



P.Z. br. 202

HRVATSKI SABOR

KLASA: 022-03/17-01/141

URBROJ: 65-17-02

Zagreb, 5. listopada 2017.



Hr**NP*022-03/17-01/141*66-17-02**Hr

ZASTUPNICAMA I ZASTUPNICIMA
HRVATSKOGA SABORA

PREDSJEDNICAMA I PREDSJEDNICIMA
RADNIH TIJELA

Na temelju članaka 178. i 192. Poslovnika Hrvatskoga sabora u prilogu upućujem *Prijedlog zakona o potvrđivanju Konvencije o nadzoru i označivanju predmeta od plemenitih kovina, s Konačnim prijedlogom zakona*, koji je predsjedniku Hrvatskoga sabora dostavila Vlada Republike Hrvatske, aktom od 5. listopada 2017. godine uz prijedlog da se sukladno članku 204. Poslovnika Hrvatskoga sabora predloženi Zakon donese po hitnom postupku.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila dr. sc. Martinu Dalić, potpredsjednicu Vlade Republike Hrvatske i ministricu gospodarstva, poduzetništva i obrta, Natašu Mikuš Žigman i Marija Antonića, državne tajnike u Ministarstvu gospodarstva, poduzetništva i obrta, te Brankicu Novosel, ravnateljicu Državnog zavoda za mjeriteljstvo.


PREDSJEDNIK
Gordan Jandroković



P.Z. br. 202

VLADA REPUBLIKE HRVATSKE

Klasa: 022-03/17-11/49
Urbroj: 50301-25/05-17-2

Zagreb, 5. listopada 2017.



REPUBLIKA HRVATSKA
65 - HRVATSKI SABOR
ZAGREB, Trg Sv. Marka 6

Primljeno:	05-10-2017	
Klasifikacijska oznaka:	022-03/17-01/141	Org. jed. 65
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PREDSJEDNIKU HRVATSKOGA SABORA

Predmet: Prijedlog zakona o potvrđivanju Konvencije o nadzoru i označivanju predmeta od plemenitih kovina, s Konačnim prijedlogom zakona

Na temelju članka 85. Ustava Republike Hrvatske (Narodne novine, br. 85/10 – pročišćeni tekst i 5/14 – Odluka Ustavnog suda Republike Hrvatske) i članaka 172. i 204. Poslovnika Hrvatskoga sabora (Narodne novine, br. 81/13, 113/16 i 69/17), Vlada Republike Hrvatske podnosi Prijedlog zakona o potvrđivanju Konvencije o nadzoru i označivanju predmeta od plemenitih kovina, s Konačnim prijedlogom zakona za hitni postupak.

Za svoje predstavnike, koji će u njezino ime sudjelovati u radu Hrvatskoga sabora i njegovih radnih tijela, Vlada je odredila dr. sc. Martinu Dalić, potpredsjednicu Vlade Republike Hrvatske i ministricu gospodarstva, poduzetništva i obrta, Natašu Mikuš Žigman i Marija Antonića, državne tajnike u Ministarstvu gospodarstva, poduzetništva i obrta, te Brankicu Novosel, ravnateljicu Državnog zavoda za mjeriteljstvo.



PREDSJEDNIK

mr. sc. Andrej Plenković

**PRIJEDLOG ZAKONA O POTVRĐIVANJU KONVENCIJE O NADZORU I
OZNAČIVANJU PREDMETA OD PLEMITIH KOVINA,
S KONAČNIM PRIJEDLOGOM ZAKONA**

PRIJEDLOG ZAKONA O POTVRĐIVANJU KONVENCIJE O NADZORU I OZNAČIVANJU PREDMETA OD PLEMENITIH KOVINA

I. USTAVNA OSNOVA ZA DONOŠENJE ZAKONA

Ustavna osnova za donošenje Zakona o potvrđivanju Konvencije o nadzoru i označivanju predmeta od plemenitih kovina sadržana je u odredbi članka 140. stavka 1. Ustava Republike Hrvatske (Narodne novine, br. 85/10 - pročišćeni tekst i 5/14 - Odluka Ustavnog suda Republike Hrvatske).

II. OCJENA STANJA I CILJ KOJI SE DONOŠENJEM ZAKONA ŽELI POSTIĆI

Zbog različitih sustava nadzora (kontrolne čistoće) predmeta od plemenitih kovina i razlika u tehničkim i zakonskim zahtjevima pojedinih europskih zemalja u području nadzora predmeta od plemenitih kovina koje su predstavljale zapreke slobodnom kretanju predmeta od plemenitih kovina i otežavali međunarodnu trgovinu tim predmetima, šezdesetih godina prošlog stoljeća zemlje Europske slobodne trgovinske zone (EFTE) Austrija, Finska, Norveška, Portugal, Švedska, Švicarska i Ujedinjeno Kraljevstvo, povele su pregovore radi rješavanja problema slobodnog kretanja predmeta od plemenitih kovina. Pregovori su rezultirali potpisivanjem Konvencije o nadzoru i označivanju predmeta od plemenitih kovina (u daljnjem tekstu: Konvencija) u Beču u studenome 1972. godine. Konvencija je stupila na snagu 27. lipnja 1975. godine. Izmjene i dopune Konvencije od 18. svibnja 1988. godine stupile su na snagu 16. kolovoza 1993. godine, a Izmjene i dopune Konvencije od 9. siječnja 2001. godine stupile su na snagu 27. veljače 2010. godine. Konvenciju je potpisalo 19 država, a pet država, uključujući Republiku Hrvatsku, ima status promatrača. Republika Hrvatska dobila je status promatrača 2011. godine upućivanjem Pisma namjere kojim je Republika Hrvatska izrazila spremnost pristupiti Konvenciji, a slijedom Zaključka Vlade Republike Hrvatske o prihvaćanju Pisma namjere, klase: 310-07/11-03/01, urbroja: 5030105-11-1, od 8. travnja 2011. godine.

Osnovni cilj Konvencije je poticanje slobodne trgovine predmetima od plemenitih kovina i uklanjanje mogućih prepreka u toj trgovini, zaštita proizvođača predmeta od plemenitih kovina uz istovremenu zaštitu potrošača opravdanu osobitom prirodom predmeta od plemenitih kovina.

Konvencijom su utvrđeni tehnički zahtjevi za neovisno ispitivanje predmeta od plemenitih kovina i utiskivanje zajedničke kontrolne oznake (Common Control Mark- CCM) na ispitane predmete od plemenitih kovina, koje provodi ovlaštenu ured za ispitivanje predmeta od plemenitih kovina države ugovornice. Zajednička kontrolna oznaka za označivanje propisanih stupnjeva čistoće predmeta od plemenitih kovina koja se utiskuje na predmete od plemenitih kovina prva je i jedina međunarodno priznata oznaka za predmete od plemenitih kovina i predstavlja dodatnu zaštitu za kupce u pogledu stupnja čistoće predmeta od plemenitih kovina i oznaku kvalitete.

Konvencija uspostavlja načelo dobrovoljnosti koje podrazumijeva da proizvođač predmeta od plemenitih kovina koji želi plasirati svoje predmete od plemenitih kovina na tržište druge države ugovornice Konvencije može zatražiti utiskivanje zajedničke kontrolne oznake u svojoj matičnoj državi.

Predmet označen zajedničkom kontrolnom oznakom, oznakom ovlaštenog ureda za ispitivanje predmeta od plemenitih kovina države ugovornice, znakom proizvođača i oznakom čistoće ne podliježe ponovnom ispitivanju prilikom stavljanja na tržište druge države ugovornice, ali sukladno odredbama Konvencije predmet od plemenitih kovina označen zajedničkom kontrolnom oznakom mora biti sukladan s propisanim nacionalnim zakonodavstvom druge države ugovornice kako u pogledu propisanih stupnjeva čistoće tako i u pogledu zdravstvene ispravnosti u odnosu na prisutnost nikla i kadmija i u pogledu drugih aspekata trgovine predmetima od plemenitih kovina.

Stupanjem na snagu Zakona o nadzoru predmeta od plemenitih kovina (Narodne novine, broj 36/15) osigurana je zakonska osnova za primjenu Konvencije u pogledu međunarodne trgovine predmetima od plemenitih kovina, zaštite potrošača, usklađivanja normi, tehničkih propisa i smjernica za metode i postupke nadzora predmeta od plemenitih kovina te za konačno pristupanje Republike Hrvatske Konvenciji.

III. OSNOVNA PITANJA KOJA SE PREDLAŽU UREDITI ZAKONOM

Ovim Zakonom potvrđuje se Konvencija o nadzoru i označivanju predmeta od plemenitih kovina kako bi njene odredbe, u smislu članka 141. Ustava Republike Hrvatske, postale dio unutarnjeg pravnog poretka Republike Hrvatske.

Uzimajući u obzir svrhu i dosege Konvencije ocjenjuje se da postoji interes da Republika Hrvatska postane njezina stranka jer će se na taj način povećati mogućnost pristupa međunarodnom tržištu predmeta od plemenitih kovina koji su označeni zajedničkom kontrolnom oznakom i time poboljšati položaj proizvođača predmeta od plemenitih kovina te u konačnici unaprijediti zaštita potrošača. Zakon o potvrđivanju Konvencije omogućit će da Republika Hrvatska ostvari isti status na međunarodnom tržištu kakav imaju ostale države ugovornice Konvencije, a s time u vezi i njeno aktivno sudjelovanje u razvoju i usklađivanju međunarodnih normi o nadzoru i označivanju predmeta od plemenitih kovina. Primjenom ovoga Zakona ostvarit će se i pretpostavka za poboljšanje kvalitete laboratorijskih ispitivanja predmeta od plemenitih kovina.

Republika Hrvatska će prilikom polaganja svoje isprave o pristupu, dati izjavu kojom kao nadležno tijelo u smislu članka 5. Konvencije određuje Državni zavod za mjeriteljstvo, njegovu unutarnju ustrojstvenu jedinicu u čijem je djelokrugu ispitivanje predmeta od plemenitih kovina.

IV. OCJENA SREDSTAVA POTREBNIH ZA PROVEDBU ZAKONA

Provedba ovoga Zakona ne zahtijeva osiguranje dodatnih financijskih sredstava u državnom proračunu Republike Hrvatske osim sredstava za plaćanje članarine. U državnom proračunu Republike Hrvatske za 2017. godinu na A762000, pozicija 3294- Članarine i norme osigurana su sredstva za 2017. godinu u iznosu od 31.000 kuna. Nakon donošenja Zakona i tri mjesca nakon polaganja isprave o pristupu članarina će iznositi 62.000 kuna. Taj iznos je planiran u projekcijama državnog proračuna za 2018. i 2019. godinu.

V. PRIJEDLOG ZA DONOŠENJE ZAKONA PO HITNOM POSTUPKU

Temelj za donošenje ovoga Zakona po hitnom postupku nalazi se u članku 204. stavku 1. Poslovnika Hrvatskoga sabora (Narodne novine, br. 81/13, 113/16 i 69/17) i to u drugim osobito opravdanim državnim razlozima.

