

ACT
of 1 April 2011

Hallmarking Law^{1,2)}

(Journal of Laws of 6 May 2011)

Chapter 1
General provisions

Article 1. This statute shall provide for:

- 1) principles and conditions of entering the market and marketing of articles of precious metals on the territory of the Republic of Poland;
- 2) principles and procedures of assaying and marking articles made of precious metals and articles that comprise precious metal components;
- 3) applicable standards of fineness for articles of precious metals;
- 4) organization of hallmarking administration;
- 5) principles of surveillance over the observance of this statute.

Article 2. Precious metals, as defined by this statute, shall include:

- 1) platinum, palladium, gold and silver,
- 2) platinum group metals: iridium, osmium, rhodium and ruthenium
 - in pure form or in alloys including other metals.

Article 3. The terms used herein shall have the following definitions:

- 1) article of precious metal – an article, in which the contents of a precious metal is not lower than the contents corresponding to the lowest standard of fineness applicable to the precious metal concerned;
- 2) antique article – an article precious metal:
 - a) listed in the Heritage Register or a Catalogue of Museum Objects and/or
 - b) hallmarked identifiably with a mark used before 1962, and/or
 - c) manufactured before 1962, hallmarked unidentifiably or lacking any marks, but having such a historical or artistic value that the value of precious metal used for its manufacturing is of secondary importance while assessing its market value;
- 3) hallmark – an official mark, protected by law, which confirms the content of a precious metal in an article;
- 4) market entry – the first offering, for a charge or free of charge, of a precious metal article for use or sale;
- 5) marketing – the offering of a precious product, which has entered the market, for use or for sale;
- 6) assay certificate – a document which confirms the contents of a precious metal in an article;
- 7) fineness – the ratio of the mass of pure precious metal constituent to the mass of the alloy concerned, expressed in thousand parts;

8) responsibility mark – individual mark which enables identification of the manufacturer of a given article of precious metal or a marketing entity which enters the Polish market with an article of precious metal manufactured outside the territory of the Republic of Poland.

Chapter 2

Principles and conditions of entering the market with articles of precious metal and marketing thereof on the territory of the Republic of Poland

Article 4. Articles of precious metals may, without prejudice to Article 6, enter the market and be marketed on the territory of the Republic of Poland if they fulfil at least one of the following conditions:

- 1) they are marked:
 - a) with Polish hallmarks,
 - b) with hallmarks which must be recognized by the Republic of Poland based on international agreements to which Poland is a party,
 - c) with hallmarks, based on which the articles of precious metal concerned have been marketed in the EU Member States, in the EFTA countries, in the members states of European Economic Area or in Turkey;
- 2) they have assay certificates.

Article 5. 1. An entity which enters the Polish market with articles of precious metals must ensure that those articles fulfil at least one of the conditions, referred to in Article 4.

2. An entity which markets precious metal articles may do so only after at least one of the conditions listed in Article 4 is fulfilled.

Article 6. 1. Article 4 shall not apply to the following articles of precious metals:

- 1) in which the mass of components made of precious metal alloy is less than:
 - a) 1 gram – for platinum alloys,
 - b) 1 gram – for gold alloys,
 - c) 5 grams – for silver alloys;
- 2) which belong to antique articles category;
- 3) tools and apparatus or components thereof which are used for scientific and industrial purposes;
- 4) medical devices, medical devices intended for in vitro diagnosis, ancillary equipment for medical devices, ancillary equipment for medical devices intended for in vitro diagnosis and active medical devices used as implants in medicine, as defined by Medical Devices Act of 20 May 2010 (Journal of Laws No. 107, item 679), or parts thereof;
- 5) medals and orders of merit as defined in Medals and Orders of Merit Act of 16 October 1992 (Journal of Laws No. 90, item 450, as amended³⁾) and badges of honour established pursuant to Badges and Uniforms Act of 21 December 1978 (Journal of Laws No. 31, item 130, as amended⁴⁾) by public authorities;
- 6) incrustations;
- 7) coins which are or used to be lawful media of exchange on the territory of the Republic of Poland or in other countries, as well as coins intended for collection purposes and other coins sold by the National Bank of Poland, disregarding their contents of precious metals;
- 8) raw materials, prefabrication materials and scrap.

2. An entity who enters the market with articles of precious metal, referred to paragraph 1(1) must:

- 1) ensure that their standards of fineness are in conformity with the standards, referred to in Article 21(1), while taking account of Article 13 (1) and (2);
 - 2) provide information about fineness to an entity to whom those articles are going to be made available for the purpose of use or sale;
 - 3) mark those articles with a responsibility mark, unless they are hallmarked with marks based on which they have entered the market of the EU, EFTA, EEA or Turkey.
3. An entity who deals with marketing of articles of precious metal, referred to in paragraph 1(1), must ensure that a label attached to the article of precious metal concerned provides information about the standard of fineness, taking account of Article 13 (1) and (2) and about the mass of components made of precious metal alloy.

