3. having added other accessories to the article after it had been marked (paragraph 3 of Article 19);
4. not allowing the inspector to perform the supervision unhindered (paragraph 3 of Article 26);

A fine of SIT 100,000 to 200,000 shall be imposed on the responsible person of the legal person or the responsible person of the sole trader who has committed an act as per the previous paragraph.

The Precious Metal Articles Act – ZIPlEK (RS Official Gazette No. 85/00) includes the following Transitory and Final Provisions:

X. TRANSITORY AND FINAL PROVISIONS

Article 35

The Minister shall issue the regulations for which he is authorised under this Act within six months after the entry into force hereof at the latest.

Article 36

Until the relevant regulations based on this Act have been adopted, the following regulations shall apply or shall be used:

- Regulations concerning the technical conditions of manufacture to be complied with by precious metal products (Official Gazette of SFRY, Nos. 30/82 and 2/88);
- Regulations concerning the method of assaying and hallmarking precious metal products (Official Gazette of SFRY, Nos. 30/82 and 2/88);

- Regulations concerning the technical conditions for assaying and hallmarking precious metal products (Official Gazette of SFRY, No. 23/88);
- Regulations concerning the standard of fineness of semi-finished products of gold for objects of dental prosthetics, and the way of controlling them (Official Gazette of SFRY, No. 30/82)
- Order on manufacturer's mark (RS Official Gazette, No. 17/97);
- Regulations concerning official cards for the employees authorised to supervise the flawlessness and the marking of precious metal articles (RS Official Gazette, No. 23/97);
- Decree on the costs for assaying and hallmarking precious metal products (RS Official Gazette, No. 37/97)
- Order on the forms of hallmarks and on the method of hallmarking precious metal articles (RS Official Gazette, No. 40/97);

Article 37

The articles which have been assayed and marked before the entry into force hereof need not be re-assayed and re-marked.

Article 38

A supplier who already has his mark registered in compliance with the Order on manufacturer's mark (RS Official Gazette, No. 17/97) shall, within three months after the entry into force hereof, inform MIRS in writing of the method he will use for ensuring conformity of his articles with the prescribed requirements.

On the basis of a written notification by the supplier MIRS shall *ex officio* issue a Decision on Supplier's Mark.

The supplier can ensure conformity of the articles by maintaining the prescribed technical documentation on the basis of the Decision referred to in the previous paragraph.

Article 39

On the date of entry into force hereof, the Law on the inspection of products of precious metals (Official Gazette of SFRY, Nos. 59/81, 59/86, 20/89 and 9/90) shall cease to apply.

Article 40

This Act shall enter into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

The Act Amending the Precious Metal Articles Act – ZIPlK-A (RS Official Gazette No. 101/05) includes the following Transitory and Final Provision:

TRANSITORY AND FINAL PROVISION

On the date of entry into force hereof the Regulations concerning official cards for the inspectors authorised to supervise precious metal articles on the market (RS Official Gazette No. 60/01) shall cease to apply.

Article 24

This Act shall enter into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.