Uzimajući u obzir razloge navedene u točki II. Prijedloga zakona, a posebice na činjenicu da je jedan od osnovnih ciljeva Konvencije poticanje slobodne trgovine predmetima od plemenitih kovina i uklanjanje mogućih prepreka u toj trgovini, ocjenjuje se da postoji interes Republike Hrvatske da što skorije okonča svoj unutarnji pravni postupak i postane strankom Konvencije, kako bi se u odnosima Republike Hrvatske i država stranaka Konvencije (a u ovom trenutku Konvencija je na snazi u odnosima između 19 država) omogućila primjena postupaka i mehanizama suradnje predviđenih Konvencijom.

S obzirom na prirodu postupka potvrđivanja međunarodnih ugovora, kojim država i formalno izražava spremnost da bude vezana međunarodnim ugovorom, kao i na činjenicu da se u ovoj fazi postupka, u pravilu, ne mogu vršiti izmjene ili dopune teksta međunarodnog ugovora, predlaže se ovaj Prijedlog zakona raspraviti i prihvatiti po hitnom postupku, objedinjavajući prvo i drugo čitanje.

KONAČNI PRIJEDLOG ZAKONA O POTVRĐIVANJU KONVENCIJE O NADZORU I OZNAČIVANJU PREDMETA OD PLEMITIH KOVINA

Članak 1.

Potvrđuje se Konvencija o nadzoru i označivanju predmeta od plemenitih kovina, sastavljena u Beču 15. studenoga 1972., kako je izmijenjena i dopunjena 18. svibnja 1988. i 9. siječnja 2001., te izmjene i dopune Dodataka Konvencije o nadzoru i označivanju predmeta od plemenitih kovina od 23. svibnja 1978., 24. studenog 1988., 25. i 26. svibnja 1998., 15. listopada 2002. i 11. listopada 2010., u pročišćenom tekstu kako ga je dostavila Vlada Kraljevine Švedske u svojstvu depozitara, u izvorniku na engleskom i francuskom jeziku.

Članak 2.

Pročišćeni tekst Konvencije i njezinih Dodataka iz članka 1. ovoga Zakona, u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik glasi:

KONVENCIJA O NADZORU I OZNAČIVANJU PREDMETA OD PLEMITIH KOVINA

PREAMBULA

Republika Austrija, Republika Finska, Kraljevina Norveška, Portugalska Republika, Kraljevina Švedska, Švicarska Konfederacija i Ujedinjena Kraljevina Velike Britanije i Sjeverne Irske;

želeći olakšati međunarodnu trgovinu predmetima od plemenitih kovina, a istovremeno održavati zaštitu potrošača opravdanu osobitom prirodom tih predmeta;

smatrajući da je međunarodno usklađivanje normi i tehničkih propisa i smjernica za metode i postupke ispitivanja i označivanja predmeta od plemenite kovine vrijedan doprinos slobodi kretanja takvih proizvoda;

smatrajući da bi to usklađivanje trebalo biti upotpunjeno uzajamnim priznavanjem ispitivanja i označivanja te stoga i u želji promicati i održavati suradnju između njihovih ureda za ispitivanje i nadležnih tijela;

uzimajući u obzir činjenicu da se obvezno žigosanje ne zahtijeva od država ugovornica Konvencije i da se označivanje predmeta od plemenitih kovina oznakama Konvencije provodi na dobrovoljnoj bazi;

sporazumjele su se kako slijedi:

I. Područje primjene i djelovanje

ČLANAK 1.

1. Predmeti koje ispituje i označuje ovlaštenu ured za ispitivanje u skladu s odredbama ove Konvencije neće se podvrgnuti daljnjem obveznom ispitivanju ili označivanju u državi ugovornici uvoznici. To ne sprječava državu ugovornicu uvoznicu da provodi kontrolna ispitivanja u skladu s člankom 6.

2. Ništa u ovoj Konvenciji neće zahtijevati od države ugovornice da dozvoli uvoz ili prodaju predmeta od plemenitih kovina koji nisu utvrđeni u njezinom nacionalnom zakonodavstvu ili nisu u skladu s njezinim zakonom propisanim stupnjevima čistoće.

ČLANAK 2.

„Predmeti od plemenitih kovina“ u smislu ove Konvencije su predmeti od platine, zlata, paladija, srebra ili njihovih slitina, kako je utvrđeno u Dodatku I.

ČLANAK 3.

1. Kako bi se na njih mogle primjenjivati odredbe članka 1., predmeti od plemenitih kovina moraju:

- (a) se podnositi ovlaštenom uredu za ispitivanje imenovanom u skladu s člankom 5.;
- (b) ispunjavati tehničke zahtjeve ove Konvencije koji su propisani u Dodatku I.;
- (c) biti ispitani u skladu s pravilima i postupcima propisanim u Dodatku II.;
- (d) biti označeni oznakama kako su propisane u Dodatku II.

2. Pogodnosti iz članka 1. nisu primjenjive na predmete od plemenitih kovina kojima su, nakon označivanja na način koji je propisan u Dodatku II., bilo koje od ovih oznaka izmijenjene ili izbrisane.

ČLANAK 4.

Države ugovornice nisu dužne primjenjivati odredbe članka 1. stavka 1. na predmete od plemenitih kovina koji su, nakon što su podneseni ovlaštenom uredu za ispitivanje, te ispitani i označeni na način propisan u članku 3., promijenjeni dodatcima ili na bilo koji drugi način.

II. Ispitivanje i sankcije

ČLANAK 5.

1. Svaka država ugovornica imenuje jedan ili više ovlaštenih ureda za ispitivanje radi ispitivanja i označivanja predmeta od plemenitih kovina kako je navedeno u Dodatku II.

2. Ovlašteni uredi za ispitivanje moraju zadovoljiti sljedeće uvjete:

- dostupnost osoblja te potrebnih sredstava i opreme;
- tehničku osposobljenost i profesionalno poštenje osoblja;
- pri ispunjavanju zahtjeva Konvencije, rukovodstvo i tehničko osoblje ovlaštenog ureda za ispitivanje moraju biti neovisni od svih krugova, skupina ili osoba s izravnim ili neizravnim interesom u dotičnom području;
- osoblje mora biti obvezano čuvanjem poslovne tajne.

3. Svaka država ugovornica obavješćuje depozitara o imenovanju takvih ureda za ispitivanje i o njihovim oznakama, kao i o svakom povlačenju tog ovlaštenja za bilo koji prethodno imenovani ured za ispitivanje. Depozitar u skladu s time odmah obavješćuje sve ostale države ugovornice.

ČLANAK 6.

Odredbe ove Konvencije ne sprječavaju državu ugovornicu u provođenju kontrolnih ispitivanja predmeta od plemenitih kovina na kojima se nalaze oznake predviđene ovom Konvencijom. Takva ispitivanja ne provode se na način kojim bi se neopravdano priječio uvoz ili prodaja predmeta od plemenitih kovina koji su označeni u skladu s odredbama ove Konvencije.

ČLANAK 7.

Države ugovornice ovime ovlašćuju depozitara da pri Svjetskoj organizaciji za intelektualno vlasništvo (WIPO), u skladu s Pariškom konvencijom za zaštitu industrijskog vlasništva, registrira zajedničku kontrolnu oznaku opisanu u Dodatku II. kao nacionalni žig svake države ugovornice. Depozitar će to učiniti i u slučaju države ugovornice u odnosu na koju ova Konvencija stupa na snagu na kasniji datum ili u slučaju države pristupnice.

ČLANAK 8.

1. Svaka država ugovornica ima i provodi zakonodavstvo kojim se zabranjuje, podložno kažnjavanju, svako krivotvorenje, neovlašteno mijenjanje ili zlouporaba zajedničke kontrolne oznake ili oznaka ovlaštenih ureda za ispitivanje koje su priopćene u skladu s člankom 5. stavkom 3., kao i svaku neovlaštenu preinaku predmeta ili mijenjanje ili brisanje oznake čistoće ili znaka proizvođača nakon utiskivanja zajedničke kontrolne oznake.

2. Svaka država ugovornica obvezuje se pokrenuti postupak u skladu s tim zakonodavstvom ili, ako je to prikladnije, poduzeti druge odgovarajuće mjere, kada druga država ugovornica otkrije ili joj ukaže na dostatne dokaze o krivotvorenju ili zlouporabi zajedničke kontrolne oznake ili oznaka ovlaštenih ureda za ispitivanje ili o neovlaštenom mijenjanju predmeta ili o mijenjanju ili brisanju oznake čistoće ili znaka proizvođača nakon utiskivanja zajedničke kontrolne oznake.

ČLANAK 9.

1. Ako država ugovornica uvoznica ili jedan od njezinih ovlaštenih ureda za ispitivanje ima razloga vjerovati da je ured za ispitivanje u državi ugovornici izvoznici utisnuo zajedničku kontrolnu oznaku koja nije u skladu s odgovarajućim odredbama ove Konvencije, odmah će konzultirati ovlašteni ured za ispitivanje koji je označio predmete i koji bez odgađanja pruža svu prikladnu pomoć u istrazi slučaja. Ako se ne postigne zadovoljavajuće rješenje, bilo koja od stranaka može uputiti slučaj Stalnom odboru obavješćujući njegovog predsjedavajućeg. U tom slučaju, predsjedavajući saziva sastanak Stalnog odbora.

2. Ako je bilo koje pitanje upućeno Stalnom odboru prema stavku 1., Stalni odbor može dati preporuke o odgovarajućim radnjama koje treba poduzeti, nakon davanja prilike zainteresiranim strankama da budu saslušane.

3. Ako se u razumnom roku ne postupi u skladu s preporukom iz stavka 2., ili ako Stalni odbor nije dao nikakvu preporuku, država ugovornica uvoznica, ako to smatra potrebnim, može uvesti takav dodatni nadzor predmeta od plemenitih kovina koje je označio taj određeni ured za ispitivanje i koji se uvoze na njezino državno područje, uključujući pravo da privremeno odbije prihvatiti takve predmete. O takvim mjerama odmah se obavješćuju sve države ugovornice te ih Stalni odbor s vremena na vrijeme preispituje.

4. Ako postoje dokazi o ponovljenoj i teškoj zlouporabi zajedničke kontrolne oznake, država ugovornica uvoznica može privremeno odbiti prihvatiti predmete koji nose oznaku dotičnog ureda za ispitivanje, bez obzira na to jesu li ispitani i označeni u skladu s ovom Konvencijom. U tom slučaju, država ugovornica uvoznica odmah obavješćuje sve druge države ugovornice, a Stalni odbor sastat će se u roku od mjesec dana kako bi razmotrio to pitanje.

III. Stalni odbor te izmjene i dopune

ČLANAK 10.

1. Ovime se uspostavlja Stalni odbor, u kojem je zastupljena svaka država ugovornica. Svaka država ugovornica ima jedan glas.

2. Zadaće Stalnog odbora su:

razmatrati i preispitivati djelovanje ove Konvencije;

preispitivati i, ako je potrebno, predlagati izmjene i dopune Dodataka ove Konvencije;

donositi odluke o tehničkim pitanjima, kako je utvrđeno u Dodacima;

promicati i održavati tehničku i upravnu suradnju između država ugovornica u vezi s pitanjima kojima se bavi ova Konvencija;

razmatrati mjere za osiguranje usklađenog tumačenja i primjene odredbi ove Konvencije;

poticati prikladnu zaštitu oznaka od krivotvorenja i zlouporabe;

davati preporuke u slučaju bilo kojeg pitanja koje mu se uputi prema odredbi članka 9. stavka 2., ili za rješavanje bilo kakvog spora koji proizlazi iz djelovanja ove Konvencije, a koji se iznosi pred Stalni odbor;

ispitati udovoljavaju li rješenja države zainteresirane za pristup ovoj Konvenciji uvjetima ove Konvencije i njezinih Dodataka te pripremiti izvještaj u vezi s tim kako bi ga razmotrile države ugovornice.

