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## **Ordinance on the Control of Trade in Precious Metals and Articles of Precious Metals (Precious Metals Control Ordinance, PMCO)<sup>1</sup>**

of 8 May 1934 (Status as of 2 August 2013)

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*The Swiss Federal Council,*

based on Article 59 of the Federal Act of 20 June 1933<sup>2</sup> on the Control of the Trade in Precious Metals and Precious Metal Articles of (hereinafter «the Act»),  
*decrees:*

### **Section 1      Organisation of official bodies**

#### **Art. 1**

I. Federal  
Council

The Federal Council is the supreme body in all matters concerning the control of trade in precious metals and precious metal articles. Specifically, its duties are to:

- a. appoint the officers of the Federal Central Office for Precious Metals Control (hereinafter «the Central Office») in accordance with Article 4 of the Public Officials Regulations I of 24 October 1930<sup>3</sup>;
- b. approve the reports of the Federal Department of Finance<sup>4</sup>;
- c. issue directives to the Federal Department of Finance, where the latter does not make orders independently under the Act;
- d.<sup>5</sup> ...
- e.<sup>6</sup> ...

AS 50 363 and BS 10 147

<sup>1</sup> Amended by No I of the Ordinance of 17 Feb. 1993, in force since 1 April 1993 (AS 1993 984).

<sup>2</sup> SR 941.31

<sup>3</sup> [BS 1 610; AS 1948 367, 1949 I 133 832, II 1730. AS 1952 659 Art. 76 para. 2].  
See today: the Federal Personnel Act of 24 March 2000 (SR 172.220.1).

<sup>4</sup> Name in accordance with Art. 1 of the unpublished Federal Council Decree of 23 April 1980 on the Adaptation of Federal Legislation to the new names of the Departments and Offices. This amendment is taken into account throughout the enactment.

<sup>5</sup> Let. d concerned the now repealed para. 1 and 2 of Art. 54 of the Act.

<sup>6</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

**Art. 2**

II. Department of  
Finance

The Federal Department of Finance is responsible for the direct business management. Specifically, its duties are to:

- a. appraise, submit motions for the attention of the Federal Council and to execute the Decrees of the Federal Council;
- b. supervise the administration of the Central Office;
- c. report to the Federal Council;
- d. decide on the establishment of Federal Assay Offices and determine the contribution fee paid by the business sectors involved towards the establishment and operating costs (Art. 6);
- e. approve the establishment of Assay Offices by cantons, communal authorities or associations (Art. 7);
- f. decide on the dissolution of cantonal and federal Assay Offices (Art. 9);
- g. receive the reports of the Central Office and issue the required directives to this body (Art. 4 let. a);
- h. approve the settlement of fees flowing into the federal coffers (Art. 4 let. n);
- i. select the officers of the Central Office in accordance with Article 4 of the Public Officials Regulations I of 24 October 1930.<sup>7</sup>

**Art. 3**

III. Central  
Office

1. Organisation

The Central Office is affiliated to the Directorate General of Customs. ...<sup>8</sup>

**Art. 4**

2. Duties

The Central Office is responsible for all business matters involved in supervising the trade in precious metals and precious metal articles. Specifically, its duties are to:<sup>9</sup>

- a. submit motions and report to the Federal Department of Finance and execute the instructions of the Department;
- b.<sup>10</sup> supervise the management of the Assay Offices and of sworn trade assayers (Art. 18, 19, 33 and 34); approve the budgets and annual accounts of the Assay Offices (Art. 19 para. 3);

<sup>7</sup> [BS 1 610; AS 1948 367, 1949 I 133 832, II 1730. AS 1952 659 Art. 76 para 2].  
See today: the Federal Personnel Act of 24 March 2000 (SR 172.220.1).

<sup>8</sup> Second sentence repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>9</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

- c.<sup>11</sup> register the responsibility marks (Art. 69-75);
- d.<sup>12</sup> supervise the official controlling and hallmarking of precious metal articles and multi-metal articles (Art. 81-123);
- e.<sup>13</sup> arrange and supervise the diploma examination for sworn assayers and also issue and withdraw diplomas (Art. 22 and 25);
- f. issue and withdraw assayer licences as trade assayers (Art. 29 and 34);
- g.<sup>14</sup> issue and withdraw melter's licences (Art. 165, 166a and 166);
- h. supervise the determinations of the fineness of melt products (Art. 173-178);
- i.<sup>15</sup> register and store documents sent by the Assay Offices, by sworn trade assayers and by holders of melter's licences as well as other correspondence;
- k.<sup>16</sup> procure new official stamps/hallmarks and destroy those which have become unusable<sup>17</sup> (Art. 113 and 114);
- l.<sup>18</sup> supervise the domestic market (Art. 15 para. 2);
- m.<sup>19</sup> rule on appeals against orders of Assay Offices and trade assayers;
- n.<sup>20</sup> keep accounts for the fees flowing into the federal coffers.

#### Art. 5<sup>21</sup>

- 10 Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010** 2219).
- 11 Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).
- 12 Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).
- 13 Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).
- 14 Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010** 2219).
- 15 Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010** 2219).
- 16 Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).
- 17 The terms «stamp» and «hallmark» have the same meaning here.
- 18 Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).
- 19 Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).
- 20 Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).
- 21 Repealed by No. 1 of the Ordinance of 19 June 1995 (AS **1995** 3113).

**Art. 6**

IV. Assay  
Offices  
1. Organisation  
a. Establishment  
aa. Federal  
Assay Offices

<sup>1</sup> Federal Assay Offices shall be established if and when necessary in the country's economic interests, particularly where a cantonal Assay Office does not exist. A federal Assay Office may be established for an area covering several cantons, or parts of various cantons may be included in its sphere of operation. Establishment is effected by a decision of the Federal Department of Finance.

<sup>2</sup> Before establishment, opinions must be sought from the relevant cantonal governments and the business associations involved, which shall also receive precise details of the financial requirements that are made of them in the event of establishment. The Department may request payment of collateral to secure these financial requirements.

<sup>3</sup> The Department shall determine the organisation of the federal Assay Offices. The officers and sworn assayers<sup>22</sup> are employees of the Customs Administration and are subject to its official regulations.

**Art. 7**

bb. Cantonal  
Assay Offices

<sup>1</sup> Cantonal Assay Offices are those established by a canton or by the communes or business associations authorised by a canton to do so. Where a canton authorises a commune or a business association to establish an Assay Office, it has the duty to supervise the general management thereof. The Central Office is solely authorised to supervise the technical activities of the Assay Office and to issue technical directives concerning implementation of the Act and its Ordinances.

<sup>2</sup> Prior to the establishment of an Assay Office, a draft of the Office's organisational by-laws must be presented to the Federal Department of Finance by way of the cantonal government. If the Assay Office is not established by the canton itself, details must be given on the procurement of the working capital required. The canton shall appoint a supervisory board for each Assay Office. A representative of the Central Office must sit on each supervisory board.

<sup>3</sup> The Assay Office may not commence operations until its establishment has been approved by the Federal Department of Finance.

<sup>4</sup> The set-up and operating expenses of cantonal Assay Offices are borne by the establishing canton, communes or associations. The canton shall be liable for any deficit in operating expenses that may occur if the commune or association that set up the Assay Office is not in a position to cover it.

<sup>22</sup> Expression in accordance with No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113). This amendment is taken into account in the entire enactment.

**Art. 8**

b. Staff of Assay Offices

<sup>1</sup> The number and position of officers working at federal Assay Offices shall be determined by the Federal Department of Finance. Specifically, the latter shall appoint the senior staff, in response to the proposal of the Directorate General of Customs, and appoint the official sworn assayers.

<sup>2</sup> Cantonal Assay Offices must have a sufficient number of officers to ensure the prompt execution of the functions of the Office. The Central Office shall determine the required number of sworn assayers.

<sup>3</sup> The sworn assayers working at the Assay Offices, whose duty is to conduct the official assaying and hallmarking of precious metal articles and ascertain the fineness of melt products, must hold a federal diploma as a sworn assayer.

<sup>4</sup> Officers of cantonal Assay Offices are selected as prescribed by the cantons, communes or associations. Such selection requires the approval of the Federal Department of Finance.

<sup>5</sup> The determination of the remuneration of officers of the cantonal Assay Offices is subject to approval by the Federal Department of Finance, as are the rules drawn up by the cantons, communes or associations on the sureties to be paid by the agencies of the Assay Offices they establish.

**Art. 9<sup>23</sup>**

c. Dissolution of Assay Offices

<sup>1</sup> The relevant cantonal government or the business associations concerned must be notified of the intention to close an Assay Office. In the case of a cantonal Assay Office, sufficient notice must be given before dissolution.

<sup>2</sup> Where a cantonal Assay Office is to be closed because the facilities and management no longer meet existing requirements, the canton, or the communes or business associations concerned, must be given sufficient time to remedy the situation.

**Art. 10–13<sup>24</sup>****Art. 14**

2. Duties  
a. Content

<sup>1</sup> The Assay Offices must perform their duties in accordance with the statutory provisions and the directives that they receive from the Central Office.

<sup>23</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>24</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>2</sup> They shall take charge of the official controlling and hallmarking of precious metal articles (Art. 13-17 of the Act) and determination of the fineness of melt material and melt products submitted by private customers (Art. 32 of the Act). Melting on behalf of third parties is only permitted with the special authorisation of the Federal Department of Finance.

<sup>3</sup> In particular cases, the Central Office may entrust the Assay Office with the performance of tests and analyses with regard to violations of the law.

<sup>4</sup> If the Assay Office becomes aware of an offence or violation of its own accord, it must draw up the provisional findings required and then submit the file to the Central Office. The latter shall decide on any further measures to be taken.

#### **Art. 15<sup>25</sup>**

b. Determination of scope of authority

<sup>1</sup> The Central Office shall assign the federal and cantonal Assay Offices a specific geographical scope of operation. In the case of cantonal Assay Offices, the scope of operation shall, as a rule, not extend beyond the boundary of the canton in question.

