

Warsaw, 19 June 2012
Item 681

**REGULATION OF
THE MINISTER OF ECONOMY¹**

of 31 May 2012

concerning articles of precious metals²

Pursuant to Article 17 of the Hallmarking Law Act dated 1 April 2011 (Journal of Laws No. 92, item 529), the following provisions come into effect:

§ 1. The Regulation sets out:

- 1) detailed requirements for articles of precious metals submitted for assaying and hallmarking, course of submission and methods of assaying thereof;
- 2) descriptions and graphic symbols of hallmarks corresponding to particular types of marks and “MET” mark and deletion mark;
- 3) model assay certificates;
- 4) methods of hallmarking and putting “MET” mark on articles of precious metals and methods of removal or deletion of hallmarks or numbers.

§ 2.1. Assaying and hallmarking of a precious metal article, hereinafter referred to as an “article” is done by way of application submitted by an applicant.

2. An entrepreneur or a natural person may be an applicant submitting an article for assaying or hallmarking.

3. An authorized representative may submit an article for assaying or hallmarking on behalf of an entrepreneur.

§ 3.1. Submission of an article by an entrepreneur is based on a number assigned by an assay office when making an entry to the register of personal marks.

2. Submission by an entrepreneur not having a registered personal mark is based on an ordinal number assigned by an assay office at the first submission.

3. If the assay office to which an article is submitted uses bar codes, submission is based on an identification card issued to entrepreneurs who have registered personal marks.

¹ The Minister of Economy manages the governmental administration section – economy, pursuant to § 1 section 2 of the Regulation of the Prime Minister of 18 November 2011 concerning the detailed scope of responsibilities of the Minister of Economy (Journal of Laws No. 248, item 1478).

² This Regulation was notified to the European Commission on 9 February 2012 under a number 2012/0091/PL pursuant to § 4 of the Regulation of the Council of Ministers of 23 December 2002 concerning the mode of operation of the domestic system of legal standard and act notification (Journal of Laws No. 239, item 2039 and of 2004, No. 65, item 597) implementing Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ L 204 of 21.07.1998, page 37, as amended; OJ Polish special edition, chapter 13, volume 20, page 337, as amended).

4. An application of submission of an article for assaying or hallmarking should contain:
 - 1) in the case of an entrepreneur:
 - a) name and address where the entrepreneur conducts its business activity;
 - b) number referred to in section 1 or 2, unless assigned;
 - c) number, mass and assortment of the submitted articles;
 - d) declared standard of fineness of an article;
 - e) description of potential damage to the articles and guidelines for article hallmarking;
 - f) signature of the entrepreneur or his/her authorized representative;
 - 2) in the case of a natural person:
 - a) full name and address;
 - b) PESEL (national ID number) or passport number;
 - c) number, mass and assortment of the submitted articles;
 - d) description of potential damage to the articles and guidelines concerning the assaying and hallmarking of the articles;
 - e) signature.
5. When articles are submitted in packaging or with labels, net mass of the articles should be specified.
6. When submitting articles made of materials other than precious metals, containing precious metals in a form of decorative elements or parts used for technical reasons, the mass of those elements or parts should be specified separately.
7. An authorized employee of an assay office puts a date and reference number on the application form.

§ 4.1. An authorized employee of an assay office provides the applicant with a written acknowledgement that an assay administration body charge has been paid. The article collection acknowledgement is also an article receipt acknowledgement.

2. An article is collected against the document referred to in section 1. If an article is to be collected by a person authorized by an applicant, the person shall present a relevant authorization as well, in addition to the document referred to in section 1.
3. During the submission and reception procedure, natural persons shall present an identity-proving document indicated in the application.
4. An applicant or an authorized person acknowledges the receipt of an article by his/her signature on the application form.
5. Upon a written request of the applicant, an article may be delivered by courier. The applicant bears the costs of courier service.
6. The provisions of sections 2–4 shall not apply in the case referred to in section 5.

§ 5.1. The applicant shall agree the submission deadlines for assaying or hallmarking of larger lots of articles with the assay office director.