Article 7. 1. Articles of precious metals, referred to in Article 6 (1) may, if requested by an entity applying for assaying, hereinafter referred to as „applicant”, be assayed or hallmarked.
2. In the case of articles of precious metals, referred to in points 2 – 8 of Article 6 (1), a hallmarking administration authority may, if requested by the applicant, issue an assay certificate instead of hallmarking the article concerned.

Article 8. Graphic image of hallmarks which are put on articles of precious metals offered for sale must be displayed in a visible place to clients by an entity dealing with the marketing of precious metal articles. must provide.

Chapter 3

Principles and procedure of assaying and hallmarking articles of precious metal and articles comprising precious metal components

Article 9. 1. A hallmarking administration authority shall, based on an assay, determine the contents of precious metal in an article and establish, by way of issuing an administrative decision, whether the contents corresponds to the applicable standard of fineness, which shall be confirmed by hallmarking the article concerned or by issuing an assay certificate or by a “MET” mark.
2. An assaying method shall be chosen by the hallmarking administration authority.

Article 10. 1. Assay certificates shall be issued for articles of precious metal:

- 1) if the article cannot be hallmarked without being damaged;
 - 2) if there is no place for a hallmark on the article;
 - 3) if the article is composed of particles of non-precious metals, which cannot be separately marked with „MET” mark, and their use is technically unjustified;
 - 4) referred to in Article 7 (2).
2. If requested by applicant, a hallmarking administration authority shall issue an assay certificate for an article of precious metal which has been hallmarked.

Article 11. „MET” mark shall be put:

- 1) on an article:
 - a) which contains precious metals, and the contents thereof is lower than the amount corresponding to the lowest standard of fineness applicable for a given precious metal,
 - b) made of non-precious metals and coated with a precious metal coating,
 - c) made of precious metals and coated with a non-precious metal coating;
- 2) on components of precious metal article, which are made of non-precious metals, referred to in Article 15 (1), save for cases where:

- a) technical reasons prevent from marking, in particular if there are concerns that the article might be damaged, its dimensions makes it impossible to mark it or marking could lower aesthetic value of the article or
- b) non-precious parts of the article bear marks which unequivocally inform that the parts have been made of non-precious metals.

Article 12. 1. Precious metal articles should be notified for assaying and hallmarking:

- 1) following the completion of basic production processes as a result of which they are processed into a final shape, so that responsibility marks and hallmarks put on them are not deformed or bleared during final processing;
- 2) together with all their component parts, except newly manufactured articles which may be notified without gems/stones;
- 3) clean, segregated and not tangled;
- 4) not damaged, apart from articles, referred to in point 2 of Article 6 (1);
- 5) marked with a responsibility mark – in the case of articles newly manufactured on the territory of the Republic of Poland.

2. Precious metal articles which do not fulfil the conditions, referred to in paragraph 1, shall be returned to the applicant for removal of flaws, except for articles which do not fulfil the conditions, referred to in:

- 1) point 3 of paragraph 1 – if an applicant applies for ancillary operations such as clearing, segregating or untangling of articles to be done by a hallmarking administration authority;
- 2) point 5 of paragraph 1 – if the applicant applies for a responsibility mark to be put by the hallmarking administration authority.

3. On request of an owner of a precious metal article, hallmarked articles which have undergone modifications, repairs or replacements, may be notified for re-assaying and hallmarking to be made by the entity which has effected modifications, repairs or replacements.

4. Hallmarked precious metal articles, on which hallmarks have been damaged as a result of repair or final processing, should be notified for re-assaying or hallmarking by the entity which has effected repairs or final processing.

Article 13. 1. If, as a result of assaying a precious metal article it is found out that the contents of a precious metal is higher than the lowest applicable standard of fineness, but non-compliant with any of the fineness standards, referred to in Article 24 (1), such an article shall be hallmarked with a mark corresponding to a subsequent lowest applicable standard of fineness.

2. A precious metal article notified for assaying and hallmarking, which consists of parts corresponding with various standards of fineness relating to the same precious metal, shall be hallmarked with a mark corresponding to the lowest standard of fineness established therein.

3. Precious metal articles hallmarked pursuant to paragraph 1 or 2 above shall be returned to the applicant together with a description containing information about the standard of fineness determined during the assaying procedure.

Article 14. Hallmarking of precious metal articles is made by means of the following types of marks:

- 1) basic mark – informs about a type of precious metal and its fineness, and points to a marking authority;
- 2) additional mark – defines exclusively a type of precious metal;
- 3) approval mark – to confirm the validity of Polish hallmarks put earlier on an article;
- 4) main mark – marks raw materials, prefabricated materials and scrap.