<sup>2</sup> The Assay Offices verify in the place of domicile of manufacturers, suppliers and dealers in their scope whether the articles governed by the Act satisfy its conditions.

#### **Art. 16**

3. Operations

<sup>1</sup> The Assay Offices shall be assigned suitable premises for their offices and laboratories. They shall also be provided with the required equipment, tools, materials and technical documentation. The Central Office shall issue the directives required in this respect.

<sup>2</sup> The official stamps given to the Assay Offices must always be kept under lock and key, and it must be ensured that they are used only by persons authorised to do so.

<sup>3</sup> The hours during which the offices of the Assay Offices are open shall be determined in agreement with the Central Office and publicised.

<sup>4</sup> The working hours of the officers of cantonal Assay Offices shall be regulated by directive of the Federal Department of Finance.

<sup>25</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

**Art. 17**

4. Official stamps

<sup>1</sup> The Central Office shall provide the Assay Offices with the official stamps required for the hallmarking of precious metal articles (Art. 113 and 114).

<sup>2</sup> Article 30 applies to the appearance of the stamps to confirm the fineness on melt products.

**Art. 18**

5. Controls  
a. Controls and books

<sup>1</sup> The Assay Office shall maintain a business log, which continuously records the arrival of articles to be processed, the processing itself and the return of the articles. Each job is given a control number.

<sup>2</sup> ...<sup>26</sup>

<sup>3</sup> The Assay Office must keep accounts of its income and expenditures.

<sup>4</sup> The official registers, books and forms to be used by the Assay Offices are drawn up by the Central Office and sold to the Assay Offices at cost price.

**Art. 19**

b. Verification

<sup>1</sup> The Assay Offices shall provide the Central Office with a monthly and quarterly summary of the checks they have conducted and their books, using the official form.

<sup>2</sup> The Central Office shall conduct regular checks of the Assay Offices' facilities, controls and books.

<sup>3</sup> Cantonal Assay Offices must submit, before 1 December of each year, a budget for the income and expenses expected for the following year and the procurement of working capital, using the official form (three copies) by way of the appropriate cantonal authority. The budget must be presented to the Central Office for approval. Observations made by the Central Office shall be brought to the attention of the relevant cantonal authority, which shall take charge of remedying the deficiencies identified.

<sup>26</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

**Art. 20**

V. Officially sworn assayers  
 1. Assayer's diploma<sup>27</sup>  
 a. Content

<sup>1</sup> Only holders of the federal diploma may be hired as officially sworn assayers with an Assay Office.

<sup>2</sup> The assayer's diploma shall be issued by the Central Office to candidates who pass the federal assayer's diploma examination<sup>28</sup>, provided that they meet the personal requirements.

**Art. 21<sup>29</sup>**

b. Personal requirements

<sup>1</sup> Candidates for the federal assayer's diploma must be at least 20 years old and be of good standing. Good standing is to be proven by means of an extract from the Swiss Register of Criminal Convictions.<sup>30</sup>

<sup>2</sup> The candidate must have undergone a corresponding training programme with a federal or cantonal Assay Office or trade assayer and must also have attended the centralised courses at the Central Office and the Swiss Federal Institute of Technology. On request, the Central Office may exempt candidates from the central courses where they have already undergone a training programme that is at least equivalent.

<sup>3</sup> The Federal Department of Finance shall regulate the entry conditions for the training programme and issue directives on the content and duration of the training and of the central courses as well as on the examination requirements.

<sup>4</sup> The Central Office shall determine the curriculum and the programmes for the central courses and the examinations.

**Art. 22**

c. Examination  
 aa. Examination board

<sup>1</sup> The federal assayer's diploma examination is administered by a board of three members. This board comprises a senior officer of the Central Office as its Chairman as well as a Professor from the Swiss Federal Institute of Technology and an official sworn assayer. The latter two members of the board are appointed by the Federal Council for a term of three years<sup>31</sup>.

<sup>2</sup> The examination board meets when convened by its Chairman.

<sup>27</sup> Expression in accordance with No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113). This amendment is taken into account in the entire enactment.

<sup>28</sup> Expression in accordance with No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113). This amendment is taken into account in the entire enactment.

<sup>29</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>30</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>31</sup> Today: four years (Art. 14 para. 1 of the Boards Ordinance of 3 June 1996 (SR 172.31))



3 ...<sup>32</sup>

### Art. 23<sup>33</sup>

bb. Examination process 1 The federal assayer's diploma examinations are conducted as required on the order of the Central Office.

2 An application to take the examination must be made in writing to the Central Office. The application fee must be paid at the same time. If the entry conditions are met, the Central Office shall invite the candidate to take the examination.

### Art. 24

cc. Results of the examination 1 The examination board shall decide on the results after completion of the examination and shall notify the Central Office and the candidate thereof.

2 Candidates who have not passed the examination may apply to take it again. After three failed examinations, no further attempts may be made.

### Art. 25

d. Swearing in and awarding of the diploma 1 Based on the recommendation of the examination board, the Central Office shall issue the federal assayer's diploma and swear in the candidate, who shall swear an oath or make a solemn promise to faithfully discharge the official duties of the profession.

2 ...<sup>34</sup>

### Art. 26

2. Duties of the profession 1 The official sworn assayers must perform their duties in accordance with the legal provisions, the associated implementing provisions and the specific instructions for the job.

2 In particular, they may only conduct determinations of the fineness of melt products if the applicable conditions are met in each specific case.

3 They are bound to secrecy concerning all observations made in the course of their work or which are confidential in nature.

4 They must immediately notify the head of the Assay Office of any offences against the provisions of the Act that may come to their attention in the course of their work.

<sup>32</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>33</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>34</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

**Art. 27<sup>35</sup>****Art. 28**

VI. Trade  
assayers

1. Definition of  
their work<sup>36</sup>

<sup>1</sup> Trade assayers are authorised to conduct determinations of the fineness of melt material and melt products on behalf of third parties.<sup>37</sup>

<sup>2</sup> They are not permitted to conduct official controlling or hallmarking of precious metal articles.<sup>38</sup>

<sup>3</sup> For the acquisition of a melter's licence, the provisions of Articles 165-165c apply.<sup>39</sup>

**Art. 29<sup>40</sup>**

2. Operating  
licence

<sup>1</sup> An assayer licence from the Central Office is required to operate as a trade assayer. A company may be issued with an assayer licence as a trade assayer if it employs at least one sworn assayer.

<sup>2</sup> The assayer licence as trade assayer must be applied for in writing from the Central Office.

<sup>3</sup> If the requirements are met, the Central Office shall issue the assayer licence and give notice of this in the Swiss Official Gazette of Commerce.

<sup>4</sup> The Central Office shall maintain a register of the holders of such licences and shall periodically publish its content.

**Art. 30**

3. Marking

<sup>1</sup> The trade assayer must have a mark which he strikes on the melt products assayed by him (Art. 173-176).

<sup>2</sup> The mark shall comprise the holder's name, in full or abbreviated form, framed and accompanied by the word «Assayer». If the trade assayer also holds a melter's licence (Art. 30 para. 1 of the Act), he may register a combined assayer/melter's mark.<sup>41</sup>

<sup>35</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>36</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>37</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>38</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>39</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>40</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>41</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>3</sup> For the registration of an assayer's or assayer/melter's mark, the same provisions apply as for the registration of a responsibility mark as set out in Section 4.<sup>42</sup>

<sup>4</sup> Notice of the approved mark shall be given in the Swiss Official Gazette of Commerce at the same time as the operating licence.

### Art. 31

4. Duties of the profession

<sup>1</sup> In conducting determinations of the fineness, the trade assayer must comply with the provisions of the Act and the Ordinance and the specific directives issued by the Central Office.

<sup>2</sup> If the trade assayer becomes aware of any offences against the Act in the course of his work, he must immediately bring this to the attention of the Central Office. If he suspects that a different offence has been committed, he must file a criminal complaint with the competent police or judicial authority.

### Art. 32<sup>43</sup>

5. ...

### Art. 33<sup>44</sup>

6. Registration

<sup>1</sup> Trade assayers must register the documents and the accounts, results and observations concerning their fineness tests.

<sup>2</sup> These documents must be securely archived for a period of ten years.

### Art. 34

7. Responsibility and supervision

<sup>1</sup> The trade assayer shall be liable for all losses or damage resulting from incorrect or negligent performance of his work. The Confederation shall not be held liable in any case. Claims for damages must be filed with the competent civil courts.

<sup>2</sup> In cases of serious breaches of the duties incumbent on the trade assayer or of proven incompetence, the Central Office may withdraw an operating licence that it has previously issued. Before doing so, it must grant the trade assayer in question an opportunity to make a formal response; this must be submitted in writing with the necessary evidence. Notice of withdrawal shall be given in writing and shall

<sup>42</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>43</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>44</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

specify the reasons therefor. ...<sup>45</sup> Once final, notice of the withdrawal of an operating licence shall be given in the Swiss Official Gazette of Commerce.

<sup>3</sup> The Central Office must inspect trade assayers' business premises, work, register and accounts maintenance and storage of articles.<sup>46</sup>

## **Section 2<sup>47</sup>** **Definitions of Provisions on Article Categories** **and Fineness<sup>48</sup>**

### **Art. 35**

Alloys and  
fineness

<sup>1</sup> A metal alloy within the meaning of Article 3 paragraph 1 of the Act is a solid combination of a precious metal with other metals. Products made of homogeneous mixtures of precious metals with other substances and products manufactured using other methods such as electroforming or powder metallurgy are classified as alloys.

<sup>2</sup> Objects that have a precious-metal or precious-metal-alloy layer produced by electrolysis which is sufficiently thick and resistant to be self-supporting when separated from the substrate are classified as precious metal articles made by electroforming.