3. Stalni odbor usvaja poslovnik za svoj sastanak uključujući pravila sazivanja takvih sastanaka. Ovaj Odbor se sastaje najmanje jednom godišnje.

4. U skladu s gore navedenim stavkom 2., Stalni odbor donosi odluke o tehničkim pitanjima jednoglasno, kako je utvrđeno Dodacima.

5. Stalni odbor može davati preporuke o svim pitanjima koja se odnose na provođenje ove Konvencije te davati prijedloge za izmjenu i dopunu ove Konvencije. Takve preporuke ili prijedlozi dostavljaju se depozitaru koji obavješćuje sve države ugovornice.

ČLANAK 11.

Izmjena i dopuna Konvencije

1. U slučaju prijedloga primljenog od Stalnog odbora za izmjenu i dopunu članaka Konvencije, ili u slučaju prijedloga za izmjenu i dopunu Konvencije primljenog od države ugovornice, depozitar takve prijedloge podnosi na prihvrat svim državama ugovornicama.

2. Ako u roku od tri mjeseca od datuma podnošenja prijedloga za izmjenu i dopunu prema stavku 1. država ugovornica zatraži otvaranje pregovora o prijedlogu, depozitar će dogovoriti održavanje takvih pregovora.

3. Pod uvjetom da ju sve države ugovornice prihvate, izmjena i dopuna ove Konvencije stupa na snagu mjesec dana nakon polaganja posljednje isprave o prihvatu, osim ako je u izmjeni i dopuni naveden drugi datum. Isprave o prihvatu polažu se kod depozitara, koji obavješćuje sve države ugovornice.

Izmjena i dopuna Dodataka

4. U slučaju prijedloga Stalnog odbora za izmjenu i dopunu Dodataka Konvencije, depozitar obavješćuje sve države ugovornice.

5. Izmjena i dopuna Dodataka stupa na snagu šest mjeseci nakon datuma obavijesti depozitara, osim ako je primljen prigovor vlade države ugovornice ili ako je u izmjeni i dopuni naveden kasniji datum za njezino stupanja na snagu.

IV. Završne odredbe

Pristup

ČLANAK 12.

1. Bilo koja država koja je članica Ujedinjenih naroda ili bilo koje od specijaliziranih ustanova ili Međunarodne agencije za atomsku energiju ili stranka Statuta Međunarodnog suda, i koja ima rješenja za ispitivanje i označivanje predmeta od plemenitih kovina potrebna za udovoljavanje zahtjeva Konvencije i njezinih Dodataka, može pristupiti ovoj Konvenciji, na poziv država ugovornica koji prenosi depozitar.

2. Vlade država ugovornica obavješćuju depozitara o svojem odgovoru u roku od četiri mjeseca od primitka zahtjeva depozitara s pitanjem o slaganju s pozivom. Bilo koja vlada koja ne odgovori u tom roku smatra se da je dala pristanak za poziv.
3. Vlade država ugovornica svoje odluke o pozivanju države na pristup temelje prvenstveno na izvještaju iz članka 10. stavka 2.
4. Pozvana država može pristupiti ovoj Konvenciji polaganjem isprave o pristupu kod depozitara, koji o tome obavješćuje sve ostale države ugovornice. Pristup stupa na snagu tri mjeseca nakon polaganja te isprave.

ČLANAK 13.

1. Vlada bilo koje države potpisnice ili pristupnice može, prilikom polaganja svoje isprave o ratifikaciji ili pristupu, ili u bilo koje vrijeme nakon toga, pisano izjaviti depozitaru da se ova Konvencija primjenjuje na cjelokupno ili na dio područja, određenog u izjavi, za čije vanjske odnose je odgovorna. Depozitar sve takve izjave priopćuje vladama svih ostalih država ugovornica.
2. Ako je izjava dana u vrijeme polaganja isprave o ratifikaciji ili pristupu, ova Konvencija stupa na snagu u odnosu na ta područja istog datuma na koji Konvencija stupa na snagu u odnosu na državu koja je dala izjavu. U svim ostalim slučajevima Konvencija stupa na snagu u odnosu na ta područja tri mjeseca nakon što depozitar primi izjavu.
3. Primjena ove Konvencije na cjelokupno ili na dio takvih područja može biti okončana od strane vlade države koja je dala izjavu iz stavka 1., pod uvjetom da pisano obavijesti depozitara tri mjeseca unaprijed, koji obavješćuje sve ostale države ugovornice.

Povlačenje

ČLANAK 14.

Bilo koja država ugovornica može se povući iz ove Konvencije pod uvjetom da dvanaest mjeseci unaprijed pisano obavijesti depozitara, koji obavješćuje sve države ugovornice, ili pod takvim drugim uvjetima koje države ugovornice mogu dogovoriti. Svaka država ugovornica obvezuje se da će, u slučaju svojeg povlačenja iz Konvencije, nakon povlačenja prestati koristiti ili primjenjivati zajedničku kontrolnu oznaku u bilo koje svrhe.

Ratifikacija

ČLANAK 15.

1. Ovu Konvenciju ratificiraju države potpisnice. Isprave o ratifikaciji polažu se kod depozitara koji obavješćuje sve ostale države potpisnice.

2. Ova Konvencija stupa na snagu četiri mjeseca nakon polaganja četvrte isprave o ratifikaciji. U odnosu na bilo koju drugu državu potpisnicu koja naknadno položi svoju ispravu o ratifikaciji, ova Konvencija stupa na snagu dva mjeseca nakon datuma polaganja, ali ne prije isteka gore navedenog razdoblja od četiri mjeseca.

U potvrdu toga su niže potpisani, za to propisno ovlašteni, potpisali ovu Konvenciju.

Sastavljeno u Beču 15. studenoga 1972. godine, u jednom primjerku na engleskom i francuskom jeziku, pri čemu su oba teksta jednako vjerodostojna, koji se pohranjuje kod Vlade Švedske, koja dostavlja ovjerene preslike svim ostalim državama potpisnicama i pristupnicama.

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DODACI I. i II. KONVENCIJE O NADZORU I OZNAČIVANJU PREDMETA OD PLEMNITIH KOVINA

DODATAK I.

Definicije i tehnički zahtjevi

1. Definicije

Za potrebe ove Konvencije primjenjuju se sljedeće definicije:

1.1. Plemenite kovine

Plemenite kovine su platina, zlato, paladij i srebro. Platina je najplemenitija kovina, zatim zlato, paladij pa srebro.

1.2. Slitina plemenite kovine

Slitina plemenite kovine je čvrsta homogena smjesa koja sadrži barem jednu plemenitu kovinu.

1.3. Predmet od plemenite kovine

Predmet od plemenite kovine je bilo koji komad nakita, predmet koji izrađuju zlatari, srebrnari ili urari ili bilo koji predmet izrađen u cijelosti ili djelomično od plemenitih kovina ili njihovih slitina. „Djelomično“ znači da predmet od plemenite kovine može sadržavati (i) nekovinske dijelove (ii) dijelove od neplemenite kovine, iz tehničkih razloga ili radi ukrašavanja. Predmet od plemenite kovine koji radi ukrašavanja sadrži dijelove od neplemenite kovine smatra se „mješovitim predmetom“.

1.4. Čistoća

Čistoća je maseni udio određene plemenite kovine u ukupnoj masi slitine, izražen u tisućitim dijelovima.

1.5. Stupanj čistoće

Stupanj čistoće je najniži maseni udio određene plemenite kovine u ukupnoj masi slitine, izražen u tisućitim dijelovima.

1.6. Prevlaka/ premaz

Prevlaka ili premaz je jedan ili više slojeva:

- (i) plemenite kovine (ili slitine plemenite kovine);
- (ii) neplemenite kovine (ili slitine neplemenite kovine);
- (iii) nekovinskog materijala;

koji se nanosi na cijeli predmet ili na pojedine dijelove predmeta od plemenite kovine na primjer kemijskim, elektrokemijskim, mehaničkim ili fizikalnim postupkom.

1.7. Neplemenite kovine

Neplemenite kovine su sve druge kovine osim platine, zlata, paladija i srebra.

1.8. Druge definicije

Stalni odbor može odlučiti o drugim definicijama.

2. Tehnički zahtjevi

2.1. Konvencija se ne primjenjuje na:

- a) predmete izrađene od slitina čistoće manje od 850 za platinu, 375 za zlato, 500 za paladij i 800 za srebro;
- b) bilo koji predmet koji je namijenjen upotrebi u medicinske, zubarske, veterinarske, znanstvene ili tehničke svrhe;
- c) zakonska sredstva plaćanja;
- d) dijelove predmeta ili poluproizvode (na primjer dijelove od kovine ili površinski sloj);
- e) sirovine za daljnju obradu poput pločica, štapića, žica i cijevi;
- f) predmete od neplemenite kovine s prevlakom od plemenite kovine;
- g) sve ostale predmete o kojima odluči Stalni odbor.

Predmeti navedeni od a) do g) ne mogu se stoga označivati zajedničkom kontrolnom oznakom.

2.2. Stupnjevi čistoće koji se primjenjuju prema Konvenciji:

za platinu:	999, 950, 900, 850
za zlato:	999, 916, 750, 585, 375
za paladij:	999, 950, 500
za srebro:	999, 925, 830, 800

2.2.1. Stalni odbor može priznati i druge stupnjeve čistoće, ovisno o razvoju na međunarodnoj razini.

2.3. Odstupanje

2.3.1. Nije dopušteno negativno odstupanje čistoće od stupnja čistoće kojim je predmet označen.

2.3.2. Stalni odbor utvrđuje zasebna pravila za posebne proizvodne tehnike.

2.4. Uporaba slitine za lemljenje

2.4.1. Slitina za lemljenje može se koristiti samo u svrhu lemljenja. U načelu, stupanj čistoće slitine za lemljenje mora biti jednak stupnju čistoće predmeta.

2.4.2. Stalni odbor utvrđuje praktične izuzetke od ovog načela i druge metode lemljenja.

2.5. Uporaba dijelova od neplemenitih kovina i nekovinskih materijala

2.5.1. Uporaba dijelova od neplemenite kovine i nekovinskih materijala u predmetima od plemenite kovine dozvoljena je u tehničke svrhe i radi ukrašavanja pod sljedećim uvjetima:

- a) Dijelovi od neplemenite kovine i nekovinskih materijala moraju se jasno razlikovati od dijelova od plemenite kovine.
- b) Oni neće biti ni prevučeni ili obrađeni na način da izgledaju kao plemenita kovina.
- c) Oni se neće koristiti u svrhu pojačavanja, povećanja mase ili punjenja.
- d) Oni će biti označeni ili gravirani s oznakom „METAL“ (ili nazivom te kovine na engleskom jeziku).

2.5.2. Stalni odbor može odlučiti o daljnjim pojedinostima ili izuzecima.

2.6. Prevlaka na predmetima od plemenitih kovina

2.6.1. Stalni odbor odlučuje o dozvoljenim prevlakama.

DODATAK II.