Article 15. 1. Articles of precious metals may not contain any parts made of non-precious metals, with exception of:

1) parts of articles, in which the use of non-precious metal is necessary for technical reasons or for ensuring the desired durability and pliability of parts constituting the article;

2) decorative parts, provided that the colour of metal used for decoration is different from the colour of precious metal used for manufacturing the article.

2. Watches containing mechanical parts made of non-precious metal and articles with springing parts or magnet clips made of non-precious metal shall be subject to hallmarking without the need to fulfil the conditions, referred to in Article 11.

Article 16. 1. Articles of precious metals shall be hallmarked by using punches made as negatives of hallmarks or by means of a laser device.

2. If hallmarks or numbers put on articles of precious metals notified for re-assaying and hallmarking are not compliant with the assay results, they shall be removed or deleted with deletion mark.

Article 17. Minister competent for economy shall define by ordinance:

1) detailed requirements for articles of precious metals notified for assaying and hallmarking, procedure of notification and methods of assaying, account taken of types of alloys, from which the articles concerned are made, and requirements resulting from standards as well as technical development of assaying methods;

2) descriptions and graphic signs of hallmarks corresponding to particular types of marks and „MET” mark and deletion mark, account taken of types of notified articles and tradition in the field of symbols and marking;

3) specimen assay certificates, account taken of cases where certificates are issued for articles of precious metals;

4) methods of hallmarking and putting „MET” mark and methods of removal or deletion of hallmarks or numbers, account taken of construction of articles and results of assays conducted.

Article 18. 1. Articles of precious metals:

1) which are newly manufactured on the territory of the Republic of Poland and

2) which are referred to in point 1 of Article 6 (1) and which have been manufactured outside the territory of the Republic of Poland which have entered the market

shall be marked with a responsibility mark.

2. Putting a responsibility mark on articles, referred to in paragraph 1 above, shall be the duty of:

1) manufacturer who enters the market with articles, referred to in point 1 of paragraph 1, or

2) entity which enters the market with articles, referred to in point 2 of paragraph 1.

3. The responsibility mark shall be put on an article so that it is possible to hallmark the article, unless it is impossible due to the article's size or construction.

Article 19. 1. Entities and manufacturers, referred to in Article 18 (2), must notify a graphic design of a responsibility mark to the Register of Responsibility Marks.

2. Manufacturer of articles of precious metals who does not enter the market with those articles may notify the Register of Responsibility Marks of a graphic design of his responsibility mark.

3. Register of Responsibility Marks shall be kept in an electronic form by a competent director of Regional Assay Office, hereinafter referred to as "director".
4. Application to register a responsibility mark shall include:
 - 1) name of entity applying for responsibility mark registration;
 - 2) mailing address or business address;
 - 3) graphic design of the responsibility mark concerned;
 - 4) certificate of registration as a sole trader or a civil law partnership or extract from the Business Register of Companies, Corporations and Associations (National Court Register - KRS) together with a certification of registration in the Statistical Register of Economic Entities (REGON) – in the case of entities and manufacturers, referred to in Article 18 (2);
 - 5) identification number ascribed by Universal Electronic System for Registration of the Population (PESEL) or the number of other document which certifies identity and nationality – in the case of manufacturers, referred to in paragraph 2.
5. Entity, referred to in point 1 of paragraph 4, must produce the responsibility mark in a relevant Regional Assay Office for the purposes of making a proof mark.
6. The director shall enter a responsibility mark in a Register of Responsibility Marks if the graphic design enables a clear identification of the entity, referred to in point 1 of paragraph 4, and if it is not similar to any previously registered responsibility mark.
7. The director shall refuse registering a responsibility mark if the graphic design does not fulfil the conditions, referred to in paragraph 6.
8. Registration and refusal to register a responsibility mark shall take a form of an administrative decision to be issued by the director. If registration is refused, the grounds for such a decision should include reasons for refusal.
9. The entity, referred to in point 1 of paragraph 4, must notify the director of any modifications of data subject to registration in the Register of Responsibility Marks, within one month of the said modification.

Article 20. 1. Data to be entered in the Register of Responsibility Marks shall include:

- 1) responsibility mark reference number;
 - 2) date of registration;
 - 3) name of entity, referred to in point 1 of Article 19 (4);
 - 4) mailing address or business address;
 - 5) ID number ascribed in the National Court Register or the register of sole traders and civil law partnerships – in the case of entities and manufacturers, referred to in Article 18 (2);
 - 6) PESEL number or number of any other document which confirms identity and nationality – in the case of manufacturer, referred to in Article 19 (2);
 - 7) information on modification of data subject to entry in the Register of Responsibility Marks including the date of modifications concerned;
 - 8) REGON number – in the case of entities and manufacturers, referred to in Article 18 (2).
2. A graphic design of the responsibility Mark shall also be included in the Register of Responsibility Marks.

Article 21. 1. The Register of Responsibility Marks shall be open to public.