<sup>3</sup> For articles made by electroforming, the fineness of the melted object must at least correspond to the applied fineness mark.

### **Art. 35<sup>a</sup><sup>49</sup>**

Waste products

Waste products from the processing of precious metals or their alloys within the meaning of Article 1 paragraph 3 letter b of the Act are defined as:

- a. filings, turnings, cuttings, polishing waste, waste from silvering, gilding, platinisation and palladisation, ashes, refuse, unprocessed and pre-processed pieces no longer in use, waste from ingots, slabs, wire, rondelles, etc., waste from plating manufacture;
- b. precious metal waste stemming from dental technology;

<sup>45</sup> Fourth sentence repealed by No IV 82 of the Ordinance of 22 Aug. 2007 on the formal adjustment of federal law, in force since 1 Jan. 2008 (AS 2007 4477).

<sup>46</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>47</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>48</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>49</sup> Inserted in accordance with No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

- c. precious metal waste and scrap from all other trades and industries.

### **Art. 36**

- Solders
- 1 In principle, solders must consist of the same metal and an alloy of the same fineness as the article itself.
  - 2 The Central Office may permit the use of solders of an alloy with a lower fineness or of another material where this is necessary for technical reasons (Art. 7 para. 2 of the Act).
  - 3 In the case of solders under paragraph 2, a tolerance not exceeding ten parts per thousand is permitted on the fully melted object.

### **Art. 37**

- Filled-in objects
- 1 Precious metal articles and precious metal parts of multi-metal articles must not contain inside any metals or substances that differ from the precious metal of the main mass.
  - 2 The Central Office may provide for exceptions for technical reasons (Art. 7 para. 2 of the Act).

### **Art. 38**

- Watch-cases
- Watch-cases within the meaning of the Act are defined as all surroundings of watch mechanisms. The Central Office shall decide whether and which types of surroundings of watch mechanisms must be classified as watch-cases within the meaning of the Act.

### **Art. 39**

- Coins, medals
- 1 Coins are defined as pieces of metal that have been issued as a means of payment by the entity authorised to mint coins or on its behalf and whose weight, fineness and nominal value are specified by law.
  - 2 Coins that are out of circulation are classified as coins.
  - 3 Medals within the meaning of Annex 2 to the Act are metal collector pieces that resemble coins but have no market value. Small bars designed to be used as jewellery items are classified as medals if they have been manufactured by assayers/melters recognised by the Central Office.

### **Art. 40**

- Mixed articles
- Mixed articles are articles that have been manufactured from different precious metals with a legal standard of fineness.

**Art. 41**

Multi-metal  
articles

The Central Office shall regulate the technical details concerning the requirements for multi-metal articles.

**Art. 42**

Mechanisms  
and other  
components

Precious metal articles may have mechanisms and other components made of other materials if this is necessary for technical reasons. The Central Office shall specify the details.

**Art. 43**

Plated articles

<sup>1</sup> With plated articles, the precious metal layer must be applied by a mechanical, electroplating, chemical or physical method at least on the surface that determines the article's appearance or function.

<sup>2</sup> The precious metal layer must be of the thickness prescribed in Annex 1 to the Act over the entire surface in accordance with paragraph 1, with the exception of those points that cannot be touched by a sphere measuring 5 mm in diameter.

<sup>3</sup> A «coiffe or» within the meaning of Annex 1 to the Act is a gold cap at least 200 microns thick that is inseparably attached to watch-cases and additional parts, specifically watch straps.

<sup>4</sup> The permissible minimum tolerance for the thickness of the precious metal layer is 20 percent.

<sup>5</sup> The mean fineness of the precious metal coating must not fall below the minimum fineness in accordance with Annex 1 to the Act.

<sup>6</sup> The Central Office shall determine the test and measurement method to be used.

**Art. 44**

Surface coatings  
and colour  
combinations

The Central Office issues the required provisions on:

- a. the permissible surface coatings for precious metal articles, multi-metal articles and plated articles;
- b. the colour combinations of metal alloys in the case of mixed articles and multi-metal articles.

## Section 3<sup>50</sup> Fineness Marks, Other Marks and Stamps

### Art. 45

Exceptions

<sup>1</sup> The following items need not be marked:

- a. precious metal articles for scientific or technical use or for medical or dentistry purposes;
- b. articles that are over 50 years old;
- c. musical instruments;
- d. works of art destined for public collections.

<sup>2</sup> Any quality indications on the articles mentioned in paragraph 1 or on the associated advertising material must match the actual composition of the articles.

### Art. 46

Precious metal articles

<sup>1</sup> Precious metal articles must bear the legal standard of fineness in parts per thousand, struck in Arabic numerals.

<sup>2</sup> The fineness mark must be applied in a visible, legible and indelible manner and measure at least 0.5 mm in height.

<sup>3</sup> If an article comprises parts made of different alloys of the same precious metal, the fineness mark must refer to the lowest standard of fineness used. An exception is made for medals and small bars mounted on a stand made of a lower-quality alloy; in this case, a fineness mark is applied to each part correspondingly.

<sup>4</sup> Additional marks, particularly the number of carats in the case of gold alloys or the term «Sterling» for silver articles with a standard of fineness of 0.925, are permissible provided that they correspond to the actual composition of the articles.

<sup>5</sup> Fineness marks on platinum and palladium articles must also show the complete or abbreviated name of the metal in question, such as «Pt» or «Pd».

<sup>6</sup> Fully gilded or gold-plated silver articles must be marked as silver.

### Art. 47

Mixed articles

<sup>1</sup> If the precious metals of a mixed article can be distinguished by their colour, the fineness marks must be applied to each precious metal.

<sup>2</sup> If, for technical or aesthetic reasons, the mark cannot be struck on one part, it may be applied to the other part.

<sup>50</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>3</sup> If the precious metals cannot be distinguished by their colour, only the fineness mark for the lowest-value precious metal may be applied. The order in which precious metals are valued is from silver to palladium, and then from gold to platinum.

<sup>4</sup> The Central Office shall regulate the details.

#### Art. 48

Multi-metal articles

<sup>1</sup> For multi-metal articles, the parts made of precious metal and the parts made of non-precious metal must be marked separately:

- a. with the fineness mark and the responsibility mark on the precious metal parts;
- b. with the type of metal or the word «Metal» on the parts made of base metal.

<sup>2</sup> If, for technical or aesthetic reasons, one part cannot be marked, the mark can be applied to the other part.

<sup>3</sup> The Central Office shall regulate the details.

#### Art. 49<sup>51</sup>

Plated articles

<sup>1</sup> Plated articles may be marked as follows:

- a. with the word «Plaqué», together with the type of production, the following letters being used:
  1. «L» for laminated coating;
  2. «P» for all other types of coating;
  3. «G» for electrolytic plating; and
- b. with a responsibility mark.

<sup>2</sup> The mark under paragraph 2 may be supplemented by the name of the coating metal, the thickness of the layer in micrometres and the word «microns» in full or abbreviated form.

<sup>3</sup> The marks may be struck on an unplated part if, for technical or aesthetic reasons, they cannot be applied on the plated part.

<sup>4</sup> Gold plated watch-cases and accessory parts may be also marked as follows:

- a. with two letters that indicate the type of plating, the following letters being used:
  1. «GR» for laminated coating,
  2. «GP» for all other types of coating,
  3. «GC» for «gold capped» or «coiffe or»;

<sup>51</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).



- b. with digits that specify the thickness of the plating in micrometres, and
- c. with a responsibility mark.

<sup>5</sup> The Central Office shall issue directives on the permissibility of other marks or the marking of partially plated articles.

#### **Art. 50**

Prohibited marks on plated articles and imitations

<sup>1</sup> For plated articles and imitations, the following marks are prohibited:

- a. fineness marks;
- b. marks providing information on the proportion or the weight of the precious metal used;
- c. marks together with the name of precious metals or other information likely to be misleading as to the actual value or the actual composition of the article.

<sup>2</sup> For imitations, information on the layer thickness is also prohibited.

#### **Art. 51**

Tableware and cutlery

Tableware and cutlery may be marked with the silver content. The Central Office shall issue the relevant regulations.

#### **Art. 52<sup>52</sup>**

Supplies and semi-finished products

<sup>1</sup> Loose components (supplies) and incomplete articles or parts (semi-finished products) may be given a fineness mark and a responsibility mark. The person who assembles or completes the product is responsible for ensuring that the mark corresponds to the composition of the articles.

<sup>2</sup> Semi-finished products are products destined for the manufacture of articles such as slabs, wires, tubes, profile sections and pre-processed pieces in a legal standard of fineness.

#### **Art. 53–57**

*Repealed*

<sup>52</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

## Section 4<sup>53</sup> Responsibility Mark

### Art. 58<sup>54</sup>

Responsibility

<sup>1</sup> In applying the responsibility mark or having such a mark applied, the owner of the mark becomes responsible for the correctness of the marks on the objects.

<sup>2</sup> The assayer/melter's mark provided for in Article 30 is permitted as a responsibility mark.

<sup>3</sup> The Assay Offices may apply their mark, as per No. 2 of the Annex, to articles instead of a responsibility mark if:

- a. the articles were made by private individuals who do not have their own responsibility marks;
- b. the articles do not have any responsibility marks, are destined for sale by public auction, and have been submitted by official institutions such as pawn brokers, lost property offices or debt collection offices.

<sup>4</sup> These marks may also be used for the correction of contested articles in the supervision of the domestic market.

### Art. 59

Distinctiveness

<sup>1</sup> The mark must differ from other responsibility marks already registered:

- a. in the combination of letters or digits;
- b. in the type or form of lettering;
- c. by adding, removing or modifying the surrounding shapes;
- d. in the graphical representation.

<sup>2</sup> The difference must be detectable at a magnification of 2.5X.