Ispitivanje koje provodi ovlaštenu ured za ispitivanje

1. Općenito

- 1.1. Ovlaštenu ured(i) za ispitivanje (u daljnjem tekstu „ured za ispitivanje“) ispituje da li predmeti od plemenitih kovina koji su mu podneseni na označivanje zajedničkom kontrolnom oznakom ispunjavaju uvjete Dodatka I. ove Konvencije.
- 1.2. Ako ured za ispitivanje utvrdi da je predmet cjelovit u pogledu svih njegovih dijelova od kovina te ako je u skladu s odredbama Dodatka I. ove Konvencije, ured za ispitivanje, na zahtjev, označuje predmet svojom oznakom ureda za ispitivanje i zajedničkom kontrolnom oznakom. U slučajevima u kojima je utisnuta zajednička kontrolna oznaka, ured za ispitivanje osigurava, da je predmet, prije nego što bude preuzet, u potpunosti označen u skladu s odredbama iz niže navedenih stavaka.
- 1.3. Ispitivanje predmeta od plemenitih kovina podnesenih na označivanje zajedničkom kontrolnom oznakom sastoji se od sljedeća dva koraka:
 - a) procjene homogenosti serije, i
 - b) određivanja čistoće slitine.

2. Metode analize i metode ispitivanja

- 2.1. Ured za ispitivanje može upotrijebiti bilo koju od metoda ispitivanja procjene homogenosti serije kako je utvrdio Stalni odbor.
- 2.2. Ured za ispitivanje upotrebljava bilo koju od odobrenih metoda analize u određivanja stupnja čistoće predmeta od plemenitih kovina kako je utvrdio Stalni odbor.

3. Uzorkovanje

Broj predmeta izuzetih iz serije i broj uzoraka izuzetih iz tih predmeta za ispitivanje i analizu mora biti dovoljno velik kako bi se utvrdila homogenost serije i osiguralo da su svi dijelovi svih predmeta iz ispitane serije u skladu sa zahtjevanim stupnjevima čistoće. Smjernice za uzorkovanje utvrđuje Stalni odbor.

4. Označivanje

- 4.1. Na predmete koji udovoljavaju zahtjevima iz Dodatka I. utiskuju se minimalno sljedeće oznake:
 - a) registrirani znak proizvođača kako je opisan stavkom 4.4.;
 - b) oznaka ureda za ispitivanje;
 - c) zajednička kontrolna oznaka kako je opisana stavkom 4.5.; i
 - d) odgovarajuća oznaka čistoće izražena arapskim brojkama.

- 4.2. Stalni odbor može odlučiti o izuzecima za oznake iz točke d). Oznake iz točaka b) i c) utiskuje na predmet ured za ispitivanje. Sljedeće su prihvaćene metode označivanja: mehanički i laserski. Stalni odbor može odlučiti o drugim metodama označivanja predmeta
- 4.3. Kad god je to moguće, sve oznake utiskuju se što bliže jedna drugoj. Druge oznake (na primjer godina žigosanja), koje se ne smiju miješati s gore navedenim oznakama, dozvoljene su kao dodatne oznake.
- 4.4. Znak proizvođača iz stavka 4.1. a), registrira se u službenoj evidenciji države ugovornice i/ili jednog od njezinih ureda za ispitivanje, u kojem se predmet koji je u pitanju ispituje.
- 4.5. Zajednička kontrolna oznaka sastoji se od prikaza vage zajedno s bročjanom oznakom izraženom arapskim brojkama, koja označava stupanj čistoće predmeta u tisućitim dijelovima, u reljefu na iscrtanoj pozadini okruženom štitom koji označava vrstu plemenite kovine kako je prikazano u sljedećim primjerima:

Platina	Zlato	Paladij	Srebro

4.6. Stalni odbor utvrđuje odobrene dimenzije zajedničke kontrolne oznake.

4.7. Predmeti koji se sastoje od više od jedne slitine iste plemenite kovine

Kada se predmet sastoji od različitih slitina iste plemenite kovine, označuje se oznakom čistoće i zajedničkom kontrolnom oznakom plemenite kovine najmanjeg stupnja čistoće. Stalni odbor može odlučiti o mogućim izuzecima.

4.8. Predmeti koji se sastoje od dijelova

Ako se predmet sastoji od dijelova koji su spojeni šarkom ili su lako odvojivi, označuju se gore navedenim oznakama na glavnom dijelu. Zajednička kontrolna oznaka utiskuje se i na manje dijelove kada je to moguće.

4.9. Predmeti koji se sastoje od slitina različitih plemenitih kovina

4.9.1. Ako se predmet sastoji od slitina različitih plemenitih kovina i ako su boja i mjera svake slitine jasno uočljivi, označuje se oznakama navedenim u stavcima 4. a), b), c) i d) na jednoj slitini plemenite kovine te odgovarajućom zajedničkom kontrolnom oznakom na drugoj/drugim.

4.9.2. Ako se predmet sastoji od slitina različitih plemenitih kovina i ako boja i mjera svake slitine nisu jasno uočljivi, označuje se oznakama navedenim u stavcima 4. a), b), c) i d) na plemenitoj kovini najnižeg stupnja plemenitosti. Zajednička kontrolna oznaka koja se odnosi na plemenitu kovinu višeg stupnja plemenitosti ne mora se utiskivati.

4.9.3. Stalni odbor odlučuje o izuzecima od gore navedenih pravila zbog opravdanih tehničkih razloga.

* * * * *

CONVENTION ON THE CONTROL AND MARKING OF ARTICLES OF PRECIOUS METALS

PREAMBLE

The Republic of Austria, the Republic of Finland, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Sweden, the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland;

Desiring to facilitate international trade in articles of precious metals while at the same time maintaining consumer protection justified by the particular nature of these articles;

Considering that the international harmonisation of standards and technical regulations and guidelines for methods and procedures for the control and marking of precious metal articles is a valuable contribution to the free movement of such products;

Considering that this harmonisation should be supplemented by mutual recognition of control and marking and desiring therefore to promote and maintain co-operation between their assay offices and concerned authorities;

Having regard to the fact that compulsory hallmarking is not required from the Contracting States to the Convention and that the marking of articles of precious metals with the Convention marks is carried out on a voluntary basis;

Have agreed as follows:

I Scope and Operation

ARTICLE 1

1. Articles controlled and marked by an authorised assay office in accordance with the provisions of this Convention shall not be submitted to further compulsory assaying or marking in an importing Contracting State. This does not prevent an importing Contracting State from carrying out check tests in accordance with Article 6.

2. Nothing in this Convention shall require a Contracting State to allow the importation or sale of articles of precious metals which are not defined in its national legislation or do not comply with its national standards of fineness.

ARTICLE 2

For the purposes of this Convention "articles of precious metals" means articles of platinum, gold, palladium, silver, or alloys thereof, as defined in Annex I.

ARTICLE 3

1. In order to benefit from the provisions of Article 1, articles of precious metals must:
 - (a) be submitted to an authorised assay office appointed in accordance with Article 5;
 - (b) fulfil the technical requirements of this Convention as laid down in Annex I;
 - (c) be controlled in accordance with the rules and procedures - laid down in Annex II;
 - (d) be marked, with the marks as prescribed in Annex II.
2. The benefits of Article 1 shall not be applicable to articles of precious metals which, after being marked as prescribed in Annex II, have had any of these marks altered or obliterated.

ARTICLE 4

The Contracting States shall not be obliged to apply the provisions of paragraph 1 of Article 1 to articles of precious metals which, since being submitted to an authorised assay office, and controlled and marked as prescribed in Article 3, have been altered by addition or in any other manner.

II Control and Sanctions

ARTICLE 5

1. Each Contracting State shall appoint one or more authorised assay offices for the control and marking of articles of precious metals as provided for in Annex II.
2. The authorised assay offices shall satisfy the following conditions:
 - availability of staff and of the necessary means and equipment;
 - technical competence and professional integrity of the staff;
 - in carrying out the requirements of the Convention, the management and technical staff of the authorised assay office must be independent of all circles, grouping or persons with direct or indirect interest in the area concerned;
 - staff must be bound by professional secrecy.
3. Each Contracting State shall notify the depositary of the appointment of such assay offices and of their marks and any withdrawal of this authorisation from any assay office previously appointed. The depositary shall immediately notify all other Contracting States accordingly.

ARTICLE 6

The provisions of this Convention shall not prevent a Contracting State from carrying out check tests on articles of precious metals bearing the marks provided for in this Convention. Such tests shall not be carried out in such a way as to hamper unduly the importation or sale of articles of precious metals marked in conformity with the provisions of this Convention.

ARTICLE 7

The Contracting States hereby empower the depositary to register with the World Intellectual Property Organisation (WIPO), in accordance with the Convention of Paris for the Protection of Industrial Property, the Common Control Mark described in Annex II as a national hallmark of each Contracting State. The depositary shall also do so in the case of a Contracting State in relation to which this Convention enters into force at a later date or in the case of an acceding State.

ARTICLE 8

1. Each Contracting State shall have and maintain legislation prohibiting, subject to penalties, any forgery, unauthorised alteration or misuse of the Common Control Mark or of the marks of the authorised assay offices which have been notified in accordance with paragraph 3 of Article 5, and any unauthorised alteration to the article or alteration or obliteration of the fineness mark or responsibility mark after the Common Control Mark has been applied.
2. Each Contracting State undertakes to institute proceedings under such legislation when sufficient evidence of forgery or misuse of the Common Control Mark or marks of the authorised assay offices, or unauthorised alteration to the article or alteration or obliteration of the fineness mark or responsibility mark after the Common Control Mark has been applied is discovered or brought to its attention by another Contracting State or, where more appropriate, to take other suitable action.

ARTICLE 9

1. If an importing Contracting State or one of its authorised assay offices has reason to believe that an assay office in an exporting Contracting State has affixed the Common Control Mark without having complied with the relevant provisions of this Convention, the assay office by which the articles are purported to have been marked shall be immediately consulted and shall promptly lend all reasonable assistance for the investigation of the case. If no satisfactory settlement is reached, either of the parties may refer the case to the Standing Committee by notifying its Chairman. In such a case the Chairman shall convene a meeting of the Standing Committee.
2. If any matter has been referred to the Standing Committee under paragraph 1, the Standing Committee may, after having given an opportunity for the parties concerned to be heard, make recommendations as to the appropriate action to be taken.

3. If within a reasonable time a recommendation referred to in paragraph 2 has not been complied with, or the Standing Committee has failed to make any recommendation, the importing Contracting State may then introduce such additional surveillance of articles of precious metals marked by that particular assay office and entering its territory, as it considers necessary, including the right temporarily to refuse to accept such articles. Such measures shall immediately be notified to all Contracting States and shall be reviewed from time to time by the Standing Committee.

4. Where there is evidence of repeated and grave misapplication of the Common Control Mark the importing Contracting State may temporarily refuse to accept articles bearing the assay office mark of the assay office concerned whether or not controlled and marked in accordance with this Convention. In such a case the importing Contracting State shall immediately notify all other Contracting States and the Standing Committee shall meet within one month to consider the matter.

III Standing Committee and Amendments

ARTICLE 10

1. A Standing Committee is hereby established on which each Contracting State shall be represented. Each Contracting State shall have one vote.