2. The director shall, upon a written request of those interested, make available information, referred to in points 1-4 of Article 20 (1) and Article 20(2). The information concerned shall be made available in writing.
3. A request for information from the Register of Responsibility Marks shall include the name of the applicant and a list of information to be made available.

Article 22. The minister competent for economy shall, by an ordinance, determine a specimen form of an application for registering a responsibility mark, having regard to the scope of data listed in Article 19 (4).

Chapter 4

Standards of fineness for articles of precious metals

Article 23. Contents of a precious metal in an article shall be defined by means of a standard of fineness. An article shall correspond to a given standard of fineness if the contents of a precious metal concerned is not less than that provided for a given standard.

Article 24. 1. The following standards of fineness shall apply to:

- 1) platinum:
 - a) 0,999,
 - b) 0,950,
 - c) 0,850;
- 2) palladium:
 - a) 0,999,
 - b) 0,850,
 - c) 0,500;
- 3) gold:
 - a) 0,999,
 - b) 0,960,
 - c) 0,750,
 - d) 0,585,
 - e) 0,500,
 - f) 0,375,
 - g) 0,333;
- 4) silver:
 - a) 0,999,
 - b) 0,925,
 - c) 0,875,
 - d) 0,830,
 - e) 0,800.

2. In the case of platinum articles made of alloy, where platinum is accompanied by iridium, osmium, rhodium or ruthenium, the platinum contents shall be the total contents of those metals.

3. No negative tolerance shall be allowed when determining the contents of precious metals in articles of precious metals.

Article 25. Precious metal alloys of which an article is made, should be homogenous, i.e. they should correspond with the same fineness standard, on the surface as well as inside the alloy concerned.

Article 26. 1. For soldering parts of gold articles:

1) the fineness standard of which is lower than 0,750 – gold solder shall be used, the fineness standard of which shall not be lower than the fineness standard of the article concerned;

- 2) the fineness standard of which is equals or exceeds 0,750 – gold solder shall be used, the fineness standard of which shall not be lower than 0,750.
2. For soldering parts of platinum such solder shall be used, in which minimum total contents of precious metals equals 0,800.
3. For soldering parts of palladium such solder shall be used, in which minimum total contents of precious metals equals 0,700.
4. For soldering parts of silver such solder shall be used, in which minimum total contents of precious metals equals 0,550.
5. For soldering mass produced parts of chains made of gold or silver such solder may be used which contains no precious metal, provided that its use shall not lower the fineness standard of the article concerned.
6. Solder may not be used for reinforcing, burdening, filling or decorating articles of precious metals.

Chapter 5

Hallmarking administration authorities

Article 27. 1. The state obligations related to assaying and hallmarking articles of precious metals and articles that comprise precious metal components as well as surveillance over the enforcement of these statutes shall be performed by hallmarking administration authorities.

2. in order to perform the obligations related to assaying and hallmarking articles of precious metals and articles that comprise precious metal components and tasks related to keeping the Register of Responsibility Marks, agreements, referred to in Article 7 of Public and Private Partnership Act of 19 December 2008 (Journal of Laws of 2009 No. 19, item 100 and of 2010 No. 106, item 675) may be entered into between the hallmarking administration authorities and private partners.

3. The agreement, referred to in paragraph 2 above, shall provide for detailed terms and conditions and scope of cooperation between a hallmarking administration authority and a private partner, in particular:

- 1) total value of funds earmarked for the implementation of the task subject to agreement;
- 2) quality standards, requirements and norms applicable to the task concerned;
- 3) principles and scope of insurance of the task to be implemented, as well as additional guarantees, arrangements and covenants of the parties to this end.

Article 28. Hallmarking administration authorities shall include:

- 1) president of Central Office of Measures, hereinafter referred to as "President";
- 2) directors of Regional Assay Offices, hereinafter referred to as "directors".

Article 29. 1. The President shall be the chief body of the government administration in the field of hallmarking.

2. The president shall report to the minister competent for economy.

3. Principles and procedure of appointing and dismissing the President of Central Office of Measures have been laid down in Law of Measures of 11 May 2001 (Journal of Laws of 2004, No. 243, item 2441, as amended⁵⁾).

Article 30. 1. The President shall perform his obligations in the field of hallmarking by means of Central Office of Measures.

2. Directors shall perform their obligations by means of Regional Assay Offices.

3. Regional Assay Office are state institutions as defined in Public Finance Act of 27 August 2009 (Journal of Laws No. 157, item 1240 as amended⁶⁾).

Article 31. 1. The President shall appoint and dismiss directors and shall perform other acts in relation to the directors, which result from employment law.

2. The President shall supervise the directors' work and performance of their obligations as well as their management of Regional Assay Offices.