### Art. 60

Collective responsibility mark

<sup>1</sup> For watch-cases, several manufacturers may use a collective responsibility mark.

<sup>2</sup> They must set out the use of the collective responsibility mark in a regulatory document.

<sup>3</sup> The regulatory document must be approved by the Central Office.

<sup>53</sup> Amended by No I of the Ordinance of 17 Feb. 1993, in force since 1 April 1993 (AS 1993 984).

<sup>54</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

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	<b>Art. 61</b>
Form of the collective responsibility mark	<p>1 The collective responsibility mark shall consist of a specific identifying symbol.</p> <p>2 Each manufacturer shall use a personal control number.</p> <p>3 In the mark itself, the symbol must surround the number.</p>
	<b>Art. 62</b>
Origin of the right to the mark	<p>The right to the mark originates on entry in the register.</p>
	<b>Art. 63</b>
Priority	<p>The right to the mark belongs to the person who was first to submit the reproduction of the responsibility mark to the Central Office.</p>
	<b>Art. 64</b>
Grounds for rejection	<p>The following may not be registered as responsibility marks:</p> <ol style="list-style-type: none"><li>symbols that do not meet the requirements set out in the Act or in the Ordinance;</li><li>symbols that do not sufficiently differ from other symbols already registered;</li><li>symbols that are in the public domain;</li><li>symbols that offend against public order, common decency, federal law or state treaties;</li><li>misleading symbols;</li><li>official Swiss, foreign or international assay marks or hall-marks.</li></ol>
	<b>Art. 65</b>
Application for registration	<p>1 To apply for registration of a mark, the following documents must be submitted to the Central Office:</p> <ol style="list-style-type: none"><li>the registration application;</li><li>a reproduction of the mark.</li></ol> <p>2 For the application, the official forms for this purpose must be used.</p>
	<b>Art. 66</b>
Registration application	<p>1 The registration application for individual marks shall comprise:</p> <ol style="list-style-type: none"><li>the applicant's first and last names or company name;</li></ol>

- b. the place of registration and residence;
- c. the type of business;
- d. the date and the signature of the applicant or a representative.

<sup>2</sup> The registration application for collective responsibility marks shall comprise:

- a. the regulatory document;
- b. the list of the individual manufacturers with the first and last names or company name, personal control number and place of registration and residence;
- c. the date and the signature of the applicant or a representative.

<sup>3</sup> The registration application must be accompanied by:

- a. a extract from the commercial register less than one year old or, if the applicant is not entered in the commercial register, a proof of residence certificate less than one year old;
- b. a power of attorney if the applicant is represented by another party.

#### **Art. 67**

Reproduction of  
the mark

The registration application must be accompanied by:

- a. 10 black and white reproducible images of the mark, whereby the length of the mark image in each direction must be no less than 15 mm and no more than 30 mm;
- b. a small metal sheet with several imprints of the mark.

#### **Art. 68**

Examination of  
the application

<sup>1</sup> The Central Office shall check to ensure that the application meets the requirements for registration.

<sup>2</sup> If there is an error in the application, the Central Office shall grant a deadline for rectification of the fault.

<sup>3</sup> If the error is not rectified by the given deadline, the Central Office shall either issue a further deadline or reject the application.

#### **Art. 69**

Registration

<sup>1</sup> The Central Office shall enter the responsibility mark into the register if:

- a. there are no grounds for objection;
- b. the documents submitted are complete and correct;
- c. the registration fee has been paid.

<sup>2</sup> The Central Office shall issues the owner of the mark with a registration certificate. This serves as a certificate to use the responsibility mark.

#### **Art. 70**

Extension of registration

<sup>1</sup> The registration period may be extended for a further 20 years in return for payment of a fee before expiry of the current period of validity.

<sup>2</sup> The Central Office shall send the owner of the mark or his representative a written reminder in advance that the period of validity is about to expire.

#### **Art. 71**

Obligation to notify and automatic instigation of an investigation

<sup>1</sup> The owner of the mark must notify the Central Office of any changes concerning entries in the register.

<sup>2</sup> If the Central Office learns that a change has not been reported, it shall set the owner of the mark a deadline for reporting the change. If the deadline passes without a result, the Central Office shall conduct the necessary investigations ex officio.

#### **Art. 72**

Modifications and deletions

<sup>1</sup> The Central Office shall enter modifications and delete entries in the register.

<sup>2</sup> The Central Office shall grant the owner of the mark an opportunity to make a formal statement before modifying entries in the register on the basis of investigations automatically instigated.

<sup>3</sup> Changes made to the register are subject to a fee.

#### **Art. 73**

Register of responsibility marks

<sup>1</sup> The Central Office maintains a register of the responsibility marks.

<sup>2</sup> This register shall contain the following information:

- a. the owner's first and last names or company name as well as their place of registration and residence;
- b. the type of business;
- c. the control number;
- d. the reproduction of the mark.
- e. the submission date;
- f. the registration date;
- g. modifications and deletions.

<sup>3</sup> The register of responsibility marks shall be open to the public.

<sup>4</sup> The Assay Offices shall keep a copy of the register.

#### **Art. 74**

Archiving of files

<sup>1</sup> The Central Office shall maintain a dossier with all documents concerning the marks.

<sup>2</sup> It keeps the files from applications for a period of five years following deletion of the entry.

<sup>3</sup> It keeps the files from applications not resulting in registration for a period of five years.

#### **Art. 75**

Publication

<sup>1</sup> Notice shall be given of each registered responsibility mark in the Swiss Official Gazette of Commerce.

<sup>2</sup> The notice shall include the control number, a reproduction of the mark, the owner's details and the date of registration.

<sup>3</sup> In the case of collective responsibility marks, the numbers of the individual participants shall also be published.

<sup>4</sup> Modifications and deletions shall also be published.

#### **Art. 76-80**

*Repealed*

### **Section 5 Official Controlling and Hallmarking**

#### **Art. 81**

I. Purpose of the official assay

<sup>1</sup> The official control serves to ascertain whether precious metal articles and multi-metal articles have the legal standards of fineness and meet the other material requirements and whether they bear the prescribed marks and stamps.<sup>55</sup>

<sup>2</sup> If the legal requirements have been met, this is certified by stamping the official hallmark.

<sup>55</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

**Art. 82**

II. The official assay  
1. Mandatory

<sup>1</sup> Watch-cases made of precious metal may not be placed on the market before undergoing official controlling and hallmarking.<sup>56</sup> This provision also applies to watch-cases that are destined for export and have a standard of fineness required under the legislation of the destination country.

<sup>2</sup> Watch-cases are deemed to be placed on the market as soon as they have left the manufacturing plant of the case manufacturer.

<sup>3</sup> In accordance with Article 13 paragraph 1 of the Act, the case manufacturer must apply for the official control to the Assay Office of its business area.

<sup>4</sup> For watch-cases in an unworked or finished condition that are to be sent directly to states that require the mandatory controlling of watch-cases, the official hallmarking may be dispensed with, subject to the provisions of Article 138. Based on the foreign statutory provisions, the Central Office shall stipulate the cases in which the aforesaid precondition applies and bring this to the attention of interested parties with appropriate presentation of guidelines with periodic updates. These guidelines shall also be forwarded to the customs offices responsible for export clearance.<sup>57</sup>

**Art. 83**<sup>58</sup>

2. Hallmarking of multi-metal articles

Only those multi-metal articles bearing a fineness mark and a responsibility mark on their precious metal parts may be given the official hallmark.

**Art. 84**<sup>59</sup>

III. Control procedure  
1. Introduction  
a. Request

The request for official hallmarking shall include a precise list of the articles submitted.

**Art. 85**

b. Enclosure of the article

<sup>1</sup> The article to be controlled, in a clean condition, shall be enclosed with the request.

<sup>56</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>57</sup> Amended by Annex 4 Number 62 of the Customs Ordinance of 1 Nov. 2006, in force since 1 May 2007 (SR **631.01**).

<sup>58</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>59</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>2</sup> If the consignment contains articles of different types, these must be arranged for testing by type and by fineness.

<sup>3</sup> Watch-cases must be presented open for official hallmarking.<sup>60</sup>

<sup>4</sup> The articles must be presented in full for official hallmarking. If only parts of an article are officially hallmarked, the applicant shall sign to accept liability that the finished objects meet the statutory requirements.<sup>61</sup>

<sup>5</sup> If possible, the articles are presented in a manufacturing stage at which the risks of damage are kept to a minimum. They must be sufficiently along the manufacturing process that no changes may be made to either the stamped hallmark or the article itself in the finishing stages.<sup>62</sup>

**Art. 86**<sup>63</sup>

**Art. 87**<sup>64</sup>

2. Formal verification

<sup>1</sup> The Assay Office shall check to ensure that the articles presented correspond to the details in the application and their marking complies with the provisions.

<sup>2</sup> If so, the request is registered.

<sup>3</sup> If the articles do not correspond to the details of the request or if they are not correctly marked, the Assay Office shall refuse to carry out the official hallmarking.

**Art. 88–90**<sup>65</sup>

**Art. 91**<sup>66</sup>

3. Material verification

<sup>1</sup> The determination of the fineness covers all parts of the article.

<sup>2</sup> The Central Office shall decide on the testing methods to be used.

<sup>60</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>61</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>62</sup> Inserted in accordance with No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>63</sup> Repealed by No. 1 of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>64</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>65</sup> Repealed by No. 1 of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>66</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).



**Art. 92**<sup>67</sup>

a. Determination  
of the fineness

**Art. 93**<sup>68</sup>

b. Method of  
sampling

For the analytical sample, the required amount of material is either scraped or cut from the articles. The sample is taken from clean material, without any surface coating, solder, residue or any other substances.

**Art. 94**<sup>69</sup>**Art. 95**

c. Return of  
material<sup>70</sup>

<sup>1</sup> The cornets and the beads remaining in the pan as well as all other waste products from the sampling process must be returned with the tested articles.