2. The article collection date shall be specified when the articles are accepted for assaying or

hallmarking.

§ 6.1. Articles shall be tested using:

- 1) analytical methods:
 - a) cupellation method – concerning alloys of gold;
 - b) gravimetric method – concerning alloys of platinum and palladium;
 - c) potentiometric method – concerning alloys of silver;
 - d) inductively coupled plasma atomic emission spectrometry (ICP – AES) – concerning alloys of gold, silver, platinum and palladium;
- 2) approximate method on touchstone.

2. During assaying of articles, X-ray fluorescence and alloy specific weight measurements may be used as auxiliary methods.

§ 7.1. Analytical methods are used to assay new articles.

2. The approximate method on touchstone is used to assay single articles.

3. If assaying of a single article using the approximate method on touchstone is not possible, one of the analytical methods shall be used to assay that article, upon consent of the applicant.

§ 8.1. In the case of the articles referred to in § 7 section 1, from the lot of articles submitted for assaying, metal samples are taken which are necessary for testing and which are representative for the alloys that the lot of articles is made of.

2. The number of samples taken depends on the number, mass and type of alloys that the submitted lot of articles is made of.

3. If the lot of new articles is supplemented by any samples of the alloy that the articles are made of and if the approximate method on touchstone or other auxiliary methods show that the assayed samples are made of the same alloy as the submitted articles, the alloy samples are subject to testing without a need of destroying the submitted articles.

§ 9.1. In the case of assaying articles using the methods referred to in § 6 section 1 item 1, the unused part of the article shall be returned to the applicant.

2. In the case of assaying:

- 1) articles of gold using the cupellation method;
- 2) articles of platinum using the gravity method;

the assay remains of the precious metal shall be additionally returned to the applicant.

3. The returns referred to in sections 1 and 2 shall be made against a written confirmation of receipt thereof.

§ 10.1. In basic hallmarks for articles of platinum, palladium and silver alloy, fineness is given as numbers, in thousandth parts.

2. In basic hallmarks for articles of gold alloy, fineness is given as numbers:

- 1) 0 – concerning standard of fineness of 0.999;

- 2) 1 – concerning standard of fineness of 0.960;
- 3) 2 – concerning standard of fineness of 0.750;
- 4) 3 – concerning standard of fineness of 0.585;
- 5) 4 – concerning standard of fineness of 0.500;
- 6) 5 – concerning standard of fineness of 0.375;
- 7) 6 – concerning standard of fineness of 0.333.

3. For each type and fineness of a precious metal, separate basic hallmarks are applied.

§ 11.1. An additional hallmark together with the basic hallmark is used as supplementing marking of articles of precious metals when:

- 1) an article is composed of several interconnected parts of the same precious metal – the presence of an additional hallmark means that all elements of the article are of the marked fineness; or
- 2) an article contains parts made of precious metals other than the main part of the article – the presence of an additional hallmark indicates the type of precious metal of other parts of the article, whereas the fineness of that metal may not be lower than the fineness specified in Article 24 section 1 of the Hallmarking Law Act of 1 April 2011, hereinafter referred to as the “Act”.

2. If the size or structure of an article does not allow it to be marked with an additional hallmark, this operation may be abandoned.

§ 12.1. An approval hallmark is made on an article next to the basic or additional hallmark.

2. One type of approval hallmark is used for all precious metals.

§ 13. If repeated assaying of an article marked with domestic hallmarks indicates the content of a precious metal different than the content indicated by the hallmarks made on the article, no approval hallmark is used.

§ 14.1. One type of main hallmark is used for all precious metals.

2. The main hallmark is used together with an additional hallmark.

3. The content of a precious metal in the articles referred to in Article 6 section 1 item 8 of the Act is marked as numbers, in thousandth parts.

4. Articles referred to in Article 6 section 1 item 8 of the Act are additionally marked with a designation of the day, month and year of assaying as well as the application number.

5. The symbols referred to in sections 3 and 4 are made using marks containing digits from 0 to 9.

6. Hallmarks and other marks are made on the assayed article in the following sequence:

- 1) day, month and year of assaying;
- 2) application number;
- 3) additional hallmark;
- 4) precious metal content;

5) main hallmark.