Article 32. The scope of President's obligations in the hallmarking sector shall include:

- 1) surveillance and coordination of operations of Regional Assay Offices;
- 2) proposals concerning the course of amendments to hallmarking legislation;
- 3) collection and distribution of information promoting knowledge on hallmarking;
- 4) publication of information, announcements and communications of the President of Central Office of Measures in an Official Journal of Central Office of Measures;
- 5) provision of assignments to directors, in particular in the scope of assaying and hallmarking articles of precious metals.

Article 33. 1. The minister competent for economy shall, by an ordinance, establish and abolish Regional Assay Offices and defines their area of competences and jurisdiction, account taken in particular of the need for hallmarking and assaying operations In particular regions and to the tradition.

2. The minister competent for economy may, by an ordinance, establish branch offices to operate within Regional Assay Offices, taking account of the need for hallmarking operations in particular regions and tradition in this field.

Article 34. 1. The President may establish hallmarking points at an entity which enters the market with articles of precious metals in order for hallmarking administration authorities to perform assaying and hallmarking of articles of precious metals and articles containing precious metal components.

2. Hallmarking points shall be established for a limited duration which shall not exceed 5 years, by virtue of an administrative decision issued on request of the entity, referred to in paragraph 1, following the director's opinion.

3. An entity applying for an establishment of a hallmarking point must provide technical and infrastructural conditions to conduct assaying and hallmarking of articles of precious metals and articles containing precious metal components, in particular must provide relevant security measures for those operations, as well as relevant technical equipment of such a point, along with personnel and adequate health and safety conditions at work.

4. An application for opening a hallmarking point shall include:

- 1) name of applicant;
- 2) mailing address or business address;
- 3) list of technical equipment of a hallmarking point;
- 4) certificate of registration in the register of sole traders or civil law partnerships or extract from the National Court Register;
- 5) information concerning the planned operations of a hallmarking point, including:
 - a) address of a hallmarking point,
 - b) description of premises where assaying and hallmarking shall take place of articles of precious metals and articles containing precious metal components, including security measures,
 - c) information concerning personnel to be employed.

5. The President shall establish a hallmarking point after making sure that the entity concerned fulfils the requirements which are necessary to establish the shop concerned. A relevant inspection shall be performed by a director acting on behalf of the President.
6. Surveillance over the operations of a hallmarking point shall be exercised by the director.
7. The President shall, by administrative decision, refuse establishing a hallmarking point if:
 - 1) an application for establishment of a hallmarking point does not fulfil the requirements provided for in paragraph 4;
 - 2) the entity does not fulfil the requirements, provided for in paragraph 3.
8. The President shall, by way of administrative decision, close down the hallmarking point:
 - 1) on request of the entity who had applied for its establishment;
 - 2) if it does not fulfil the requirements necessary for its operation any more.
9. The minister competent for economy shall determine, by an ordinance, a specimen application form for establishment of a hallmarking point and scope of the hallmarking point equipment, taking account of specific nature and scope of operations to be carried out during assaying and hallmarking articles of precious metals.

Article 35. 1. The structure of Regional Assay Offices shall be defined by statutes and regulations provided for by an order of the President.

2. The director's scope of duties shall include:

- 1) management of Regional Assay Office operations;
- 2) provision of technical and infrastructural conditions for the operation of Regional Assay Office and its branch Office, if established;
- 3) surveillance and coordination of branch Office operations, if established;
- 4) cooperation with government and local administration authorities;
- 5) identification of hallmarks and authenticating national hallmarks in the framework of expertise performed;
- 6) cooperation with national and foreign hallmarking institutions;
- 7) performance of tasks related with registering responsibility marks, surveillance and enforcement of these statutes and surveillance over hallmarking points as defined by these statutes;
- 8) performance of other tasks provided for in separate statutes or assigned by the President.

3. President, in agreement with the minister competent for economy, may, by a decree, forward the items of property acquired by a Regional Assay Office to another such office if, as a result of inspection it is found out that those items of property are redundant or used in an unlawful manner.

4. Director may provide consultations and conduct training on hallmarking for which he may charge fees, the amount of which shall be fixed in civil law agreements entered into entities for which such services are rendered. The fees concerned shall become budget proceeds.

Article 36. 1. Hallmarking administration authorities shall charge fees for:

- 1) assaying articles of articles of precious metals containing precious metals components;
- 2) marking with the „MET” mark;
- 3) hallmarking of articles with the use of laser devices;
- 4) issuing assay certificates if requested by applicant;
- 5) conducting expertise of articles of precious metals and alloys containing precious metals, including expertise of articles secured during inspection, if the assay result does not correspond to the fineness standard declared by an entity entering the market with that article;
- 6) registering a responsibility mark;
- 7) making available information from the Register of Responsibility Marks;