<sup>2</sup> Where the samples have been taken correctly, no compensation shall be payable for any loss in weight.

**Art. 96**

d. Touchstone  
testing<sup>71</sup>

<sup>1</sup> Objects with fragile ornamentation, jewellery work, enamel or decorations for which the removal of a sufficient amount of metal for analytical testing is not advisable may be tested using a touchstone.

<sup>2</sup> Watch-cases and other precious metal articles for which touchstone testing does not produce a conclusive result shall undergo analytical testing.

**Art. 97**<sup>72</sup>

e. Certified  
material

A written agreement may be made with the manufacturer on the conformity assessment of certified material.

<sup>67</sup> Repealed by No. 1 of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>68</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>69</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>70</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>71</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>72</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113). Amended by Art. 21 of the Ordinance of 17 Aug. 2005 on the fees for precious metal control (SR 941.319).

**Art. 98**IV. Objection procedure  
1. Principle

<sup>1</sup> If the article submitted for verification does not satisfy the statutory minimum fineness or if the fineness mark stamped on the article does not match the actual fineness, the official hallmarking shall be deferred and an objection raised. The same shall apply where an objection is raised to a responsibility mark.

<sup>2</sup> The applicant shall receive provisional notification of this measure.

<sup>3</sup> If the objection concerns only individual pieces of the articles submitted, official hallmarking shall proceed for the remaining pieces.

**Art. 99**<sup>73</sup>

## 2. Report to Central Office

<sup>1</sup> The Assay Office shall send the Central Office a report on the reason for and extent of the objection.

<sup>2</sup> The Central Office shall determine the circumstances in which the Assay Office must also send it the contested articles.

**Art. 100**3. Procedure of the Central Office in the case of an objection to the fineness  
a. Ordering of a second opinion

<sup>1</sup> The Central Office shall order the verification of the articles submitted to it in a second opinion (Art. 17 para. 1 of the Act).

<sup>2</sup> The second-opinion test shall be conducted by the agencies of the Central Office or, exceptionally, by another Assay Office.<sup>74</sup>

**Art. 101**<sup>75</sup>

## b. Type of verification

<sup>1</sup> For the second opinion, Article 93 and 95 are applicable.

<sup>2</sup> The Central Office shall decide on the methods of analysis to be used.

**Art. 102**

## c. Article found to comply

<sup>1</sup> If the second opinion determines that the article is of the legally prescribed fineness or that the mark affixed to the article corresponds to the legal fineness of the article, the Central Office shall order its hallmarking.

<sup>73</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>74</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>75</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>2</sup> The article shall be returned to the Assay Office, which must proceed with the hallmarking without any further testing.

<sup>3</sup> ...<sup>76</sup>

### Art. 103

d. Confirmation of an offence

<sup>1</sup> If the objection by the Assay Office turns out to be justified and if an offence has been committed in accordance with Article 44 of the Act, the Central Office shall seize the article and file a criminal complaint.

<sup>2</sup> The applicant shall be notified of these measures in writing.

### Art. 104

e. Justification of the objection without an offence being committed  
aa. Procedure

<sup>1</sup> If there is no indication that an offence has been committed, despite the objection to the article being justified, the Central Office shall order the refusal of the official hallmarking. At the same time, it shall arrange for the necessary measures to be taken to prevent the disputed articles from being placed on the market.

<sup>2</sup> The applicant shall be notified of these orders and arrangements in writing.

### Art. 105

bb. Safeguarding measures

<sup>1</sup> As a rule, the contested articles must be made unusable. If the objection concerns only individual parts, only these are made unusable.

<sup>2</sup> The objects that have been made unusable are returned to the applicant.<sup>77</sup>

<sup>3</sup> This provision has effect subject to the provision on the responsibility of the officers and sworn assayers in the case of unjustified destruction of articles.

### Art. 106

4. Procedure of the Central Office in the case of an objection to the responsibility mark

<sup>1</sup> If an objection is raised to the responsibility mark, the Central Office shall conduct an investigation.

<sup>2</sup> If the objection is found to be justified and if an offence has been committed in accordance with Article 47 of the Act, the article shall be seized and a criminal complaint filed.

<sup>3</sup> If it cannot be assumed that an offence has been committed, despite the objection to the responsibility mark, the Central Office shall impose a fixed penalty on the applicant and order him to affix the correct

<sup>76</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>77</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

responsibility mark. The article shall be returned to the applicant unstamped for this purpose.

### **Art. 107<sup>78</sup>**

#### 5. Expenses

<sup>1</sup> In the case of a justified objection, the applicant must pay the testing fee and expenses incurred.

<sup>2</sup> The Central Office's testing fees and expenses shall be collected by the Assay Office along with its own charges.

### **Art. 108<sup>79</sup>**

#### V. Stamping 1. Procedure

<sup>1</sup> If the result of the control does not raise any objection, or if any such objection is found to be unjustified by the second opinion, the Assay Office must proceed with the hallmarking.

<sup>2</sup> This is performed by stamping the official hallmark in accordance with the following provisions.

<sup>3</sup> If the article's size or shape poses difficulties for affixing the hallmark, the Assay Office must seek further instructions from the Central Office.

### **Art. 109**

#### 2. Hallmark a. Type

<sup>1</sup> The appearance and size of the official hallmarks are specified in Number 1 of the Annex.

<sup>2</sup> The Assay Offices' distinctive symbols are specified in Number 3 of the Annex.

### **Art. 110–112<sup>80</sup>**

### **Art. 113**

#### b. Delivery of the official hallmark<sup>81</sup>

<sup>1</sup> The official hallmarks shall be procured by the Central Office and delivered to the Assay Offices. The cantonal Assay Offices shall pay the cost price.<sup>82</sup>

<sup>2</sup> The original hallmarks and dies used to apply the hallmark shall be stored under lock and key by the Central Office.

<sup>78</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>79</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>80</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>81</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>82</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>3</sup> The Central Office shall conduct a manufacturing check and verifies the hallmarks given to each Assay Office.

**Art. 114**<sup>83</sup>

c. Storage of the hallmarks at the Assay Office and replacement

<sup>1</sup> The Assay Offices shall store the hallmarks in a safe place under lock and key.

<sup>2</sup> Damaged hallmarks must be returned to the Central Office for destruction. The Central Office shall provide a replacement. Hallmarks that no longer produce a perfect imprint may be withdrawn.

**Art. 115**

d. Periodic inspection of the hallmarks at the Assay Offices

<sup>1</sup> The Central Office must arrange for an inventory and inspection of the Assay Offices' hallmarks to be carried out periodically. The manner in which the hallmarks are stored and used shall also be inspected.

<sup>2</sup> ...<sup>84</sup>

**Art. 116**<sup>85</sup>

**Art. 117**<sup>86</sup>

3. Application of the hallmarks onto objects

<sup>1</sup> The Assay Office shall affix the official hallmark as close as possible to the fineness mark and the responsibility mark.

<sup>2</sup> At least one official hallmark must be visible on the exterior of the stamped object. The Central Office may designate the position at which the official hallmark has to be applied.

<sup>3</sup> If, for a watch-case, all marks are applied on the inside, at least a fineness mark must be visible on the exterior.

**Art. 117a**<sup>87</sup>

4. Agreement

<sup>1</sup> A written agreement may be made with the manufacturer whereby the latter may have the hallmark affixed at its place of business with its own infrastructure by itself or its own staff.

<sup>2</sup> The hallmarking shall be carried out under the supervision of the Assay Office.

<sup>83</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>84</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>85</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>86</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>87</sup> Inserted in accordance with Art. 21 of the Ordinance of 17. Aug. 2005 on the fees for precious metal control (SR 941.319).

**Art. 118<sup>88</sup>**

VI. Procedure  
for returning the  
article

After hallmarking, the Assay Office shall return the article to the applicant in return for payment of the fees and expenses.

**Art. 119–120<sup>89</sup>****Art. 121<sup>90</sup>**

VII. Renewal of  
hallmarks  
1. When  
replacing  
individual parts  
of the hall-  
marked article

<sup>1</sup> If individual parts of the article on which the Assay Office has applied its mark are subsequently to be replaced, an application must be made for a new controlling and hallmarking procedure.

<sup>2</sup> The replaced pieces must be presented to the Assay Office for removal of the hallmark.

<sup>3</sup> To renew the hallmark, the fee charged is half of the fee for a new stamp. If pieces are replaced as a result of a manufacturing error, and evidence to this effect exists, the hallmark shall be applied free of charge.

<sup>4</sup> The Central Office shall regulate the hallmarking of unmachined parts of precious metal articles and multi-metal articles and the procedure for subsequent submission of additional parts or finished articles for official hallmarking.

**Art. 122**

2. Replacement  
of a damaged  
hallmark

<sup>1</sup> If stamped hallmarks are removed or damaged in the finishing and polishing process, a new hallmark must be obtained from the same Assay Office that applied the original one.

<sup>2</sup> If the new pieces to be hallmarked can be proven to correspond to those that were previously stamped, the new hallmark shall be applied without any further testing of the article. If this cannot be proven, the article shall be controlled once again.

<sup>3</sup> The provisions of Article 84-120 apply correspondingly.

<sup>4</sup> No fee shall be charged for a new hallmark if the article is not controlled.

<sup>88</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>89</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>90</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

**Art. 123<sup>91</sup>**VIII. Retention  
of documents

The Assay Office shall retain all documents concerning the official controlling and hallmarking for a period of five years. These shall be given the control number of the job in question.

**Art. 124–125<sup>92</sup>****Section 6 Import, Export and Transit****Art. 126<sup>93</sup>**I. Import  
1. Permissibility

<sup>1</sup> Precious metal articles, multi-metal articles, plated articles and imitations manufactured abroad may be placed on the market in Switzerland only if they comply with the provisions of the Act.