2. The tasks of the Standing Committee shall be:

to consider and review the operation of this Convention;

to review and, where necessary, propose amendments to the Annexes to this Convention;

to take decisions on technical matters, as provided for in the Annexes;

to promote and maintain technical and administrative co-operation between the Contracting States in matters dealt with by this Convention;

to consider measures for securing uniform interpretation and application of the provisions of this Convention;

to encourage the adequate protection of the marks against forgery and misuse;

to make recommendations in the case of any matter referred to it under the provisions of paragraph 2 of Article 9, or for the settlement of any dispute arising out of the operation of this Convention which is presented to the Standing Committee;

to examine whether the arrangements of a State interested in acceding to this Convention comply with the conditions of the Convention and its Annexes and to make a report in that respect for consideration by the Contracting States.

3. The Standing Committee shall adopt rules of procedure for its meeting including rules for the convening of such meetings. This Committee shall meet at least once a year.

4. In accordance with paragraph 2 above, the Standing Committee shall take decisions on technical matters, as provided for in the Annexes, by unanimous vote.

5. The Standing Committee may make recommendations on any question relating to the implementation of this Convention or make proposals for the amendment of this Convention. Such recommendations or proposals shall be transmitted to the depositary which shall notify all Contracting States.

ARTICLE 11

Amendment to the Convention

1. In the case of a proposal received from the Standing Committee for the amendment of the Articles to the Convention, or in the case of a proposal for amendment of the Convention received from a Contracting State, the depositary shall submit such proposals for acceptance to all Contracting States.

2. If within three months from the date of the submission of a proposal for amendment under paragraph 1 a Contracting State requests that negotiations be opened on the proposal, the depositary shall arrange for such negotiations to be held.

3. Provided it is accepted by all Contracting States, an amendment to this Convention shall enter into force one month after deposit of the last instrument of acceptance unless another date is provided for in the amendment. Instruments of acceptance shall be deposited with the depositary which shall notify all Contracting States.

Amendment to the Annexes

4. In the case of a proposal made by the Standing Committee for amendment of the Annexes to the Convention, the depositary shall notify all Contracting States.

5. The amendment to the Annexes shall come into force six months after the date of notification by the depositary unless an objection has been received from the Government of a Contracting State or unless a later date for its entry into force has been provided for in the amendment.

IV Final Provisions

Accession

ARTICLE 12

1. Any State being a Member of the United Nations or of any of the specialised agencies or of the International Atomic Energy Agency or a Party to the Statute of the International Court of Justice and having arrangements for the assay and marking of articles of precious metals necessary to comply with the requirements of the Convention and its Annexes may, upon invitation of the Contracting States to be transmitted by the depositary, accede to this Convention.

2. The Governments of the Contracting States shall notify their reply to the depositary within four months after receipt of the request by the depositary asking them whether they agree to the invitation. Any Government not replying within that period shall be deemed to have consented to the invitation.
3. The Governments of the Contracting States shall base their decision whether to invite a State to accede primarily on the report referred to in paragraph 2 of Article 10.
4. The invited State may accede to this Convention by depositing an instrument of accession with the depositary which shall notify all other Contracting States. The accession shall become effective three months after deposit of that instrument.

ARTICLE 13

1. The Government of any signatory or acceding State may, when depositing its instrument of ratification or accession, or at any time thereafter, declare in writing to the depositary that this Convention shall apply to all or part of the territories, designated in the declaration, for the external relations of which it is responsible. The depositary shall communicate any such declaration to the Governments of all other Contracting States.
2. If the declaration was made at the time of the deposit of the instrument of ratification or accession this Convention shall enter into force in relation to those territories on the same date as the Convention enters into force in relation to the State having made the declaration. In all other cases the Convention shall enter into force in relation to those territories three months after the declaration has been received by the depositary.
3. The application of this Convention to all or part of such territories may be terminated by the Government of the State having made the declaration referred to in paragraph 1 provided that it gives three months' notice in writing to the depositary which shall notify all other Contracting States.

Withdrawal

ARTICLE 14

Any Contracting State may withdraw from this Convention provided that it gives twelve months' notice in writing to the depositary which shall notify all Contracting States, or on such other terms as may be agreed upon by the Contracting States. Each Contracting State undertakes that, in the event of its withdrawal from the Convention, it will cease after withdrawal to use or apply the Common Control Mark for any purpose.

Ratification

ARTICLE 15

1. This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the depositary which shall notify all other signatory States.
2. This Convention shall enter into force four months after deposit of the fourth instrument of ratification. In relation to any other signatory State depositing subsequently its instrument of ratification this Convention shall enter into force two months after the date of deposit but not before the expiry of the above-mentioned period of four months.

In witness thereof the undersigned, duly authorised thereto, have signed the present Convention.

Done in Vienna this 15th day of November 1972, in a single copy in the English and French languages, both texts being equally authentic, which shall be deposited with the Government of Sweden, by which certified copies shall be transmitted to all other signatory and acceding States.

* * * * *

ANNEXES I AND II TO THE CONVENTION ON THE CONTROL AND MARKING OF ARTICLES OF PRECIOUS METALS

ANNEX I

Definitions and Technical Requirements

1. Definitions

For the purpose of this Convention the following definitions apply:

1.1 Precious metals

Precious metals are platinum, gold, palladium and silver. Platinum is the most precious metal followed by gold, palladium and silver.

1.2 Precious metal alloy

A precious metal alloy is a solid solution containing at least one precious metal.

1.3 Precious metal article

A precious metal article is any item of jewellery, goldsmith's, silversmith's or watchmaker's ware or any other object made entirely or in part from precious metals or their alloys. "In part" means that a precious metal article may contain (i) non-metallic parts (ii) base metal parts for technical reasons or decoration. A precious metal article, which contains base metal parts for decoration, is referred to as "multimetal article".

1.4 Fineness

The fineness is the content of the named precious metals measured in terms of parts per thousand by weight of alloy.

1.5 Standard of fineness

The standard of fineness is the minimum content of the named precious metals measured in terms of parts per thousand by weight of alloy.

1.6 Coating/plating

Coating or plating is one or more layers of:

- (i) precious metal (or precious metal alloy);
- (ii) base metal (or base metal alloy);
- (iii) non-metallic substance;

applied to all, or part, of a precious metal article e.g. by chemical, electrochemical, mechanical or physical process.

1.7 Base metals

Base metals are all metals except platinum, gold, palladium, and silver.

1.8 Other definitions

The Standing Committee may decide on other definitions.

2. Technical requirements

2.1 The Convention does not apply to:

- a) Articles made of alloys of a fineness less than 850 for platinum, 375 for gold, 500 for palladium and 800 for silver;
- b) Any article which is intended to be used for medical, dental, veterinary, scientific or technical purpose;
- c) Legal tender;
- d) Parts or incomplete semi manufactures (e.g. metal parts or surface layer);
- e) Raw materials such as bars, plates, wire and tubes;
- f) Base metal articles coated with precious metal;
- g) Any other object decided by the Standing Committee.

The articles referred to in a) to g) above cannot therefore be marked with the Common Control Mark.

2.2 Standards of fineness applied under the Convention:

for platinum	999, 950, 900, 850
for gold	999, 916, 750, 585, 375
for palladium	999, 950, 500
for silver	999, 925, 830, 800

- 2.2.1 Other standards of fineness may be recognised by the Standing Committee, depending on international developments.

2.3. Tolerance

- 2.3.1 No negative tolerance is permitted in relation to the standard of fineness indicated on the article.
- 2.3.2 Separate rules for special manufacturing techniques are established by the Standing Committee.

2.4 Use of solder

- 2.4.1 Solder may be used only for joining purposes. In principle, the standard of fineness of the solder shall be the same as the standard of fineness of the article.
- 2.4.2 Practical exceptions from this principle and other methods of joining are defined by the Standing Committee.

2.5 Use of base metal parts and non-metallic substances

- 2.5.1 It is permitted to use base metal parts and non-metallic parts in precious metal articles both for technical reasons and for decoration, subject to the following conditions:
 - a) Base metal parts and non- metallic parts shall be clearly distinguishable from the precious metal.
 - b) They shall be neither coated nor treated to give the appearance of a precious metal.
 - c) They shall not be used for the purpose of strengthening, weighting or filling.
 - d) They shall be stamped or engraved "METAL" (or the name of that metal in English).
- 2.5.2 The Standing Committee may decide on further details or exceptions.

2.6 Coating of precious metal articles

- 2.6.1 The Standing Committee decides on permitted coatings.

* * * * *

ANNEX II

Control by the authorised assay office(s)

1. General

- 1.1 The authorised assay office(s) (hereafter referred to as “the assay office”) shall examine whether articles of precious metals which are presented to it in order to be marked with the Common Control Mark fulfil the conditions of Annex I to the Convention.
- 1.2 If an article is found by the assay office to be complete as to all its metallic parts and if it complies with the provisions of Annex I to this Convention, the assay office shall, on request, mark the article with its assay office mark and the Common Control Mark. In cases where the Common Control Mark is applied the assay office shall, before the article leaves its custody, ensure that the article is fully marked in accordance with the provisions of paragraphs below.
- 1.3 The testing of articles of precious metals submitted for marking with the Common Control Mark consists of the two following steps:
 - a) the evaluation of the homogeneity of the batch, and
 - b) the determination of the fineness of the alloy.

2. Methods of analysis and test methods

- 2.1 The assay office may use any of the test methods to evaluate the homogeneity of a batch as defined by the Standing Committee.
- 2.2 The assay office shall use any of the approved methods of analysis in assaying articles of precious metals as defined by the Standing Committee.

3. Sampling

The number of items taken from a batch and the number of samples taken from these items for testing and analysis shall be sufficient to establish the homogeneity of the batch and ensure that all parts of all articles controlled in the batch are up to the required standard of fineness. Sampling guidelines are established by the Standing Committee.

4. Marking

- 4.1 The following minimum marks shall be applied on articles which satisfy the criteria in Annex I:
 - a) a registered responsibility mark as described in paragraph 4.4;

- b) the mark of the assay office;
- c) the Common Control Mark as described in paragraph 4.5; and
- d) the corresponding fineness mark in Arabic numerals.

4.2 The Standing Committee can decide on exceptions for mark d). Marks b) and c) shall be applied on the article by the assay office. The following are accepted methods of marking: punching and laser. The Standing Committee can decide on other methods of marking articles.

4.3 Whenever possible, all marks shall be placed in immediate proximity to each other. Other marks (e.g. year mark), which are not to be confused with the marks mentioned above, are allowed as additional marks.

4.4 The responsibility mark referred to in paragraph 4.1 a), shall be registered in an official register of the Contracting State and/or one of its assay offices, which controls the article in question.

4.5 The Common Control Mark shall consist of the representation of a balance together with the number in Arabic numerals showing the standard of fineness of the article in parts per thousand in relief on a lined background surrounded by a shield indicating the nature of the precious metal as shown in the following examples:

Platinum	Gold	Palladium	Silver

4.6 The approved sizes of the Common Control Mark are defined by the Standing Committee.

4.7 Articles consisting of more than one alloy of the same precious metal

Where an article consists of different alloys of the same precious metal, the fineness mark and the Common Control Mark applied shall be that of the lowest fineness present in the article. Exceptions can be decided on by the Standing Committee.

4.8 Articles consisting of parts

If an article consists of parts which are hinged or readily separable, the above marks shall be applied to the main part. Where practicable the Common Control Mark shall be applied also to the lesser parts.

4.9 Articles consisting of different precious metal alloys

4.9.1 If an article consists of different precious metal alloys, and if the colour and extent of each alloy are clearly visible, the marks referred to in paragraph 4 a), b), c) and d) shall be applied on one precious metal alloy and the appropriate Common Control Mark on the other(s).