7. Hallmarks are made in one or two lines.

8. In cases justified by technical reasons, an assay office may limit the number of marks to symbols set out in section 6 items 3–5, placed in one line.

§ 15.1. Hallmark description and graphic symbols are presented in Appendix 1 to this Regulation.

2. Hallmarks specified in Appendix 1 to this Regulation made with the use of:

1) a hallmarking punch – should include:

- a) a convex mark – types 1A, 1, 1B, 2, 3A, 3, 4, 5, 6A, 6, 11, 12, 13A, 13, 14, 15, 16, 17, 24, 25;
- b) a convex or linear mark – types 7, 8, 9, 10;

2) a laser hallmarking device – should include a convex or linear mark, depending on the type of articles being hallmarked.

3. The types of hallmarks made with a linear image referred to in section 2 item 1 letter b shall be marked with a letter “L” placed next to the number specifying the type number in order to differentiate them from the hallmarks of the same type made as a convex mark.

§ 16.1. “MET” mark is made on an article using a hallmarking punch or a laser device.

2. “MET” mark description and graphic symbol is presented in Appendix 2 to this Regulation.

§ 17.1. A deletion mark is used to delete hallmarks or other marks.

2. A deletion mark is made on an article using a traditional method or with a laser device.

3. Deletion mark description and graphic symbols are presented in Appendix 3 to this Regulation.

4. If the use of a deletion mark may damage an article or significantly deteriorate its artistic value, hallmarks or other marks may be removed mechanically using a method agreed with the applicant.

§ 18. A model assaying certificate is presented in Appendix 4 to this Regulation.

§ 19. The Regulation becomes effective 14 days of the date of its publication.³

Minister of Economy: p.p. *M. Haladyj*

³ This Regulation was preceded by the Regulation of the Minister of Economy, Labor and Social Policy of 8 April 2004 concerning articles of precious metals (Journal of Laws No. 76, item 715 and of 2005, No. 239, item 2015) which shall expire as of the date of this Regulation coming into effect pursuant to Article 56 of the Hallmarking Law Act of 1 April 2011 (Journal of Laws No. 92, item 529).

Appendices to the Regulation of the Minister of Economy
of 31 May 2012 (item 681)**Appendix 1****HALLMARK DESCRIPTION AND GRAPHIC SYMBOLS**

1. Articles of platinum shall be hallmarked with:

1) a basic hallmark showing a horse's head turned to the left, in a rectangular frame with the left corner of the upper side and the left and right corners of the bottom side cut off; on the left side of the horse's head picture, there is a symbol of a given assay office and platinum fineness expressed in thousandth parts above the symbol:

- 999 (hallmark type 1A);
- 950 (hallmark type 1);
- 850 (hallmark type 1B);

2) an additional hallmark showing a horse's head turned to the left, framed by an equilateral triangle with vertices cut off (hallmark type 2).

2. Articles of palladium shall be hallmarked with:

1) a basic hallmark showing a pointer's head turned to the left, in a rectangular frame; on the left side of the head picture there is a symbol of a given assay office and palladium fineness expressed in thousandth parts above the symbol:

- 999 (hallmark type 3A);
- 850 (hallmark type 3);
- 500 (hallmark type 4);

2) an additional hallmark showing a pointer's head turned to the left, framed by a square with corners cut off (hallmark type 5).

3. Articles of gold shall be hallmarked with:

1) a basic hallmark showing a knight's head with his face turned to the left, in a hexagonal frame; on the left side of the head picture there is a symbol of a given assay office and there are digits on the right side of the head picture: 0, 1, 2, 3, 4, 5, 6 corresponding to the fineness of gold: 999, 960, 750, 585, 500, 375, 333 (hallmark type 6A, 6, 7, 8, 9, 10, 11);

2) an additional hallmark showing a knight's head turned to the left, framed by an equilateral hexagon (hallmark type 12).

