

Text consolidated by Valsts valodas centrs (State Language Centre) with amending regulations of:
2 July 2019 [shall come into force from 4 July 2019].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 1525

Adopted 22 December 2009

Procedures for Marking Precious Metal Articles and the Permitted Remedy

*Issued pursuant to
Section 27, Clause 2 of the Law on Supervision of Official Fineness*

1. The Regulation prescribes the procedures for marking precious metal articles and the permitted remedy.
2. The assaying and marking of precious metal articles shall be performed by *valsts sabiedrība ar ierobežotu atbildību "Latvijas proves birojs"* [State limited liability company Assay Office of Latvia] (hereinafter – the Office).
3. Precious metal articles may be submitted for marking by both a natural person and a legal person. Upon accepting articles for marking and issuing them back, the Office shall verify the identity of the person – a personal identification document for natural persons, a personal identification document and a power of attorney for a representative of a legal person.
4. The Office may agree with the person on submission of articles at the Office and receipt thereof from the Office, using postal or courier services.
5. A person, upon submitting precious metal articles for marking, shall indicate:
 - 5.1. the deemed metal and fineness of the articles if such information is known to the submitter;
 - 5.2. whether the articles should be marked with the Common Control Mark of the Convention on the Control and Marking of Articles of Precious Metals;
 - 5.3. the preferable place of application of the mark and the type of application of the mark – mechanical marking or laser marking;
 - 5.4. information on the special characteristics of the making of the articles which should be taken into account not to damage them:
 - 5.4.1. whether, upon assaying the articles, only the X-ray fluorescence method should be used;
 - 5.4.2. whether, upon mechanical marking of the articles, deformations are possible (for example, hollow articles, articles with hidden mechanisms).
6. Precious metal articles shall be submitted for marking:

6.1. functionally prepared for use (the precious stones need not be worked in) and by adding all the parts. Precious metal articles may be submitted for marking if they have not been polished;

6.2. sorted according to the type of metal and article;

6.3. in a packaging that ensures the protection of the articles against mechanical damage.

7. Upon accepting precious metal articles for marking, an employee of the Office shall draw up a receipt in two copies, indicating the following information therein:

7.1. the details of the Office;

7.2. the given name, surname, and personal identity number of the submitter or the details of the legal person;

7.3. the type, deemed metal and fineness, number, net and gross weight of the precious metal articles in grams;

7.4. the fee for the assaying works;

7.5. the given name, surname, and position of the employee of the Office who has accepted the precious metal articles;

7.6. the date of submitting the precious metal articles;

7.7. the given name and surname of the natural person or such representative of a legal person who submits the precious metal articles, or an indication that the articles have been delivered by post or courier.

8. The submitter of precious metal articles shall certify by a signature on the receipt that he or she has handed over precious metal articles (except for the case referred to in Paragraph 4 of this Regulation) and the employee of the Office – that he or she has accepted them.

9. One copy of the receipt shall be issued or sent to the submitter of precious metal articles but the other copy of the receipt shall be stored at the Office.

10. If the submitter of precious metal articles has not indicated the deemed metal of the articles in the receipt, the employee of the Office shall, upon accepting the precious metal articles, consider:

10.1. white metal articles – as silver articles;

10.2. yellow and red metal articles – as gold articles;

10.3. grey metal articles – as platinum or palladium articles;

10.4. metal articles of different colours – as articles of such metal which is in larger proportion;

10.5. if the proportion of metal parts is equal:

10.5.1. articles with platinum or palladium parts – as platinum or palladium articles;

10.5.2. articles with gold parts and without platinum or palladium parts – as gold articles.

11. The weight of a precious metal article shall be determined by weighing it with accuracy up to 0.1 g.

12. The following shall not be included in the weight of a precious metal article:

12.1. the weight of the packaging of the precious metal article;

12.2. for precious metal articles with an incorporated amber – the weight of amber if the precious metal is used as a collet and the proportion of amber in the precious metal article exceeds 50 per cent;

12.3. the weight of base metal parts in gold, platinum, or palladium articles;

12.4. the weight of parts of another material (not precious metal) if their proportion in the article exceeds 50 per cent;

12.5. the weight of precious stones (except for the weight of diamonds, emeralds, sapphires, and rubies) if their proportion in the article exceeds 50 per cent;

12.6. the weight of non-metallic filling for electrolytically formed articles of precious metals.

13. For the articles referred to in Sub-paragraphs 12.2, 12.3, 12.4, 12.5, and 12.6 of this Regulation the proportion of the precious metal shall be determined by weighing a disassembled article to be marked or an analogous article or according to the certificate of the maker if the submitter of the precious metal article has submitted the certificate of the maker or an identical sample of the precious metal article for weighing.