4.9.2 If an article consists of different precious metal alloys and if the colour and extent of each alloy is not visible, the marks referred to in paragraph 4 a), b), c) and d) shall be applied on the least precious metal. The Common Control Mark relating to the more precious metals may not be applied.

4.9.3 Exceptions from the rules above justified by technical reasons are decided on by the Standing Committee.

* * * * *

Članak 3.

Provedba ovoga Zakona u djelokrugu je središnjeg tijela državne uprave nadležnog za poslove nadzora predmeta od plemenitih kovina.

Članak 4.

Na dan stupanja na snagu ovoga Zakona, Konvencija i njezini Dodaci iz članka 1. ovoga Zakona nisu na snazi u odnosu na Republiku Hrvatsku te će se podaci o njihovom stupanju na snagu objaviti naknadno sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, broj 28/96).

Članak 5.

Ovaj Zakon stupa na snagu osmoga dana od dana objave u Narodnim novinama.

OBRAZLOŽENJE

Člankom 1. Konačnog prijedloga zakona utvrđuje se da Hrvatski sabor potvrđuje Konvenciju o nadzoru i označivanju predmeta od plemenitih kovina sastavljenu u Beču 15. studenoga 1972. kako je izmijenjena i dopunjena 18. svibnja 1988. i 9. siječnja 2001. te izmjene i dopune Dodataka Konvencije o nadzoru i označivanju predmeta od plemenitih kovina od 23. svibnja 1978., 24. studenog 1988., 25. i 26. svibnja 1998., 15. listopada 2002. i 11. listopada 2010., u pročišćenom tekstu kako ga je dostavila Vlada Kraljevine Švedske u svojstvu depozitara.

U **članku 2.** Konačnog prijedloga zakona sadržan je pročišćeni tekst Konvencije o nadzoru i označivanju predmeta od plemenitih kovina i njezinih Dodataka I. i II., u izvorniku na engleskom jeziku i u prijevodu na hrvatski jezik.

Člankom 3. Konačnog prijedloga zakona propisuje se da je za provedbu ovoga Zakona nadležno središnje tijelo državne uprave nadležno za poslove nadzora predmeta od plemenitih kovina.

Člankom 4. Konačnog prijedloga zakona utvrđuje se da na dan stupanja na snagu ovoga Zakona Konvencija o nadzoru i označivanju predmeta od plemenitih kovina iz članka 1. ovog Zakona nije na snazi u odnosu na Republiku Hrvatsku te da će se podaci o njezinom stupanju na snagu objaviti sukladno odredbi članka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora (Narodne novine, broj 28/96).

Člankom 5. Konačnog prijedloga zakona utvrđuje se stupanje na snagu Zakona.

- PRILOZI:**
- Izvješće o provedenom savjetovanju sa zainteresiranom javnošću
 - Preslika teksta Konvencije u izvorniku na engleskom jeziku

OBRAZAC IZVJEŠĆA O PROVEDENOM SAVJETOVANJU SA ZAINTERESIRANOM JAVNOŠĆU	
Naslov dokumenta	Izješće o provedenom savjetovanju sa zainteresiranom javnošću na Nacrt prijedloga zakona o potvrđivanju konvencije o nadzoru i označivanju predmeta od plemenitih kovina, s Nacrtom konačnog prijedloga zakona
Stvaratelj dokumenta, tijelo koje provodi savjetovanje	Državni zavod za mjeriteljstvo
Svrha dokumenta	Izješćivanje o provedenom savjetovanju s javnošću
Datum dokumenta	3.7.2017.
Verzija dokumenta	Prva
Vrsta dokumenta	Zakon
Naziv nacrtu zakona, drugog propisa ili akta	Nacrt prijedloga zakona o potvrđivanju konvencije o nadzoru i označivanju predmeta od plemenitih kovina, s Nacrtom konačnog prijedloga zakona
Jedinstvena oznaka iz Plana donošenja zakona, drugih propisa i akata objavljenog na internetskim stranicama Vlade	/
Naziv tijela nadležnog za izradu nacrtu	Državni zavod za mjeriteljstvo
Koji su predstavnici zainteresirane javnosti bili uključeni u postupak izrade odnosno u rad stručne radne skupine za izradu nacrtu?	/
Je li nacrt bio objavljen na internetskim stranicama ili na drugi odgovarajući način? Ako jest, kada je nacrt objavljen, na kojoj internetskoj stranici i koliko je vremena ostavljeno za savjetovanje? Ako nije, zašto?	Da. Središnji državni portal e-savjetovanje 5.6.-21.6.2017.
Koji su predstavnici zainteresirane javnosti dostavili svoja očitovanja?	Nije bilo očitovanja predstavnika zainteresirane javnosti.
ANALIZA DOSTAVLJENIH PRIMJEDBI Primjedbe koje su prihvaćene	Nije bilo primjedbi.

Primjedbe koje nisu prihvaćene i obrazloženje razloga za neprihvatanje	
Troškovi provedenog savjetovanja	Nije bilo troškova u provedbi savjetovanja sa zainteresiranom javnošću.

AMENDMENT TO THE TEXT OF
THE CONVENTION ON THE
CONTROL AND MARKING OF
ARTICLES OF PRECIOUS METALS

A proposal by the Standing Committee agreed upon at its 48th meeting
held in Morges (Switzerland) on 13 and 14 December 1999 and amended at its
50th meeting held in Geneva (Switzerland) on 9 January 2001

Consolidated text in English and French

CERTIFIED
TRUE COPY

Tommy Lindber



CONVENTION ON THE CONTROL AND MARKING
OF ARTICLES OF PRECIOUS METALS
(without Annexes)

PREAMBLE

The Republic of Austria, the Republic of Finland, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Sweden, the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland*;

Desiring to facilitate international trade in articles of precious metals while at the same time maintaining consumer protection justified by the particular nature of these articles;

Considering that the international harmonisation of standards and technical regulations and guidelines for methods and procedures for the control and marking of precious metal articles is a valuable contribution to the free movement of such products;

Considering that this harmonisation should be supplemented by mutual recognition of control and marking and desiring therefore to promote and maintain co-operation between their assay offices and concerned authorities;

Having regard to the fact that compulsory hallmarking is not required from the Contracting States to the Convention and that the marking of articles of precious metals with the Convention marks is carried out on a voluntary basis;

Have agreed as follows:

I Scope and Operation

ARTICLE 1

1. Articles controlled and marked by an authorised assay office in accordance with the provisions of this Convention shall not be submitted to further compulsory assaying or marking in an importing Contracting State. This does not prevent an importing Contracting State from carrying out check tests in accordance with Article 6.

2. Nothing in this Convention shall require a Contracting State to allow the importation or sale of articles of precious metals which are not defined in its national legislation or do not comply with its national standards of fineness.

* The following States have acceded to the Convention: Ireland (8.11.1983), Denmark (17.01.1988), Czech Republic (2.11.1994) and the Netherlands (16.07.1999).

ARTICLE 2

For the purposes of this Convention "articles of precious metals" means articles of platinum, gold, palladium, silver, or alloys thereof, as defined in Annex I.

ARTICLE 3

1. In order to benefit from the provisions of Article 1, articles of precious metals must:

- (a) be submitted to an authorised assay office appointed in accordance with Article 5;
- (b) fulfil the technical requirements of this Convention as laid down in Annex I;
- (c) be controlled in accordance with the rules and procedures laid down in Annex II;
- (d) be marked with the marks as prescribed in Annex II.

2. The benefits of Article 1 shall not be applicable to articles of precious metals which, after being marked as prescribed in Annex II, have had any of these marks altered or obliterated.

ARTICLE 4

The Contracting States shall not be obliged to apply the provisions of paragraph 1 of Article 1 to articles of precious metals which, since being submitted to an authorised assay office, and controlled and marked as prescribed in Article 3, have been altered by addition or in any other manner.

II Control and Sanctions

ARTICLE 5

1. Each Contracting State shall appoint one or more authorised assay offices for the control and marking of articles of precious metals as provided for in Annex II.

2. The authorised assay offices shall satisfy the following conditions:
 - availability of staff and of the necessary means and equipment;
 - technical competence and professional integrity of the staff;
 - in carrying out the requirements of the Convention, the management and technical staff of the authorised assay office must be independent of all circles, grouping or persons with direct or indirect interest in the area concerned;
 - staff must be bound by professional secrecy.
3. Each Contracting State shall notify the depositary of the appointment of such assay offices and of their marks and any withdrawal of this authorisation from any assay office previously appointed. The depositary shall immediately notify all other Contracting States accordingly.

ARTICLE 6

The provisions of this Convention shall not prevent a Contracting State from carrying out check tests on articles of precious metals bearing the marks provided for in this Convention. Such tests shall not be carried out in such a way as to hamper unduly the importation or sale of articles of precious metals marked in conformity with the provisions of this Convention.

ARTICLE 7

The Contracting States hereby empower the depositary to register with the World Intellectual Property Organisation (WIPO), in accordance with the Convention of Paris for the Protection of Industrial Property, the Common Control Mark described in Annex II as a national hallmark of each Contracting State. The depositary shall also do so in the case of a Contracting State in relation to which this Convention enters into force at a later date or in the case of an acceding State.

ARTICLE 8

1. Each Contracting State shall have and maintain legislation prohibiting, subject to penalties, any forgery, unauthorised alteration or misuse of the Common Control Mark or of the marks of the authorised assay offices which have been notified in accordance with paragraph 3 of Article 5, and any unauthorised alteration to the article or alteration or obliteration of the fineness mark or responsibility mark after the Common Control Mark has been applied.

2. Each Contracting State undertakes to institute proceedings under such legislation when sufficient evidence of forgery or misuse of the Common Control Mark or marks of the authorised assay offices, or unauthorised alteration to the article or alteration or obliteration of the fineness mark or responsibility mark after the Common Control Mark has been applied is discovered or brought to its attention by another Contracting State or, where more appropriate, to take other suitable action.

ARTICLE 9

1. If an importing Contracting State or one of its authorised assay offices has reason to believe that an assay office in an exporting Contracting State has affixed the Common Control Mark without having complied with the relevant provisions of this Convention, the assay office by which the articles are purported to have been marked shall be immediately consulted and shall promptly lend all reasonable assistance for the investigation of the case. If no satisfactory settlement is reached, either of the parties may refer the case to the Standing Committee by notifying its Chairman. In such a case the Chairman shall convene a meeting of the Standing Committee.

2. If any matter has been referred to the Standing Committee under paragraph 1, the Standing Committee may, after having given an opportunity for the parties concerned to be heard, make recommendations as to the appropriate action to be taken.

3. If within a reasonable time a recommendation referred to in paragraph 2 has not been complied with, or the Standing Committee has failed to make any recommendation, the importing Contracting State may then introduce such additional surveillance of articles of precious metals marked by that particular assay office and entering its territory, as it considers necessary, including the right temporarily to refuse to accept such articles. Such measures shall immediately be notified to all Contracting States and shall be reviewed from time to time by the Standing Committee.

4. Where there is evidence of repeated and grave misapplication of the Common Control Mark the importing Contracting State may temporarily refuse to accept articles bearing the assay office mark of the assay office concerned whether or not controlled and marked in accordance with this Convention. In such a case the importing Contracting State shall immediately notify all other Contracting States and the Standing Committee shall meet within one month to consider the matter.

III Standing Committee and Amendments

ARTICLE 10

1. A Standing Committee is hereby established on which each Contracting State shall be represented. Each Contracting State shall have one vote.
2. The tasks of the Standing Committee shall be:
 - to consider and review the operation of this Convention;
 - to review and, where necessary, propose amendments to the Annexes to this Convention;
 - to take decisions on technical matters, as provided for in the Annexes;
 - to promote and maintain technical and administrative co-operation between the Contracting States in matters dealt with by this Convention;
 - to consider measures for securing uniform interpretation and application of the provisions of this Convention;
 - to encourage the adequate protection of the marks against forgery and misuse;
 - to make recommendations in the case of any matter referred to it under the provisions of paragraph 2 of Article 9, or for the settlement of any dispute arising out of the operation of this Convention which is presented to the Standing Committee;
 - to examine whether the arrangements of a State interested in acceding to this Convention comply with the conditions of the Convention and its Annexes and to make a report in that respect for consideration by the Contracting States.
3. The Standing Committee shall adopt rules of procedure for its meeting including rules for the convening of such meetings. This Committee shall meet at least once a year.
4. In accordance with paragraph 2 above, the Standing Committee shall take decisions on technical matters, as provided for in the Annexes, by unanimous vote.
5. The Standing Committee may make recommendations on any question relating to the implementation of this Convention or make proposals for the amendment of this Convention. Such recommendations or proposals shall be transmitted to the depositary which shall notify all Contracting States.

ARTICLE 11

Amendment to the Convention

1. In the case of a proposal received from the Standing Committee for the amendment of the Articles to the Convention, or in the case of a proposal for amendment of the Convention received from a Contracting State, the depositary shall submit such proposals for acceptance to all Contracting States.
2. If within three months from the date of the submission of a proposal for amendment under paragraph 1 a Contracting State requests that negotiations be opened on the proposal, the depositary shall arrange for such negotiations to be held.
3. Provided it is accepted by all Contracting States, an amendment to this Convention shall enter into force one month after deposit of the last instrument of acceptance unless another date is provided for in the amendment. Instruments of acceptance shall be deposited with the depositary which shall notify all Contracting States.

Amendment to the Annexes

4. In the case of a proposal made by the Standing Committee for amendment of the Annexes to the Convention, the depositary shall notify all Contracting States.
5. The amendment to the Annexes shall come into force six months after the date of notification by the depositary unless an objection has been received from the Government of a Contracting State or unless a later date for its entry into force has been provided for in the amendment.

IV Final Provisions

Accession

ARTICLE 12

1. Any State being a Member of the United Nations or of any of the specialised agencies or of the International Atomic Energy Agency or a Party to the Statute of the International Court of Justice and having arrangements for the assay and marking of articles of precious metals necessary to comply with the requirements of the Convention and its Annexes may, upon invitation of the Contracting States to be transmitted by the depositary, accede to this Convention.

2. The Governments of the Contracting States shall notify their reply to the depositary within four months after receipt of the request by the depositary asking them whether they agree to the invitation. Any Government not replying within that period shall be deemed to have consented to the invitation.

3. The Governments of the Contracting States shall base their decision whether to invite a State to accede primarily on the report referred to in paragraph 2 of Article 10.

4. The invited State may accede to this Convention by depositing an instrument of accession with the depositary which shall notify all other Contracting States. The accession shall become effective three months after deposit of that instrument.

ARTICLE 13

1. The Government of any signatory or acceding State may, when depositing its instrument of ratification or accession, or at any time thereafter, declare in writing to the depositary that this Convention shall apply to all or part of the territories, designated in the declaration, for the external relations of which it is responsible. The depositary shall communicate any such declaration to the Governments of all other Contracting States.

2. If the declaration was made at the time of the deposit of the instrument of ratification or accession this Convention shall enter into force in relation to those territories on the same date as the Convention enters into force in relation to the State having made the declaration. In all other cases the Convention shall enter into force in relation to those territories three months after the declaration has been received by the depositary.

3. The application of this Convention to all or part of such territories may be terminated by the Government of the State having made the declaration referred to in paragraph 1 provided that it gives three months' notice in writing to the depositary which shall notify all other Contracting States.

Withdrawal

ARTICLE 14

Any Contracting State may withdraw from this Convention provided that it gives twelve months' notice in writing to the depositary which shall notify all Contracting States, or on such other terms as may be agreed upon by the Contracting States. Each Contracting State undertakes that, in the event of its withdrawal from the Convention, it will cease after withdrawal to use or apply the Common Control Mark for any purpose.

Ratification

ARTICLE 15

1. This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the depositary which shall notify all other signatory States.

2. This Convention shall enter into force four months after deposit of the fourth instrument of ratification. In relation to any other signatory State depositing subsequently its instrument of ratification this Convention shall enter into force two months after the date of deposit but not before the expiry of the above-mentioned period of four months.

In witness thereof the undersigned, duly authorised thereto, have signed the present Convention.

Done in Vienna this 15th day of November 1972, in a single copy in the English and French languages, both texts being equally authentic, which shall be deposited with the Government of Sweden, by which certified copies shall be transmitted to all other signatory and acceding States.

Here follow the signatures of the representatives of Austria, Finland, Norway, Portugal, Sweden, Switzerland and the United Kingdom.

* * * * *

ANNEXES I AND II
TO THE CONVENTION
ON THE CONTROL
AND MARKING OF
ARTICLES OF
PRECIOUS METALS

Adopted in Vienna on 15 November 1972

Entered into force on 27 June 1975

Amended on

- 23 May 1978 (with entry into force on 14 July 1980)
- 24 November 1988 (with entry into force on 13 December 1989)
- 25 and 26 May 1998 (with entry into force on 10 March 2000)
- 15 October 2002 (with entry into force on 10 August 2004)
- 11 October 2010 (with entry into force, as notified by Depositary)

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Text in English and French

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ANNEXES I ET II
À LA CONVENTION
SUR LE CONTRÔLE ET
LE POINÇONNEMENT
DES OUVRAGES EN
MÉTAUX PRÉCIEUX

Adoptées à Vienne le 15 novembre 1972

Entrées en vigueur le 27 juin 1975

Amendées le

- 23 mai 1978 (avec entrée en vigueur le 14 juillet 1980)
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ANNEX I

Definitions and Technical Requirements

1. Definitions

For the purpose of this Convention the following definitions apply:

1.1 Precious metals

Precious metals are platinum, gold, palladium and silver. Platinum is the most precious metal followed by gold, palladium and silver.

1.2 Precious metal alloy

A precious metal alloy is a solid solution containing at least one precious metal.

1.3 Precious metal article

A precious metal article is any item of jewellery, goldsmith's, silversmith's or watchmaker's ware or any other object made entirely or in part from precious metals or their alloys. "In part" means that a precious metal article may contain (i) non-metallic parts (ii) base metal parts for technical reasons or decoration. A precious metal article, which contains base metal parts for decoration, is referred to as "multimetal article".

1.4 Fineness

The fineness is the content of the named precious metals measured in terms of parts per thousand by weight of alloy.

ANNEXE I

Définitions et exigences techniques

1. Définitions

Aux fins de la présente Convention, on retient les définitions suivantes:

1.1. Métaux précieux

Les métaux précieux sont le platine, l'or, le palladium et l'argent. Le platine est le plus précieux des métaux, suivi par l'or, le palladium et l'argent.

1.2. Alliage de métaux précieux

Un alliage de métaux précieux est une solution solide contenant au moins un métal précieux.

1.3. Ouvrage en métal précieux

Un ouvrage en métal précieux est un article de bijouterie, joaillerie, orfèvrerie ou horlogerie ou tout autre objet fabriqué entièrement ou en partie en métaux précieux ou en alliage de métaux précieux. « En partie » signifie que l'ouvrage en métal précieux peut contenir (i) des parties non-métalliques (ii) des parties en métal commun pour des raisons techniques ou à titre de décoration. Les ouvrages en métal précieux, qui contiennent des parties en métal commun à titre de décoration, sont appelés « ouvrages multimétaux ».

1.4. Titre

Le titre est la proportion du métal précieux désigné, exprimée en millièmes du poids de l'alliage.



1.5 Standard of fineness

The standard of fineness is the minimum content of the named precious metals measured in terms of parts per thousand by weight of alloy.

1.6 Coating/plating

Coating or plating is one or more layers of:

- (i) precious metal (or precious metal alloy);
- (ii) base metal (or base metal alloy);
- (iii) non-metallic substance;

applied to all, or part, of a precious metal article e.g. by chemical, electrochemical, mechanical or physical process.

1.7 Base metals

Base metals are all metals except platinum, gold, palladium, and silver.

1.8 Other definitions

The Standing Committee may decide on other definitions.

2. Technical requirements

2.1 The Convention does not apply to:

- a) Articles made of alloys of a fineness less than 850 for platinum, 375 for gold, 500 for palladium and 800 for silver;
- b) Any article which is intended to be used for medical, dental, veterinary, scientific or technical purpose;
- c) Legal tender;

1.5. Indication de titre

L'indication de titre est la proportion minimale du métal précieux désigné, exprimée en millièmes du poids de l'alliage.

1.6. Revêtement / placage

Un revêtement ou placage consiste en une ou plusieurs couches de :

- (i) métal précieux (ou alliage de métaux précieux) ;
- (ii) métal commun (ou alliage de métaux communs) ;
- (iii) substance non métallique ;

appliquées sur la totalité ou sur une partie d'un objet, par exemple, par un procédé chimique, électrochimique, mécanique ou physique.

1.7. Métaux communs

Le terme « métaux communs » désigne tous les métaux, à l'exception du platine, de l'or, du palladium et de l'argent.

1.8. Autres définitions

D'autres définitions peuvent faire l'objet de décisions par le Comité permanent.

2. Exigences techniques

2.1. La Convention ne s'applique pas:

- a) aux ouvrages en alliage d'un titre inférieur à 850 pour le platine, 375 pour l'or, 500 pour le palladium et 800 pour l'argent;
- b) aux ouvrages destinés à un usage médical, dentaire, vétérinaire, scientifique ou technique;
- c) à la monnaie légale;

- d) Parts or incomplete semi-manufactures (e.g. metal parts or surface layer);
- e) Raw materials such as bars, plates, wire and tubes;
- f) Base metal articles coated with precious metal;
- g) Any other object decided by the Standing Committee.

- d) aux parties ou produits semi-fabriqués incomplets (par ex. parties métalliques ou revêtements de surface);
- e) aux matériaux bruts tels que barres, plaques, fils et tubes;
- f) aux ouvrages en métal commun revêtus de métal précieux;
- g) à tout autre ouvrage faisant l'objet d'une décision du Comité permanent.

The articles referred to in a) to g) above cannot therefore be marked with the Common Control Mark.

Le poinçon commun ne peut par conséquent pas être appliqué sur les ouvrages ou produits mentionnés aux alinéas a) à g) ci-dessus.

