

Pursuant to Paragraph 3 of Article 16 of the Precious Metal Articles Act (RS Official Gazette No. 4/06 – Official Consolidated Text), the Minister of Higher Education, Science and Technology hereby issues

RULES
on designating legal persons and sole traders for assaying and marking
the conformity of articles of precious metals with regulations

Article 1

These Rules lay down the procedure of designating legal persons and sole traders for assaying and marking the conformity of articles of precious metals (hereinafter called "the articles") with regulations; additional requirements for designation; and the obligations of the designees.

Article 2

The procedure of designating shall be initiated through a request by a legal person or sole trader. The request shall be filed with the Metrology Institute of the Republic of Slovenia (hereinafter called "MIRS"). The legal person or sole trader shall attach the following documents to the request:

- A valid Accreditation Certificate in accordance with the standard laying down general requirements for testing laboratories;
- His technical and HR capacities and sites at which the tasks of determining and certifying the conformity of the articles are performed;
- The latest certified version of technical documentation including the description of all the activities of determining and certifying the conformity of the articles with regulations, in the way as laid down in the "Rules on detailed contents of technical documentation produced and maintained by the suppliers of articles of precious metals who independently ensure the conformity of articles with regulations" (RS Official Gazette No. 113/00), *mutatis mutandis*.

Article 3

The MIRS Director shall appoint a technical team consisting of 3 members to carry out the assessments (hereinafter called "the assessment team").

After having studied the documents listed above and paid an assessment visit to the applicant, the assessment team shall give to the Director their proposal of

opinion as to the legal person's or sole trader's fulfilment of the designation requirements.

When drawing up the proposal of the opinion, the assessment team shall separately assess the applicant's competence in accordance with the regulatory requirements concerning articles of precious metals.

Article 4

On the basis of the assessment team's opinion referred to in Article 3, the MIRS Director shall draw up a proposal for designation and serve it to the Minister responsible for articles of precious metals (hereinafter called "the Minister"), who will issue a Decision on designation. In the Decision, the obligations of the designated legal person or sole trader (hereinafter called "the designee") shall be laid down in detail.

The validity of a Decision issued to an applicant who has demonstrated his competence by an Accreditation Certificate shall expire on the date of expiry of the Certificate.

The validity of the Decision on designation can be extended, provided that the applicant submits valid evidence as listed in Article 2 hereof.

Article 5

The designee may subcontract a precisely defined part of the tasks to a subcontractor, when this can provide evidence of his competence to meet the regulatory requirements as listed in Article 2 hereof. The subcontracted tasks shall complement the activities performed by the designee and constitute an indivisible whole with them.

The designee shall determine the subcontractor's competence, keep records thereof, and assume full responsibility for the work carried out by the subcontractor.

The designee shall keep records of the subcontractors and of the tasks subcontracted to them.

Article 6

The designee shall carry out the part of his activity related to the designation in accordance with the written instructions of MIRS.

The above-mentioned instructions should make sure that the designee is carrying out the assaying and marking of the articles in an equivalent way as MIRS.

The designee shall follow and adapt to the technical developments in the field of assaying and marking the articles. Upon MIRS's request the designee shall participate in inter-laboratory comparisons.

Article 7

The designee shall serve to MIRS his quarterly and annual reports on the work performed in accordance with MIRS's instructions.

The designee shall allow MIRS access to all data related to the fulfilment of the requirements for designation, and access to all the facilities in which the assaying and hallmarking of the articles takes place.

The designee shall retain all the records of the results of the assays performed within the scope of the activity related to the designation at least 5 years after the determination of the articles' conformity.

Article 8

The designee shall without delay notify MIRS of any changes related to his designation that could affect the assaying and marking of the articles' conformity with regulations.

When the changes referred to in the previous paragraph do not cause any non-fulfilment of the designation requirements, the Minister shall, upon the proposal of MIRS, issue a decision amending the original Decision on designation.

Article 9

MIRS shall supervise the work of the designees by monitoring their activity, especially by paying surveillance visits to the site of assaying and hallmarking, and studying the documentation for fulfilment of the tasks referred to in Articles 5, 6 and 7 hereof, and in other appropriate ways (reviewing the results of metrological comparisons / inter-comparisons, customer complaints, etc.).

Should there exist any justified doubt as to the correctness of the designee's performance, MIRS may make an extraordinary review at the designee's. When necessary, MIRS may include the Accreditation Service in the implementation of the extraordinary review.

The designee shall reimburse MIRS for the expenses of the review in the manner and amount as laid down in the regulation on the expenses of determining and certifying the conformity of articles of precious metals for suppliers who ensure themselves the conformity of the articles with the regulations.

Article 10

Should MIRS, when reviewing the designee, find that the designee does not work in accordance with the regulations, or that he no longer meets the requirements for designation, MIRS shall set the term within which the designee shall eliminate the deficiencies found.

In the case that any serious deficiencies have been found by the review or that the designee has not eliminated the deficiencies within the given term, MIRS shall propose to the Minister to withdraw the Decision on designation.

Article 11

These Rules shall enter into force on the fifteenth day after their publication in the Official Gazette of the Republic of Slovenia.

No. 0073-1/2006

Done in Ljubljana, on 9 February 2006

Dr Jure Zupan
Minister of Higher Education, Science
and Technology