14. In order to determine the fee for the assaying works, the number of precious metal articles shall be determined in accordance with the following procedures:

14.1. a pair of earrings, cufflinks, or other articles shall be accepted as two articles;

14.2. articles that can be mutually combined if they can be separated (for example, chains and pendants) shall be accepted as individual articles.

15. The time period for the fulfilment of the order:

15.1. if less than 500 articles are submitted for marking – five working days;

15.2. if 500 articles or more are submitted for marking, the time period for the fulfilment of the order shall be determined by the receiving clerk reaching an agreement with the submitter of precious metal articles;

15.3. the Office has the right to extend the time period for the fulfilment of the order if it is not possible to fulfil the order within the specified time period due to technical reasons. The receiving clerk shall notify the submitter of precious metal articles thereof and agree on the next time period for the fulfilment of the order.

16. Upon issuing the marked precious metal article, the employee of the Office shall draw up:

16.1. a receipt, indicating therein:

16.1.1. the given name and surname of the recipient of the precious metal article or shall indicate that the articles will be delivered by post or courier;

16.1.2. the date of issuance of the precious metal article;

16.1.3. the given name, surname, and position of the employee of the Office who has issued the precious metal article;

16.2. the testing report, indicating therein:

16.2.1. the fineness determined for the precious metal article;

16.2.2. information on the analyses performed;

16.2.3. information on the marks applied on the precious metal article.

17. The employee of the Office shall certify the receipt with a signature that he or she has issued the precious metal article and the recipient of the precious metal article – that he or she has received it (except for the case referred to in Paragraph 4 of this Regulation).

18. Upon determining the fineness of the precious metal article alloy, the Office shall not allow a negative remedy (except for the cases specified in Paragraph 21 of this Regulation).

19. If the precious metal article alloy (an individual part of the precious metal article) has been made non-homogeneous, the precious metal article (the individual part of the precious metal article) at large must conform to the relevant fineness.

20. Upon determining the fineness of the precious metal article alloy, the following shall not be included in its weight:

20.1. the weight of the non-metallic filling of the precious metal article (for electrolytically formed articles);

20.2. the weight of the non-metallic coating;

20.3. the weight of the non-metallic parts of the precious metal article;

20.4. the weight of such metal parts which ensure the mechanical strength, durability, or functionality of the precious metal article and which cannot be technologically replaced with precious metal parts;

20.5. the weight of the material to be soldered for a delicate precious metal article made of a 925 fineness or higher fineness silver.

21. The material of the same fineness to be soldered shall be used for the soldering of precious metal articles. The material to be soldered the fineness of which is lower than the fineness of the precious metal article (individual parts of precious metal articles) may be used only for the following technological needs:

21.1. a gold alloy article the fineness of which is higher than 750 fineness may be soldered with the material of 750 fineness or higher fineness to be soldered;

21.2. a delicate article of 750 fineness gold alloy and a clock case may be soldered with the material of 740 fineness or higher fineness to be soldered;

21.3. an article of 750 fineness white gold alloy may be soldered with the material of 585 fineness or higher fineness to be soldered;

21.4. an article of 925 fineness silver alloy may be soldered with the material of 650 fineness or higher fineness to be soldered;

21.5. a silver alloy article the fineness of which is lower than 925 fineness may be soldered with the material of 550 fineness or higher fineness to be soldered;

21.6. a platinum alloy article may be soldered using the material to be soldered which contains at least 800 parts of gold, silver, platinum, or palladium from 1000;

21.7. a palladium alloy article may be soldered using the material to be soldered which contains at least 700 parts of gold, silver, platinum, or palladium from 1000;

21.8. sections of precious metal chains which have been made of a wire the diameter of which is less than 1 mm may be soldered with a material to be soldered that is not precious metal, however, the section of the chain at large must reach the specified fineness;

21.9. if parts of the precious metal article have been made from different precious metals, they may be soldered with the material to be soldered the fineness of which is not lower than the fineness of any part to be soldered.

22. Upon determining the fineness of precious metal materials or performing an examination of conformity of precious metal articles with the requirements for the safety of goods, the Office shall use a method ensuring that the data obtained are credible, representative, and comparable. If the method used conforms to the requirements of the applicable standard, it shall be considered corresponding for the fulfilment of the requirements referred to in this Paragraph. Not more than 1 % of the articles which have been sorted according to the type of metal and articles and the number of which exceeds 100 may be selected for chemical analysis.

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22.¹ The Ministry of Finance in cooperation with the relevant technical committee for standardisation shall recommend to the national standardisation body the list of standards to be developed, adapted, and applied in relation to this Regulation for the fulfilment of the requirements referred to in Paragraph 22 of this Regulation. The national standardisation body shall publish the list of such standards on the website of the Standardisation Office which may be applied for the fulfilment of the requirements referred to in Paragraph 22 of this Regulation.