2.2 Standards of fineness applied under the Convention *

for platinum	999, 950, 900, 850
for gold	999, 916, 750, 585, 375
for palladium	999, 950, 500
for silver	999, 925, 830, 800

2.2.1 Other standards of fineness may be recognised by the Standing Committee, depending on international developments.

2.3 Tolerance

2.3.1 No negative tolerance is permitted in relation to the standard of fineness indicated on the article.

2.3.2 Separate rules for special manufacturing techniques are established by the Standing Committee.

2.4 Use of solder

2.4.1 Solder may be used only for joining purposes. In principle, the standard of

2.2. Titres légaux admis par la Convention :

Pour le platine	999, 950, 900, 850
Pour l'or	999, 916, 750, 585, 375
Pour le palladium	999, 950, 500
Pour l'argent	999, 925, 830, 800

2.2.1 D'autres titres peuvent être admis par le Comité permanent en fonction de l'évolution internationale.

2.3 Tolérance

2.3.1 Aucune tolérance négative n'est admise quant au titre indiqué sur l'ouvrage.

2.3.2 Des règles spéciales concernant des techniques de fabrication particulières sont établies par le Comité permanent.

2.4 Usage de la soudure

2.4.1 La soudure ne peut être utilisée qu'à des fins d'assemblage. En principe, son titre

* See Article 1, Paragraph 2 of the Convention

* Cf. article 1, paragraphe 2 de la Convention

fineness of the solder shall be the same as the standard of fineness of the article.

doit être le même que celui de l'ouvrage.

2.4.2 Practical exceptions from this principle and other methods of joining are defined by the Standing Committee.

2.4.2 Les exceptions pratiques à ce principe et les autres méthodes d'assemblage sont définies par le Comité permanent.

2.5 Use of base metal parts and non-metallic substances

2.5. Usage de parties en métal commun et de matières non métalliques

2.5.1 It is permitted to use base metal parts and non-metallic parts in precious metal articles both for technical reasons and for decoration, subject to the following conditions:

2.5.1 Il est autorisé d'utiliser des parties en métal commun et des matières non métalliques dans des ouvrages en métaux précieux pour des raisons techniques et à titre de décoration, sous réserve des conditions suivantes:

- a) Base metal parts and non-metallic parts shall be clearly distinguishable from the precious metal.
- b) They shall be neither coated nor treated to give the appearance of a precious metal.
- c) They shall not be used for the purpose of strengthening, weighting or filling.
- d) They shall be stamped or engraved "METAL" (or the name of that metal in English).

- a) Les parties en métal commun ainsi que les matières non métalliques doivent se distinguer facilement du métal précieux.
- b) Elles ne doivent ni être plaquées ni être traitées de façon à ressembler à des métaux précieux.
- c) Elles ne doivent pas être utilisées dans le but de renforcer, d'alourdir ou de remplir un ouvrage.
- d) Elles doivent être marquées ou gravées « METAL » (ou le nom du métal en question en anglais).

2.5.2 The Standing Committee may decide on further details or exceptions.

2.5.2 Le Comité permanent peut décider d'autres prescriptions de détail ou exceptions.

2.6 Coating of precious metal articles

2.6 Placage d'ouvrages en métaux précieux

2.6.1 The Standing Committee decides on permitted coatings.

2.6.1 Le Comité permanent décide des revêtements autorisés.

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ANNEX II

Control by the authorised assay office(s)

1. General

- 1.1 The authorised assay office(s) (hereafter referred to as "the assay office") shall examine whether articles of precious metals which are presented to it in order to be marked with the Common Control Mark fulfil the conditions of Annex I to the Convention.
- 1.2 If an article is found by the assay office to be complete as to all its metallic parts and if it complies with the provisions of Annex I to this Convention, the assay office shall, on request, mark the article with its assay office mark and the Common Control Mark. In cases where the Common Control Mark is applied the assay office shall, before the article leaves its custody, ensure that the article is fully marked in accordance with the provisions of paragraphs below.
- 1.3 The testing of articles of precious metals submitted for marking with the Common Control Mark consists of the two following steps:
- a) the evaluation of the homogeneity of the batch, and
 - b) the determination of the fineness of the alloy.

2. Methods of analysis and test methods

- 2.1 The assay office may use any of the test methods to evaluate the homogeneity of a batch as defined by the Standing Committee.
- 2.2 The assay office shall use any of the approved methods of analysis in

ANNEXE II

Contrôle effectué par le(s) bureau(x) de contrôle des métaux précieux agréé(s)

1. Généralités

- 1.1. Le(s) bureau(x) de contrôle agréé(s) (désigné(s) ci-après par « le bureau de contrôle ») examine(nt) si les ouvrages en métaux précieux qui lui/leur sont présentés aux fins d'être marqués du poinçon commun répondent aux conditions fixées dans l'annexe I de la Convention.
- 1.2. Si le bureau de contrôle constate que l'ouvrage répond aux dispositions de l'annexe I de la Convention, il peut, sur demande, le marquer de son poinçon de contrôle et du poinçon commun. S'il appose le poinçon commun, le bureau de contrôle agréé s'assure, avant de restituer l'ouvrage, que celui-ci est bien marqué conformément aux dispositions des paragraphes ci-dessous.

- 1.3. L'essai d'ouvrages en métaux précieux présentés en vue de l'apposition du poinçon commun implique les deux étapes suivantes:

- a) l'évaluation de l'homogénéité du lot et
- b) la détermination du titre de l'alliage.

2. Méthodes d'analyse et d'examen

- 2.1 Le bureau de contrôle peut appliquer toute méthode d'examen, telle que définie par le Comité permanent, afin d'évaluer l'homogénéité d'un lot.
- 2.2 Le bureau de contrôle recourt à toute méthode d'analyse approuvée, telle que

assaying articles of precious metals as defined by the Standing Committee.

3. Sampling

The number of items taken from a batch and the number of samples taken from these items for testing and analysis shall be sufficient to establish the homogeneity of the batch and ensure that all parts of all articles controlled in the batch are up to the required standard of fineness. Sampling guidelines are established by the Standing Committee.

4. Marking

4.1 The following minimum marks shall be applied on articles which satisfy the criteria in Annex I:

- a) a registered responsibility mark as described in paragraph 4.4;
- b) the mark of the assay office;
- c) the Common Control Mark as described in paragraph 4.5; and
- d) the corresponding fineness mark in Arabic numerals.

4.2 The Standing Committee can decide on exceptions for mark d). Marks b) and c) shall be applied on the article by the assay office. The following are accepted methods of marking: punching and laser. The Standing Committee can decide on other methods of marking articles.

4.3 Whenever possible, all marks shall be placed in immediate proximity to each other. Other marks (e.g. year mark), which are not to be confused with the marks mentioned above, are allowed as additional marks.

définie par le Comité permanent, afin de contrôler les ouvrages en métaux précieux.

3. Echantillonnage

Le nombre d'articles tirés d'un lot et le nombre d'échantillons choisis parmi ces articles aux fins d'essais et d'analyses doivent être suffisants pour prouver l'homogénéité du lot et garantir que toutes les parties de tous les articles contrôlés dans le lot atteignent le titre requis. Le Comité permanent établit des directives relatives à l'échantillonnage.

4. Poinçonnement

4.1 On applique au moins les marques suivantes sur les ouvrages répondant aux critères mentionnés dans l'annexe I:

- a) un poinçon de responsabilité enregistré, conforme à la description donnée au paragraphe 4.4;
- b) le poinçon du bureau de contrôle;
- c) le poinçon commun tel qu'il est décrit au paragraphe 4.5 et
- d) le titre de l'ouvrage en chiffres arabes.

4.2 Le Comité permanent peut décider d'exceptions concernant la marque d). Les marques b) et c) sont appliquées sur l'ouvrage par le bureau de contrôle. Les méthodes de marquage suivantes sont acceptées: insculpation et laser. Le Comité permanent peut décider d'autres procédés de marquage des ouvrages.

4.3 Dans la mesure du possible, tous les poinçons seront apposés à proximité immédiate les uns des autres. Des marques supplémentaires (p.ex. lettre-date annuelle) sont autorisées à titre accessoire pour autant qu'elles ne puissent pas être confondues avec celles qui sont mentionnées ci-dessus.

4.4 The responsibility mark referred to in paragraph 4.1 a), shall be registered in an official register of the Contracting State and/or one of its assay offices, which controls the article in question.

4.4 Le poinçon de responsabilité mentionné au paragraphe 4.1 a) est enregistré au registre officiel de l'Etat contractant ou à l'un de ses bureaux agréés qui contrôlent l'ouvrage en question.

4.5 The Common Control Mark shall consist of the representation of a balance together with the number in Arabic numerals showing the standard of fineness of the article in parts per thousand in relief on a lined background surrounded by a shield indicating the nature of the precious metal as shown in the following examples:

4.5 Le poinçon commun comporte l'image d'une balance et l'indication du titre de l'ouvrage en millièmes exprimée en chiffres arabes, se détachant en relief sur un fond linéaire dans un encadrement indiquant la nature du métal précieux tel qu'indiqué dans les exemples suivants:

Platinum / Platine	Gold / Or	Palladium	Silver / Argent

4.6 The approved sizes of the Common Control Mark are defined by the Standing Committee.

4.6 Les dimensions agréées du poinçon commun sont définies par le Comité permanent.

4.7 Articles consisting of more than one alloy of the same precious metal

Where an article consists of different alloys of the same precious metal, the fineness mark and the Common Control Mark applied shall be that of the lowest fineness present in the article. Exceptions can be decided on by the Standing Committee.

4.8 Articles consisting of parts

If an article consists of parts which are hinged or readily separable, the above marks shall be applied to the main part. Where practicable the Common Control Mark shall be applied also to the lesser parts.

4.9 Articles consisting of different precious metal alloys

4.9.1 If an article consists of different precious metal alloys, and if the colour and extent of each alloy are clearly visible, the marks referred to in paragraph 4 a), b), c) and d) shall be applied on one precious metal alloy and the appropriate Common Control Mark on the other(s).

4.9.2 If an article consists of different precious metal alloys and if the colour and extent of each alloy is not visible, the marks referred to in paragraph 4 a), b), c) and d) shall be applied on the least precious metal. The Common Control Mark relating to the more precious metals may not be applied.

4.9.3 Exceptions from the rules above justified by technical reasons are decided on by the Standing Committee.

4.7. Ouvrages composés de plus d'un alliage du même métal précieux

Lorsqu'un objet est composé de différents alliages du même métal précieux, on indique le titre et applique le poinçon commun correspondant au titre le moins élevé présent dans l'objet. Le Comité permanent peut décider des exceptions.

4.8. Ouvrages composés de différentes parties

Si un objet est composé de parties articulées ou facilement séparables, les poinçons sont apposés sur la partie principale. Chaque fois que c'est possible, le poinçon commun est également apposé sur les parties de moindre dimension.

4.9 Objets composés de différents alliages de métaux précieux

4.9.1 Si un ouvrage est composé de différents alliages de métaux précieux et que la couleur et la part de chaque alliage sont nettement visibles, les marques mentionnées au paragraphe 4 a), b), c) et d) seront apposées sur l'un des métaux précieux et le poinçon commun approprié sur le ou les autres alliages.

4.9.2 Si un ouvrage est composé de différents alliages de métaux précieux et que la couleur et la part de chaque alliage ne sont pas nettement visibles, les marques mentionnées au paragraphe 4 a), b), c) et d) seront celles qui correspondent au métal le moins précieux. Il ne peut être fait usage du poinçon commun s'appliquant aux métaux plus précieux.

4.9.3 Le Comité permanent peut décider de dérogations aux règles énoncées ci-dessus lorsque des raisons d'ordre technique le justifient.

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