<sup>2</sup> Watch-cases of precious metals and finished watches with such cases may not be placed on the market in Switzerland until they have been officially controlled and hallmarked.

<sup>3</sup> This provision has effect subject to the following state treaties:

- a. Convention of 15 November 1972<sup>94</sup> on the Control and Marking of Articles of Precious Metals;
- b. Agreement of 14 February 1972<sup>95</sup> between the Swiss Confederation and the Republic of Austria on the reciprocal recognition of official hallmarks on watch-cases of precious metals;
- c. Exchange of Letters of 30 October 1935<sup>96</sup> between Switzerland and Spain on the hallmarking of precious metals;
- d. Agreement of 2 June 1987<sup>97</sup> between the Swiss Federal Council and the Government of the Republic of France on the reciprocal recognition of official hallmarks on precious metal articles;
- e. Agreement of 15 January 1970<sup>98</sup> between the Swiss Confederation and the Republic of Italy on the reciprocal recognition of stamps on precious metal articles.

<sup>91</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>92</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>93</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>94</sup> SR 0.941.31

<sup>95</sup> SR 0.941.316.3

<sup>96</sup> SR 0.941.333.2

<sup>97</sup> SR 0.941.334.91

<sup>98</sup> SR 0.941.345.4

f.<sup>99</sup> Agreement of 14 December 2011<sup>100</sup> between the Swiss Federal Council and the Government of the Russian Federation on the reciprocal recognition of official hallmarks on watch industry products made of precious metals.

**Art. 127**<sup>101</sup>

**Art. 128**<sup>102</sup>

2. Exceptions Even if they do not meet the provisions of the Act, the following articles are permitted for import:
- a. articles for the diplomatic corps;
  - b. personal property transferred when moving residence and acquired by inheritance;
  - c. personal effects;
  - d. gifts, souvenirs, etc., addressed to private individuals by private individuals or sent on behalf of private individuals;
  - e.<sup>103</sup> articles imported as part of the tourist trade, destined exclusively for the personal use of the importer or as a gift;
  - f. awards obtained abroad;
  - g. staff loyalty gifts from firms.

**Art. 129**<sup>104</sup>

3. Procedure  
a. Clearance offices The Directorate General of Customs shall decide on the customs offices through which articles governed by the Act may be imported.

**Art. 130**<sup>105</sup>

- b. Import declaration <sup>1</sup> Articles governed by the Act must be declared on import and reported to the relevant Assay Office.

<sup>99</sup> Inserted by No I of the Ordinance of 2 Nov. 2011, in force since 2 Aug. 2013 (AS 2013 2345).

<sup>100</sup> SR 0.941.366.5

<sup>101</sup> Repealed by No. 1 of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>102</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>103</sup> Amended by Annex 4 No. 62 of the Customs Ordinance of 1 Nov. 2006, in force since 1 May 2007 (SR 631.01).

<sup>104</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>105</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).



<sup>2</sup> Watch-cases and watches requiring official hallmarking must be presented to the relevant Assay Office, together with a hallmark request.

**Art. 131**<sup>106</sup>

c. Clearance

<sup>1</sup> The Assay Offices may conduct the necessary analytical tests when controlling articles on import. Articles 43 paragraph 6 and 91-96 are applicable.

<sup>2</sup> If an offence is established in the course of such testing, the article shall be seized and forwarded to the Central Office for the filing of a criminal complaint.

<sup>3</sup> If the articles do not comply with the provisions but no offence has been committed, they shall be returned on payment of the expenses incurred in the objection procedure.

<sup>4</sup> Articles that comply with the provisions shall be released immediately and free of charge for forwarding to the recipient.

**Art. 132–133**<sup>107</sup>

**Art. 134**<sup>108</sup>

4. Temporary import

Samples of articles imported temporarily within the meaning of Article 20 paragraph 5 of the Act are not required to comply with the legal provisions. A deposit may be payable as collateral to ensure that they are subsequently exported or brought into order.

**Art. 135**<sup>109</sup>

II. Export  
1. Marking the article

<sup>1</sup> Articles destined for export may only be given the marks that are prescribed or customary in the destination country if their composition actually matches such marks.

<sup>2</sup> To confirm fineness marks that comply with the provisions of the destination country (Art. 21 para. 3 of the Act), the official hallmark as per Number 1 of the Annex is used.

<sup>106</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>107</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS **1995** 3113).

<sup>108</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>109</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

**Art. 136**<sup>110</sup>

2. Procedure  
a. Customs  
offices

The Directorate General of Customs shall decide which customs offices are to be used for exporting the articles governed by the Act.

**Art. 137**<sup>111</sup>

b. Export  
declaration

The articles governed by the Act must be declared on export and reported to the relevant Assay Office.

**Art. 138**<sup>112</sup>

c. Export of  
unstamped  
watch-cases

<sup>1</sup> Watch-cases that are sent abroad temporarily in accordance with Article 82 paragraph 4 for assaying and hallmarking are cleared with a free-pass certificate.

<sup>2</sup> A deposit may be payable as collateral to ensure that the articles are re-imported.

**Art. 139**<sup>113</sup>

d. Clearance

Article 131 applies to the export control of articles governed by the Act.

**Art. 140**

III. Transit  
1. Applicability  
of the legal  
provisions  
concerning  
import

1 ...<sup>114</sup>

<sup>2</sup> Articles imported from abroad that are not placed on the open market in Switzerland and have been held under customs supervision, but which are to be forwarded unassessed to another country with Swiss transport papers, may only be released for export if they meet the applicable requirements (Art. 126-128) for import into Switzerland (Art. 22 para. 2 of the Act).<sup>115</sup>

<sup>3</sup> To determine their existence, the procedure provided for in Art. 129-132 applies correspondingly.

<sup>110</sup> Amended by Annex 4 No. 62 of the Customs Ordinance of 1 Nov. 2006, in force since 1 May 2007 (SR **631.01**).

<sup>111</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>112</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>113</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>114</sup> Repealed by No I of the Ordinance of 17 Feb. 1993 (AS **1993** 984).

<sup>115</sup> Amended by Annex 4 No. 62 of the Customs Ordinance of 1 Nov. 2006, in force since 1 May 2007 (SR **631.01**).

**Art. 141**

2. Treatment of  
articles in  
storage

<sup>1</sup> If articles imported from abroad are stored in a open customs warehouse or in a bonded warehouse, the fineness marks, responsibility marks and stamps required for export in accordance with Article 6-9 of the Act may be applied, or an official assaying and hallmarking be arranged, while in storage.<sup>116</sup>

<sup>2</sup> The provisions of Art. 129-132 apply correspondingly.

**Section 7 ...**

**Art. 142–144**<sup>117</sup>

**Art. 144a** and **144b**<sup>118</sup>

**Art. 145** and **146**<sup>119</sup>

**Art. 147**<sup>120</sup>

**Art. 148–152**<sup>121</sup>

**Art. 153**<sup>122</sup>

**Art. 154–161**<sup>123</sup>

**Art. 162–163**<sup>124</sup>

<sup>116</sup> Amended by Annex 4 No. 62 of the Customs Ordinance of 1 Nov. 2006, in force since 1 May 2007 (SR **631.01**).

<sup>117</sup> Repealed by No I of the Ordinance of 26 May 2010, with effect from 1 July 2010 (AS **2010** 2219).

<sup>118</sup> Inserted by No I of the Ordinance of 19 June 1995 (AS **1995** 3113). Repealed by No I of the Ordinance of 26 May, with effect from 1 July 2010 (AS **2010** 2219).

<sup>119</sup> Repealed by No I of the Ordinance of 26 May 2010, with effect from 1 July 2010 (AS **2010** 2219).

<sup>120</sup> Repealed No I of the Ordinance of 19 June 1995 (AS **1995** 3113).

<sup>121</sup> Repealed by No I of the Ordinance of 26 May 2010, with effect from 1 July 2010 (AS **2010** 2219).

<sup>122</sup> Repealed No I of the Ordinance of 19 June 1995 (AS **1995** 3113).

<sup>123</sup> Repealed by No I of the Ordinance of 26 May 2010, with effect from 1 July 2010 (AS **2010** 2219).

<sup>124</sup> Repealed No I of the Ordinance of 19 June 1995 (AS **1995** 3113).

## Section 8      Manufacture of Melt Products

### Art. 164<sup>125</sup>

I. Definition of commercial activity

<sup>1</sup> The manufacture of melt products for the purpose of reselling or on behalf of third parties in return for payment is deemed commercial.

<sup>2</sup> The manufacture of melt products for one's own use is not deemed commercial.

### Art. 165<sup>126</sup>

II. Melter's licence  
1. Application

<sup>1</sup> A melter's licence must be applied for in writing from the Central Office.

### Art. 165a<sup>127</sup>

2. Personal requirement

Good standing in accordance with Article 25 paragraphs 2 and 3 of the Act must be proven by means of an extract from the Swiss Register of Criminal Convictions.

### Art. 165b<sup>128</sup>

3. Supporting documents

<sup>1</sup> Individuals must enclose the following with their applications:

- a. an attestation of place of residence, issued by the communal authorities;
- b. an extract from their entry in the Swiss Commercial Register;
- c. an extract from the Swiss Register of Criminal Convictions.
- d. an attestation from the relevant communal or cantonal authorities showing that the facilities and premises being used for precious metal melting comply with environmental and fire-prevention regulations.

<sup>2</sup> Commercial enterprises and cooperatives as well as the Swiss branches of foreign companies must enclose the following with their applications:

- a. an extract from their entry in the Swiss Commercial Register;

<sup>125</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>126</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010** 2219).

<sup>127</sup> Inserted in accordance with No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010** 2219).

<sup>128</sup> Inserted in accordance with No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010** 2219).

- b. an extract from the Swiss Register of Criminal Convictions for the members of management and for those persons in charge of transactions with melt material and melt products.
- c. an attestation from the relevant communal or cantonal authorities showing that the facilities and premises being used for precious metal melting comply with environmental and fire-prevention regulations.