4. Articles of silver shall be hallmarked with:

1) a basic hallmark showing a woman's head in a headscarf, with her face turned to the right, in a rectangular frame with rounded corners on the right side; on the left side of the head picture there is a symbol of a given assay office and silver fineness expressed in thousandth parts under the symbol: 999, 925, 875, 830, 800 (hallmark type 13A, 13, 14, 15, 16);

2) an additional hallmark showing a woman's head in a headscarf, with her face turned to the right, framed by a circle (hallmark type 17).

5. Articles of precious metals which have been already hallmarked shall be marked with an approval hallmark showing an owl's head, framed by a shield; there is a symbol of a given assay office at the bottom (hallmark type 24).

6. The articles of platinum, palladium, gold and silver listed in Article 6 section 1 item 8 of the Act shall be marked with a main hallmark showing the national emblem of the Republic of Poland, framed by a circle; the initial letters denoting a given assay office (hallmark type 25) are placed under the emblem.

7. The following letters denote regional assay offices:

- 1) K – Regional Assay Office in Kraków;
- 2) W – Regional Assay Office in Warsaw.

8. The following letters denote branch offices of:

- 1) Regional Assay Office in Kraków:
 - a) H – Branch Office in Chorzów;
 - b) Z – Branch Office in Częstochowa;
 - c) P – Branch Office in Poznań;
 - d) V – Branch Office in Wrocław;
- 2) Regional Assay Office in Warsaw:
 - a) A – Branch Office in Białystok;
 - b) B – Branch Office in Bydgoszcz;
 - c) G – Branch Office in Gdańsk;
 - d) Ł – Branch Office in Łódź.

9. Graphic symbols of hallmarks:

- 1) articles of platinum

Type 1A



Basic hallmark for
standard of fineness
of 0.999

Type 1



Basic hallmark for
standard of fineness
of 0.950

Type 1B



Basic hallmark for
standard of
fineness of 0.850

Type 2



Additional
hallmark for
platinum

2) articles of palladium

Type 3A



Basic hallmark for
standard of
fineness of 0.999

Type 3



Basic hallmark for
standard of
fineness of 0.850

Type 4



Basic hallmark for
standard of
fineness of 0.500

Type 5



Additional
hallmark for
palladium

3) articles of gold

Type 6A



Basic hallmark for
standard of
fineness of 0.999

Type 6



Basic hallmark for
standard of
fineness of 0.960

Type 7



Basic hallmark for
standard of
fineness of 0.750

Type 8



Basic hallmark for
standard of
fineness of 0.585

Type 9



Basic hallmark for
standard of
fineness of 0.500

Type 10



Basic hallmark for
standard of
fineness of 0.375

Type 11



Basic hallmark for
standard of
fineness of 0.333

Type 12



Additional
hallmark for gold

4) articles of silver

Type 13A



Basic hallmark for standard of fineness of 0.999

Type 13



Basic hallmark for standard of fineness of 0.925

Type 14



Basic hallmark for standard of fineness of 0.875

Type 15



Basic hallmark for standard of fineness of 0.830

Type 16



Basic hallmark for standard of fineness of 0.800

Type 17



Additional hallmark for silver

5) other hallmarks

Type 24



Approval hallmark

Type 25



Main hallmark

Appendix 2

“MET” MARK DESCRIPTION AND GRAPHIC SYMBOL



“MET” mark is made linearly in a rectangular frame with rounded corners

Appendix 3

DELETION MARK DESCRIPTION AND GRAPHIC SYMBOLS

X or **XX**

Deletion marks are made linearly

Appendix 4

MODEL ASSAYING CERTIFICATE

Regional Assay Office in

Branch Office in *

ASSAYING CERTIFICATE No.

Name of article:

Photograph of article **

Mass of article:

Date and number of article submission application:

Data identifying the applicant:

Description of marks made on the article:

Description of article features:

Assaying method applied:

Assaying results:

Type of metal and effective standard of fineness which the article corresponds to:
.....

Legal grounds:

Other information:

.....
*(place and assaying
certificate issue date)*

.....
(round office seal)

.....
*(signature with full name of
an authorized employee of
the office)*

* Refers to the place where the assaying certificate is issued.

** If a photograph is taken.