- 8) placing responsibility marks or numbers informing about fineness on articles of precious metals, on applicant's request;
 - 9) performing ancillary acts to assaying and hallmarking, on applicant's request;
 - 10) issuing certificates concerning acts performed if requested by applicant;
 - 11) issuing a decision on establishment or rejection to establish a hallmarking point.
2. Fees, referred to in paragraph 1, shall belong to the budget proceeds.
 3. The fee, referred to in point 1, of paragraph 1 shall be collected for each gram of article of precious metal subject to assay, irrespective of the assaying method used.
 4. A fee for providing an article with a responsibility mark, „MET” mark and numbers informing about fineness of a given articles of precious metals by means of laser devices shall be collected for each marked item.
 5. Fees for hallmarking operations, referred to in points 1-4 and 6-11 of paragraph 1, shall be collected on the acceptance of the articles for assaying and hallmarking, as well as on accepting an application for registering a responsibility mark and an application for providing data from the Register of Responsibility Marks or an application for establishing a hallmarking point.
 6. If a need arises to use a laser method of hallmarking an article of precious metal following its assay, the fee, referred to in point 3 of paragraph 1, may be collected upon returning the article to the client.
 7. Fees for hallmarking operations, referred to in point 5 of paragraph 1, shall be calculated based on hourly rates, following the completion of assaying procedure.
 8. The amount of fees and their collection procedure, shall be determined by the minister competent for public finance, upon consulting the President of the Central Office of Measures, by an ordinance, having regard in particular to types of articles and types of precious metals concerned, as well as the cost of actions performed.

Chapter 6

Surveillance over the enforcement hereof

Article 37. 1. Hallmarking administration authorities shall exercise surveillance over the enforcement hereof by:

- 1) withdrawal from the market, by way of an administrative decision, of articles of precious metals which are not hallmarked or which do not have assay certificates, including an obligation to supply those articles to a competent Regional Assay Office for the purpose of assaying and hallmarking or issuing an assay certificate;
 - 2) requisition, by a decision;
 - a) of articles of precious metals in case of doubts about authenticity of hallmarks or assay certificate, and an obligation to deliver them to a competent Regional Assay Office for the purpose of an expertise,
 - b) of articles of precious metals, referred to in point 1 of Article 6 (1) in order for an expertise to be done,
 - c) of other proofs of violating the provisions hereof;
 - 3) issuance of post-inspection recommendations and follow-up actions;
 - 4) provision of information to a competent authority about a suspected crime of forging hallmarks or assay certificates.
2. Assays performed in the framework of expertise, referred to in point 2a and 2b of paragraph 1, shall be governed by Article 9 (2).

Article 38. 1. Inspections of an entrepreneur's business operations shall be performed by a team composed of at least 2 employees of hallmarking administration, hereinafter referred to as 'inspection team'.

2. The composition of the inspection team shall be decided by a relevant hallmarking administration authority which shall also appoint a team leader.

Article 39. 1. While conducting an inspection, the team leader may be authorised by hallmarking administration authorities to issue decisions and ordinances, referred to in points 1 and 2 of Article 37(1) on their behalf.

2. The decision, referred to in point 1 of Article 37 (1) shall be subject to immediate implementation.

Article 40. The inspection team shall be authorised to enter premises and rooms within the premises of the entrepreneur subject to inspection and to move around without obtaining a pass, provided for in the internal regulations, and shall not be frisked as provided for in those internal regulations.

Article 41. 1. The inspection team shall make its comments based on information collected in the process of inspection and based on explanations provided by the entrepreneur under inspection and his staff as well as based on collected evidence, in particular documents and requisitioned articles of precious metals.

2. The inspection team shall be authorised to:

- 1) inspect articles of precious metals marketed;
- 2) inspect documents and collect verbal and written explanations in cases under inspection;
- 3) requisition articles of precious metals;
- 4) collect and requisition all the proofs of violation hereof;
- 5) lay fines (issue tickets or apply to a relevant authority for adjudging a penalty).

3. The inspection team shall requisition and other proofs of violation of the provisions hereof in the case of articles:

1) referred to in point 2a of Article 37 (1), and other proofs of violating the provisions hereof – by means of packing and sealing them, the sealed package being returned to the entrepreneur subject to inspection in order to forthwith deliver the package to a competent Regional Assay Office;

2) referred to in point 2b of Article 37 (1) – by taking them away from the entrepreneur and delivering them to a competent Regional Assay Office. In such a case the entrepreneur shall be provided with a written proof of surrendering the articles to the inspection team.

4. Articles of precious metals, referred to in paragraph 2 shall be requisitioned for a period which is necessary for establishing and explaining the facts of the case subject to inspection, not longer, however, than for the period of 30 days counting from the date of delivery of the package to a competent Regional Assay Office with confirmation of receipt.

Article 42. 1. An inspection report shall be prepared following inspection.