**Art. 165<sup>c129</sup>**

4. Decision on the application

<sup>1</sup> The Central Office shall ensure that the conditions for issuing a melter's licence are met. It may call on Assay Offices to conduct investigations in this respect.

<sup>2</sup> If the conditions are met, the Central Office shall issue the melter's licence.

**Art. 166<sup>130</sup>**

5. Renewal of the licence

For the renewal of the licence, the Central Office may request the same supporting documents as for granting the licence.

**Art. 166<sup>a131</sup>**

6. Withdrawal of the licence

<sup>1</sup> If any one of the requirements for issuing a melter's licence, as set out in Article 25 of the Act, is no longer met, or if the holder has repeatedly breached his obligations under Articles 168–168c, the Central Office shall withdraw the melter's licence.

<sup>2</sup> The Assay Offices are obliged to immediately report any such facts to the Central Office, together with any documentary evidence they may have (certificates, witness statements, etc.).

<sup>3</sup> The Central Office shall notify the licence holder in writing of the reasons for withdrawal and fix a reasonable deadline for submitting a written formal response.

<sup>4</sup> Once this has been received, it shall order the required inspection measures and make its decision, which it shall forward to the licence holder in writing.

<sup>129</sup> Inserted in accordance with No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010** 2219).

<sup>130</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010** 2219).

<sup>131</sup> Inserted in accordance with No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010** 2219).

**Art. 166b**<sup>132</sup>

7. Publication In the notice of the granting or withdrawal of a melter's licence in the Swiss Official Gazette of Commerce, specific mention must be made of the name of the licence holder and, in the case of commercial enterprises and cooperatives, details of the management bodies and business premises.

**Art. 167**<sup>133</sup>

III. ...

**Art. 168**<sup>134</sup>

IV. Compliance with the licence  
1. General obligations

<sup>1</sup> In carrying out its business activities, the holder of a melter's licence must strictly follow the provisions of the Act, the associated implementing provisions and the special directives of the Central Office and do all in its power to avoid anything that could encourage an offence by third parties.

<sup>2</sup> The holder is obliged to refer to the fact that it holds a melter's licence on company nameplates, letterheads, in newspaper advertisements and on the internet.

**Art. 168a**<sup>135</sup>

2. Acceptance of melt material

<sup>1</sup> The holder of a melter's licence is permitted to accept melt material only from persons who can prove their lawful acquisition.

<sup>2</sup> The licence holder must verify the customer's identity by means of valid documentation such as a passport or identity card.

<sup>3</sup> If there is any doubt concerning the origin of the goods or if the offer originates from unknown parties, it is the licence holder's duty to clarify in detail the origin of the melt material.

<sup>4</sup> In relation to the requirement of the holder of a melter's licence to report any offences against cantonal criminal laws that come to his attention, the provisions of the cantonal laws apply. Any offences against federal provisions that come to its attention must be reported to the Central Office or to the relevant Assay Office or the nearest customs office. In addition, the provisions of the Anti-Money Laundering Act of 10 October 1997<sup>136</sup> apply.

<sup>132</sup> Inserted in accordance with No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>133</sup> Repealed by No I of the Ordinance of 26 May 2010, with effect from 1 July 2010 (AS 2010 2219).

<sup>134</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>135</sup> Inserted by No I of the Ordinance of 19 June 1995 (AS 1995 3113). Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>136</sup> SR 955.0

<sup>5</sup> If there is any suspicion that the articles on offer have been unlawfully acquired, the relevant police authorities must be informed immediately and their instructions obtained.

**Art. 168b**<sup>137</sup>

3. Organisational measures <sup>1</sup> The licence holder shall take the necessary organisational measures in its firm to prevent the melting of melt material of unlawful origin. It shall oversee the performance of controls and ensure the existence of appropriate internal supervision and appropriate staff training.

<sup>2</sup> If, in application of Article 168a paragraph 3, there is an obligation to clarify the origin of the article in more detail, the article shall be stored in an unaltered state by the licence holder until the case has been clarified.

<sup>3</sup> The documents on business transactions in melt material and melt products must be stored for a period of ten years.

**Art. 168c**<sup>138</sup>

V. Bookkeeping <sup>1</sup> The holder of a melter's licence must keep records of his purchases of melt material and melt products.

<sup>2</sup> The bookkeeping must include at least the following details:

- a. the customer's name and address;
- b. the proof of identification prescribed in Article 168a paragraph 2;
- c. the goods acceptance date;
- d. a precise description of the article, if necessary its composition, and its marking in the case of melt products;
- e. the weight at the time of acceptance;
- f. the weight after melting;
- g. completion of the transaction.

<sup>3</sup> The provisions set out in Article 33 also apply in the case of trade assayers who hold a melter's licence.

<sup>4</sup> The above provisions do not affect the obligation to keep commercial accounts as stipulated in the Code of Obligations<sup>139</sup>.

<sup>137</sup> Inserted in accordance with No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>138</sup> Inserted in accordance with No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>139</sup> SR 220

**Art. 168<sup>d</sup>**<sup>140</sup>

- VI. Supervision
- 1 The Central Office shall maintain a register of the holders of melter's licences and periodically publish the content of this.
  - 2 The Central Office shall oversee the operations of holders of melter's licences. It may delegate this task to Assay Offices.
  - 3 The supervisory bodies must be permitted to inspect the business documents, commercial accounts and goods storage.

**Art. 169**<sup>141</sup>

- VII. Melter's mark<sup>142</sup>
- 1 The melter's mark comprises the holder's name, in full or abbreviated form, framed and accompanied by the word «Melter». If the melter also holds an assayer licence, he can apply for a combined assayer/melter's mark.
  - 2 For the application of the melter's mark, the same provisions apply as for the application of a responsibility mark as set out in Section 4. The melter's mark is valid for the same length of time as the melter's licence.
  - 3 The application to register a melter's mark must be submitted at the same time as the application for the melter's licence. The applicant may apply to register two or more melter's marks.

**Art. 170**<sup>143</sup>**Art. 171**<sup>144</sup>

- VIII. Individual melter's licence
1. Licence<sup>145</sup>
    - 1 Manufacturers who themselves melt down their manufacturing waste for sale must hold an individual melter's licence. They may not perform melting for third parties.
    - 2 Melt products destined for assaying or for sale which originate from holders of an individual melter's licence must be stamped with the individual melter's mark.

<sup>140</sup> Inserted in accordance with No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>141</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>142</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>143</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>144</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>145</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).



**Art. 172**<sup>146</sup>2. Individual melter's mark<sup>147</sup>

<sup>1</sup> The individual melter's mark may not contain the word «Melter».

<sup>2</sup> The image of the individual melter's mark may correspond to that of the responsibility mark. The mark image applied to the melt products must measure at least 5 mm on its shortest side.

<sup>3</sup> For the registration of the individual melter's mark, the same provisions apply as for the registration of a responsibility mark as set out in Section 4.

<sup>4</sup> The individual melter's mark is valid for a period of 20 years; for holders of a responsibility mark, its validity is limited for the same period as the corresponding responsibility mark.

**Art. 173**IX. Determination of the fineness of melt products<sup>148</sup>

1. Requirement

<sup>1</sup> Melt products destined for resale must be tested for their fineness and, as proof thereof, bear the stamp of an Assay Office (Number 4 of the Annex) or a sworn trade assayer.<sup>149</sup>

<sup>2</sup> The holder of the melter's licence may only apply the fineness mark himself if he also holds an assayer licence as trade assayer.

**Art. 174**

2 Means of testing

<sup>1</sup> The purpose of such testing is to determine the actual fineness of the melt product (Art. 32 para. 2 of the Act).<sup>150</sup>

<sup>2</sup> For the manner in which the test is conducted, Articles 91, 93 and 95 apply correspondingly.<sup>151</sup>

<sup>3</sup> The fineness determined must be stated in parts per thousand and fractions thereof.

<sup>4</sup> The fineness determined is stamped on each tested piece provided that the dimensions of the piece permit this. The mark of the Assay Office or of the trade assayer must also be applied.

<sup>146</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>147</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010** 2219).

<sup>148</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010** 2219).

<sup>149</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>150</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010** 2219).

<sup>151</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

**Art. 175**<sup>152</sup>

3. Test method  
a. Test of origin

<sup>1</sup> When melt products are submitted to an Assay Office or a trade assayer for testing, the articles must be immediately recorded in the business control or accounting system. The person submitting the article is given a receipt.

<sup>2</sup> The assayer checks whether the melt products are marked as set out in Articles 169 and 171. If this is not the case, or if there is any reason to assume that the melt product has been acquired unlawfully, the test is postponed. The case must be reported to the Central Office together with a report and any more specific details. The Central Office shall conduct the necessary investigations and instigates criminal proceedings (Art. 181) if necessary.

<sup>3</sup> If there is any suspicion that the articles submitted for testing have been unlawfully acquired, the relevant police authorities must be informed immediately and further instructions obtained.

**Art. 176**

b. Determination  
of the fineness  
and return

<sup>1</sup> If the origin of the article does not raise any objection, or if, after examination, the Central Office declares an objection to be unfounded, the determination of the fineness shall be carried out.

<sup>2</sup> The assaying and stamping shall be carried out in accordance with Article 174.

<sup>3</sup> ...<sup>153</sup>

**Art. 177**<sup>154</sup>

c. Second  
opinion

<sup>1</sup> If the owner of the melt product does not agree with the stamped fineness mark, he may request a second opinion from the Central Office.

<sup>2</sup> The second-opinion test is carried out in accordance with Articles 100 and 101.

<sup>3</sup> If the second opinion reveals that the fineness mark stamped on the melt material is incorrect, the Central Office shall return the article to the office that conducted the original determination of the fineness with an order to make the corresponding change.