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23. The Office shall mark the assayed precious metal articles with the mark of the Assay Office of Latvia or the fineness mark. The Office shall not mark a precious metal article if it does not conform to the requirements for the safety of goods.

24. Marks shall be pressed onto the precious metal article. If the submitter of the precious metal article has indicated in the receipt that pressing of the mark may damage the precious metal article, the mark shall be engraved on the precious metal article. If it is not possible to press or engrave the mark on the precious metal article due to technical reasons, the Office shall issue to the submitter of the precious metal article the quality certificate of the precious metal article in which the fineness specified for the precious metal article is indicated.

25. If, upon assaying or marking a precious metal article, the Office detects that the metal of the article does not conform to the deemed metal of the article (Paragraph 7 of this Regulation) or only the X-ray fluorescence method should be used upon assaying, or deformations are possible if the article is to be mechanically marked, the Office shall contact the submitter of the precious metal article, agree on the methods of assaying or marking, and draw up a new receipt regarding the works performed additionally.

26. The following precious metal article shall be marked with the mark of the assay authority:

26.1. which is marked with the Common Control Mark by the Office;

26.2. upon request of the submitter if the relevant precious metal article has been assayed and marked at an independent authority authorised by other countries and if it conforms to the following conditions:

26.2.1. the content of the precious metal in the article conforms to that indicated in the fineness mark of the independent authority authorised by another country;

26.2.2. the content of the precious metal in the article conforms to any of the fineness specified in the Republic of Latvia;

26.2.3. there is only one fineness mark on the article;

26.2.4. the fineness mark of the independent authority authorised by another country is clearly visible and has not been damaged;

26.2.5. the quantity of the precious metal in one millesimal of weight is indicated in fineness mark of the independent authority authorised by another country;

26.3. due to technological reasons, replacing the fineness mark with a combination of the mark of the assay authority and the supplementary fineness mark.

27. The imported precious metal articles and precious metal articles made in the Republic of Latvia shall be marked with the fineness mark.

28. A part of the precious metal article which has been made of the same precious metal, however, lower fineness precious metal, shall be marked with supplementary fineness marks if:

28.1. the part of the precious metal article has been fixed (soldered), however, is easily distinguishable in visual terms (in another colour);

28.2. the part of the precious metal article is mobile.

29. The metal part in a precious metal article shall not be marked with the supplementary fineness mark "MET" if:

29.1. the metal part has been used due to technical reasons and is easily distinguishable in visual terms;

29.2. the metal part has been used due to technical reasons and it is not practically possible to mark it;

29.3. the manufacturer of the precious metal article has clearly and comprehensibly indicated the existence of the metal part on the article.

30. The submitter shall mark a precious metal article intended to be marked with the year distinction mark and the personal mark prior to submitting the relevant article to the Office.

31. Marks shall be placed on a precious metal article according to the following procedures:

31.1. if possible, the fineness mark shall be placed on the largest part of the precious metal article;

31.2. if possible, the supplementary fineness mark shall be placed on such part of the precious metal article to which such mark is attributable;

31.3. in a pair of earrings, cufflinks, or other articles each article shall be marked;

31.4. in articles that can be mutually combined, if they can be separated (for example, chains and pendants), each article shall be marked;

31.5. if the precious metal article has been made of the parts of different precious metals, the article shall be marked with several corresponding fineness marks. If it is visually not possible to distinguish to which part which fineness mark is attributable, the precious metal article shall be marked as follows:

31.5.1. an article with silver parts – with a corresponding fineness mark of silver;

31.5.2. an article with gold parts but without silver parts – with a corresponding fineness mark of gold;

31.6. if the precious metal article has been made of the parts of one precious metal from which the smallest part has a lower fineness, the largest part shall be marked with the fineness mark corresponding thereto, and the smallest part – with the supplementary fineness mark. The supplementary fineness mark shall not be applied if the smallest part in the precious metal article has higher fineness.

32. A precious metal article shall be marked with the fineness mark which corresponds to the part with the lowest fineness if:

32.1. there is more than one part of different fineness in the precious metal article;

32.2. the part of different fineness has been soldered and is not easily distinguishable from the largest part of the precious metal article.

33. The impresses of the mark in precious metal articles shall not be damaged when polishing or treating them otherwise after marking.

34. Cabinet Regulation No. 595 of 27 December 2002, Procedures for Marking Precious Metal Articles and the Permitted Remedy (*Latvijas Vēstnesis*, 2002, No. 190; 2006, No. 65, 190), is repealed.

35. The Regulation shall come into force on 1 January 2010.

Prime Minister

V. Dombrovskis

Minister for Finance

E. Repše