2. Inspection report should include:

- 1) inspection commencement and completion dates, account taken of each inspection recess;
- 2) name of inspection body;
- 3) full names of inspection team members;
- 4) reference number of authorisation to conduct inspection;
- 5) name and address of entrepreneur subject to inspection;
- 6) scope of inspection;
- 7) results of inspection;

- 8) information concerning the rights, procedure and deadline for submitting complaints and objections as to the results of the inspection, provided for in the inspection report;
 - 9) information about the right to refuse to sign the report;
 - 10) signatures of inspection team members.
3. The inspection report shall be prepared in 2 counterparts, of which one shall be forwarded to the entrepreneur subject to inspection or a person authorized by the latter.
 4. Inspection report shall be signed by inspection team members and the entrepreneur subject to inspection.
 5. If the entrepreneur subject to inspection refuses to sign the report, a relevant note to this end shall be made by the inspection team leader in the report concerned.
 6. A refusal to sign the report by the entrepreneur subject to inspection shall not withhold the enforcement of the inspection report recommendations.

Article 43. In justified cases, in the case of resistance which makes it impossible or difficult to conduct inspection, the inspection team may call the police.

Article 44. To matters which have not been explicitly regulated herein, and which relate to the inspection of entrepreneurs' operations, the provisions of Freedom of Entrepreneurs' Operations Act of 2 July 2004 shall apply (Journal of Laws of 2010 No. 220, item 1447 and No. 239, item 1593 and of 2011 No. 85, item 459).

Chapter 7

Criminal provisions

Article 45. He who enters the market with articles of precious metals and deals with marketing thereof contrary to Article 4 shall be subject to a fine.

Article 46. He who makes it impossible or difficult for hallmarking administration authorities to perform their surveillance duties by:

- 1) preventing or obstructing entry to the premises or facilities,
 - 2) refusing to make available documents and other proofs, referred to in Article 41,
 - 3) preventing the collection and requisition of proofs of violating the provisions hereof
- shall be subject to a fine.

Article 47. He who does not fulfil the duties provided for in Article 6 (2) and (3), Article 8, Article 18 (2) and/or Article 19 (1) and (5), shall be subject to a fine.

Article 48. Decisions in matters, referred to in Article 45-47 shall be issued pursuant to the procedure, referred to in an Act of 24 August 2001 - Petty Offences Procedure Code (Journal of Laws of 2008 No. 133, item 848, as amended⁷⁾).

Chapter 8

Amendments to provisions in force, adjustment provisions, temporary and final provisions

Article 49. Point 6 of Article 56 (1) of the Act of 23 January 2009 on Voivod and government administration on voivodship (Journal of Laws No. 31, item 206, of 2010 No. 40, item 230 and of 2011 No. 22, item 114) of shall have the following wording:
"6) directors of Regional Assay Offices".

Article 50. 1. As of the date of enforcement hereof the following hallmarking administration authorities, namely heads of Local Assay Office and Local Assay Office, shall be abolished.
2. Hitherto tasks and competencies of heads of Local Assay Office shall be taken over by competent directors.

Article 51. Pending proceedings conducted by heads of Local Assay Offices before the date of entry into force hereof shall be conducted by competent directors.

Article 52. 1. As of the date of entry into force hereof:

1) receivables and liabilities of Local Assay Office shall become receivables and liabilities of competent Regional Assay Offices;

2) items of property in possession of Local Assay Office shall be transferred to competent Regional Assay Offices.

2. Directors shall make an inventory of items of property, referred to in point 2 of paragraph 1 as at the date of acquiring the latter by Regional Assay Offices.

Article 53. 1. As of the date of entry into force hereof the heads of Local Assay Office who do not enjoy civil servants status, shall become civil servants employed in a competent Regional Assay Office.

2. As of the date of entry into force hereof employees employed in Local Assay Office shall become the employers of competent Regional Assay Offices.

3. Competent directors shall provide written information to employees, referred to in paragraphs 1 and 2 concerning changes to take place in the scope of their employment relations. Article 23¹ of the Employment Code Act of 26 June 1974 (Journal of Laws of 1998 No. 21, item 94, as amended⁸) shall apply mutatis mutandis.

4. The second sentence of paragraphs 2 and 3 shall not apply to civil servants to whom the provisions of the Civil Service Act of 21 November 2008 apply (Journal of Laws No. 227, item 1505, of 2009 No. 157, item 1241 and No. 219, item 1706 and of 2011 No. 82, item 451).

Article 54. Responsibility marks listed in Article 13 (2) of the statute, referred to in Article 57 hereof, shall, as of the date of entry into force hereof, become responsibility marks as defined herein and shall be subject to registration in the Register of Responsibility Marks without an obligation to file a relevant application to this end.

Article 55. Proceedings pending prior to the entry into force hereof shall be governed by the hitherto applicable legislation.

Article 56. Hitherto implementing provisions issued pursuant to Article 1a, Article 5 and Article 16 (2) of the statute, referred to in Article 57 hereof, shall remain in force until the entry into force of implementing provisions issued pursuant to Article 17, Article 33 (1) and Article 36 (8) hereof, not longer, however, than for a period of 12 months of the date of entry into force hereof.

Article 57. The Act of 3 April 1993 - Hallmarking Law (Journal of Laws No. 55, item 249, as amended⁹) is hereby made null and void.

Article 58. This statute shall enter into force following six months of the date of its publication, except the provisions of Article 24 (1) point 1a and 1c, (2) point 2a, 3a and 4a, which shall enter into force following 12 months of publication.

¹⁾ This statute shall amend the Act of 23 January 2009 concerning Voivod and Government Administration within a Voivodship.

²⁾ Agreement notified to the European Commission on 14 July 2010, under ref. No. 2010/0496/PL, pursuant to Section 4 of the Ordinance of the Council of the Minister of 23 December 2002 on the operation of a national system for notification of legislative standards and regulations (Journal of Laws No. 239, item 2039 and of 2004 No. 65, item 597), which implements the Directive 98/34/EC of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules of Information Society services (OJ L 204 of 21.07.1998, p 37; OJ PL special edition, Chapter 13, Volume 20, p. 337, as amended).

³⁾ Amendments of the above mentioned piece of legislation are published in the Journal of Laws of 1999 No. 101, item 1177, of 2000 No. 62, item 718, of 2002 No. 74, item 676, of 2006 No. 104, item 7080 and 711 and No. 194, item 1432, of 2007 No. 25, item 162 and No. 123, item 848, of 2009 No. 168, item 1323 and of 2010 No. 155, item 1041.

⁴⁾ Amendments of the above mentioned piece of legislation are published in the Journal of Laws of 1998 No. 162, item 1126, of 2000 No. 12, item 136 and No. 120, item 1268, of 2001 No. 123, item 1353 and of 2009 No. 92, item 753.

⁵⁾ Amendments to consolidated version of the above mentioned piece of legislation are published in the Journal of Laws of 2005 No. 163, item 1362 and No. 180, item 1494, of 2006 No. 170, item 1217 and No. 249, item 1834, of 2007 No. 176, item 1238, of 2008 No. 227, item 1505, of 2009 No. 18, item 97 and No. 91, item 740, of 2010 No. 66, item 421 and No. 107, item 679 and of 2011 No. 64, item 332.

⁶⁾ Amendments to the above mentioned piece of legislation are published in the Journal of Laws of 2010 No. 28, item 146, No. 96, item 620, No. 123, item 835, No. 152, item 1020, No. 238, item 1578 and No. 257, item 1726.

⁷⁾ Amendments to consolidated version of the above mentioned piece of legislation are published in the Journal of Laws of 2008 No. 214, item 1344 and No. 237, item 1651, of 2009 No. 178, item 1375, No. 190, item 1474 and No. 206, item 1589 and of 2010 No. 182, item 1228, No. 197, item 1307 and No. 225, item 1466.

⁸⁾ Amendments to consolidated version of the above mentioned piece of legislation are published in the Journal of Laws of 1998 No. 106, item 668 and No. 113, item 717, of 1999 No. 99, item 1152, of 2000 No. 19, item 239, No. 43, item 489, No. 107, item 1127 and No. 120, item 1268, of 2001 No. 11, item 84, No. 28, item 301, No. 52, item 538, No. 99, item 1075, No. 111, item 1194, No. 123, item 1354, No. 128, item 1405 and No. 154, item 1805, of 2002 No. 74, item 676, No. 135, item 1146, No. 196, item 1660, No. 199, item 1673 and No. 200, item 1679, of 2003 No. 166, item 1608 and No. 213, item 2081, of 2004 No. 96, item 959, No. 99, item 1001, No. 120, item 1252 and No. 240, item 2407, of 2005 No. 10, item 71, No. 68, item 610, No. 86, item 732 and No. 167, item 1398, of 2006 No. 104, item 708 and 711, No. 133, item 935, No. 217, item 1587 and No. 221, item 1615, z 2007 No. 64, item 426, No. 89, item 589, No. 176, item 1239, No. 181, item 1288 and No. 225, item 1672, z 2008 No. 93, item 586, No. 116, item 740, No. 223, item 1460 and No. 237, item 1654, of

2009 No. 6, item 33, No. 56, item 458, No. 58, item 485, No. 98, item 817, No. 99, item 825, No. 115, item 958, No. 157, item 1241 and No. 219, item 1704, of 2010 No. 105, item 655, No. 135, item 912, No. 182, item 1228, No. 224, item 1459, No. 249, item 1655 and No. 254, item 1700 and of 2011 No. 36, item 181, No. 63, item 322 and No. 80, item 432.

⁹⁾ Amendments to the above mentioned piece of legislation are published in the Journal of Laws of 2000 No. 120, item 1268, of 2001 No. 63, item 636, No. 126, item 1382 and No. 154, item 1800, of 2003 No. 171, item 1664 and of 2010 No. 107, item 679.