<sup>4</sup> If the determination of the fineness turns out to be correct, the person submitting the article shall be informed and receive the article against payment of the relevant fees.

<sup>152</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>153</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS 1995 3113).

<sup>154</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>5</sup> If the fineness mark has to be corrected, the office that applied it bears the costs of the second opinion.

#### **Art. 178**<sup>155</sup>

4. Recognition of foreign determinations of the fineness

<sup>1</sup> Determinations of the fineness made abroad on melt products are only recognised in Switzerland if they have been made by recognised assayer/melters or if the melt products constitute banking precious metals.

<sup>2</sup> Banking precious metals are:

- a. ingots and granules of gold with a minimum fineness of 995 parts per thousand;
- b. ingots and granules of silver with a minimum fineness of 999 parts per thousand;
- c. ingots and sponges of platinum or palladium with a minimum fineness of 999.5 parts per thousand.

<sup>3</sup> Ingots must comply with standard practice on the international precious metal market in terms of shape, size, weight and marks. They must have at least a fineness mark and the stamp of a recognised assayer/melter.

<sup>4</sup> Gold and silver granules and platinum and palladium sponges require packaging that is sealed by a recognised assayer/melter.

<sup>5</sup> The Central Office shall publish the list of recognised foreign assayer/melters.

## **Section 9 Criminal Proceedings**

#### **Art. 179**

I. Filing a criminal complaint in the case of an offence

<sup>1</sup> Holders of melter's licences and sworn trade assayers are obliged to report to the nearest Assay Office any offence against the provisions of the Act that comes to their attention.<sup>157</sup>

1. By holders of melter's licences and trade assayers<sup>156</sup>

<sup>2</sup> Their report must contain as much detail as possible and refer to any evidence that may exist. They are given printed forms for the reporting of offences.

<sup>3</sup> Any offences against other criminal laws must be reported to the competent cantonal police and judicial authorities.

<sup>155</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>156</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

<sup>157</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

2. By Assay Offices and customs offices<sup>158</sup>

### Art. 180

<sup>1</sup> The Assay Offices are obliged to report to the Central Office any offence against the provisions of the Act that comes to their attention. Article 179 applies correspondingly.

<sup>2</sup> Complaints filed by holders of a melter's licence and by sworn trade assayers are verified by the Assay Office, supplemented as far as possible, and forwarded to the Central Office.<sup>159</sup>

<sup>3</sup> The obligation to report offences within the meaning of paragraph 1 also applies to customs offices.<sup>160</sup>

### Art. 181

II. Determining and investigating offences

<sup>1</sup> If the Central Office receives a report of an offence against the provisions of the Act, it shall take the necessary investigative measures. If these find that an offence has been committed in accordance with the Act, the Central Office shall file a criminal complaint with the competent prosecuting authority.

<sup>2</sup> The Central Office shall proceed similarly if it is made aware of offences against other criminal laws.

### Art. 182<sup>161</sup>

## Section 10 Appeals

### Art. 183

I. Requirements <sup>1 ...</sup><sup>162</sup>

<sup>2</sup> An appeal is not permissible against the decisions of Assay Offices and trade assayers that also hold melter's licences in relation to melting carried out for third parties or the actions of holders of a melter's licence. Disputes in such cases shall be settled by the competent civil courts by way of civil proceedings.<sup>163</sup>

<sup>158</sup> Amended by Annex 4 No. 62 of the Customs Ordinance of 1 Nov. 2006, in force since 1 Mai 2007 (SR **631.01**).

<sup>159</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010 2219**).

<sup>160</sup> Amended by Annex 4 No. 62 of the Customs Ordinance of 1 Nov. 2006, in force since 1 May 2007 (SR **631.01**).

<sup>161</sup> Repealed by the Ordinance of 25 Nov. 1974 (AS **1974 1984**).

<sup>162</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS **1995 3113**).

<sup>163</sup> Amended by No I of the Ordinance of 26 May 2010, in force since 1 July 2010 (AS **2010 2219**).

**Art. 184–185**<sup>164</sup>

II. ...

**Section 11 Fees**<sup>165</sup>**Art. 186**<sup>166</sup>

I. Fees

1 The Central Office and the Assay Offices shall charge fees for their services and orders.

2 The trade assayers charge fees for conducting fineness tests.

3 The fees are based on the Ordinance of 17 August 2005<sup>167</sup> on Fees for Precious Metal Controls.<sup>168</sup>

4 The cantonal Assay Offices and trade assayers shall keep the fees they charge.

**Art. 187–189**<sup>169</sup>**Art. 190**

II. Commencement and repeal of previous provisions

1 This Ordinance comes into force on 1 July 1934.

2 At this point, all enactments in contradiction hereto shall be repealed, specifically the following decrees and regulations:

Implementing Ordinance of 15 November 1892<sup>170</sup> on the Control and Guarantee of the Fineness of Gold and Silver Articles;

Federal Council Decree of 25 November 1892<sup>171</sup> on the Organisation and Powers of the Federal Office for Gold and Silver Articles;

Federal Council Decree of 8 June 1896<sup>172</sup> on the Stamping of Watch-Cases destined for Russia;

Federal Council Decree of 23 October 1906<sup>173</sup> on the Control of Gold Watch-Cases with a Fineness of 14 carats destined for Austria-Hungary;

<sup>164</sup> Repealed by No I of the Ordinance of 19 June 1995 (AS **1995** 3113).

<sup>165</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>166</sup> Amended by No I of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS **1995** 3113).

<sup>167</sup> SR **941.319**

<sup>168</sup> Amended by Art. 21 of the Ordinance of 17 Aug. 2005 on Fees for Precious Metal Controls (SR **941.319**).

<sup>169</sup> Repealed by No. 1 of the Ordinance of 19 June 1995 (AS **1995** 3113).

<sup>170</sup> [AS **13** 146, **15** 462, **24** 11 184]

<sup>171</sup> [AS **13** 174]

<sup>172</sup> [AS **15** 462]

<sup>173</sup> [AS **22** 639]

Federal Council Decree of 10 February 1914<sup>174</sup> on the Control of Platinum Articles;

Federal Council Decree of 8 September 1916<sup>175</sup> on the Implementation of Article 1 of the Federal Act on the Control and Guarantee of the Fineness of Gold and Silver Articles;

Federal Council Decree of 2 February 1917<sup>176</sup> on the Mandatory Control of Platinum Articles;

Federal Council Decree of 16 June 1917<sup>177</sup> on the Control of Gold, Silver and Platinum Articles presented for Import;

Federal Council Decree of 2 July 1918<sup>178</sup> on Fees for Assaying and Controlling Gold, Silver and Platinum Articles;

Federal Council Decree of 31 March 1924<sup>179</sup> on the Optional Hall-marking of Gold Watch-Cases below the Legal Standard of Fineness;

Federal Council Decree of 15 February 1929<sup>180</sup> on Fees for Stamping Gold, Silver and Platinum Articles manufactured abroad presented for Import;

Federal Council Decree of 2 July 1929<sup>181</sup> on Gold-Plated or Doublé Articles;

Federal Council Decree of 29 November 1932<sup>182</sup> on Gold-Plated or Doublé Watch-Cases;

Implementing Ordinance of 29 October 1886<sup>183</sup> to the Federal Act of 17 June 1886 on the Trade in Gold and Silver Waste and Scrap;

Federal Council Decree of 13 March 1916<sup>184</sup> on the Trade in Gold, Silver and Platinum Waste and Scrap.

### **Final Provision of 19 June 1995<sup>185</sup>**

Precious metal articles that satisfy the new conditions but are still stamped with the old official hallmark may continue to be placed on the market.

174 [AS 30 56]  
 175 [AS 32 333]  
 176 [AS 33 35]  
 177 [AS 33 378]  
 178 [AS 34 713]  
 179 [AS 40 101]  
 180 [AS 45 38]  
 181 [AS 45 321]  
 182 [AS 48 712]  
 183 [AS 9 291, 37 19]  
 184 [AS 32 85]  
 185 AS 1995 3113

*Annex I*<sup>186</sup>

<sup>186</sup> Repealed by Art. 22 of the Ordinance of 4 Nov. 1981 on Fees for Precious Metal Controls [AS **1981** 1806].

*Annex II*<sup>187</sup>**Official hallmarks, Assay Offices mark, distinctive symbols of the Assay Offices, Assayer's Mark of the Assay Offices**

*Number 1* Official national hallmark (guarantee stamp)

*Number 2* Assay Office mark

*Number 3* Distinctive symbols of the Assay Offices

*Number 4* Assayer's mark of the Assay Offices

*Number 1*

**Image of the official national hallmark (guarantee stamp)**

(Art. 109 para. 1)

**Large hallmark:**

Dimensions:

Height: 1.6 mm

Width: 2 mm

**Small hallmark:**

Dimensions:

Height: 0.8 mm

Width: 1 mm

*Note:*

The official national hallmark (head of a St. Bernard dog) bears the distinctive symbol of the Assay Office, which is positioned at the spot marked with an X.

<sup>187</sup> Amended by No II of the Ordinance of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).



*Number 2***Image of the Assay Offices mark**

(Art. 58 para. 3)

Dimensions:  
Side length: 0.8 mm*Note:*

The mark bears the distinctive symbol of the Assay Office, which is positioned at the spot marked with an X.

*Number 3***Distinctive symbols of the Assay Offices**

(Art. 109 para. 2)

Central Office and Biel/Bienne	B
Basel	★
Chiasso	T
Geneva and Geneva airport	G
La Chaux-de-Fonds	C
Lausanne	V
Le Locle	L
Le Noiremont	J
Neuchâtel	N
Romanshorn	R
Schaffhausen	S
Zurich and Zurich airport	Z

**Image of the assayer's mark of the Assay Offices**

(Art. 173)

*Examples:*

Federal Assay Offices:



Cantonal Assay Offices:

