

Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

- 1 April 1998 [shall come into force from 30 April 1998];
- 11 April 2002 [shall come into force from 8 May 2002];
- 31 March 2004 [shall come into force from 1 May 2004];
- 19 January 2006 [shall come into force from 26 January 2006];
- 5 June 2008 [shall come into force from 4 July 2008];
- 1 December 2009 [shall come into force from 29 December 2009];
- 22 June 2017 [shall come into force from 1 September 2017];
- 17 October 2019 [shall come into force from 19 November 2019].

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

The *Saeima*<sup>1</sup> has adopted and  
the President has proclaimed the following law:

## On Supervision of Official Fineness

### Chapter I General Provisions

**Section 1.** The following terms are used in this Law:

- 1) **precious metals** – gold, silver, palladium, platinum and metals of platinum group in any form and condition;
- 2) **precious stones** – diamonds, coloured gemstones and natural pearls, corals and amber;
- 3) **fineness (assay mark)** – a number that shows the proportion of pure precious metal mass in an alloy;
- 4) **remedy** – the permissible deviation from the precious metal fineness;
- 5) **economic activity involving precious metals, precious stones and their articles** – any systematic, independent activity for remuneration, which consists of wholesale trade, retail trade, purchase, storage, making, treating, repair of precious metals, precious stones and their articles, accepting and issuing of orders for making, treating and repairing them;
- 6) **precious metal article** – any jewellery or another object which is completely or partly made of precious metals or their alloys and belongs to Group 71 of the Combined Nomenclature or conforms to Group 42, 85, 90, 91, 92, 93, 96 or 97 thereof, if the proportion of the precious metal mass in an alloy is not less than that laid down in Convention on the Control and Marking of Articles of Precious Metals of 15 November 1972, as worded on 18 May 1998, amendments of 25 and 26 May 1998, 9 January 2001 and 15 October 2002 to the Convention (hereinafter – the Convention on the Control and Marking of Articles of Precious Metals) and in the standard LVS EN 29202:2000 “Jewellery – Fineness of precious metal alloys”.

[11 April 2002; 31 March 2004; 5 June 2008; 1 December 2009]

**Section 2.** (1) The purpose of this Law is protect the interests of the State and consumers in the field of using precious metals, precious stones and their articles.

(2) The Law prescribes the requirements for assaying, marking, and labelling of precious metal articles made and brought (imported) in the Republic of Latvia, the fineness marks with which such articles shall be marked, and also governs the supervision of official fineness.

<sup>1</sup> The Parliament of the Republic of Latvia

(3) This Law applies to any person who performs economic activity involving precious metals, precious stones and their articles.

(4) The persons who perform economic activity involving precious metals, precious stones and their articles have a duty to register the locations where such economic activities are performed with the assay authority of Latvia. *Valsts sabiedrība ar ierobežotu atbildību "Latvijas proves birojs"* [State limited liability company Assay Office of Latvia] (hereinafter – the Assay Office of Latvia) shall be the assay authority of Latvia. Registration fee shall not be required.

[11 April 2002; 31 March 2004; 5 June 2008; 1 December 2009]

**Section 3.** In the Republic of Latvia precious metal articles shall be marked with fineness marks, in which the fineness indicated conforms to the fineness laid down in the Convention on the Control and Marking of Articles of Precious Metals and the fineness laid down in the standard LVS EN 29202:2000 "Jewellery – Fineness of precious metal alloys".

[5 June 2008]

**Section 4.** Assaying is the determination of the qualitative and quantitative characterisation of precious metals and their alloys, as well as determination of characterisation and quality assessment of precious stones and other valuable stones to be used in articles of jewellery.

[1 April 1998; 11 April 2002]

**Section 5.** Supervision of fineness shall include:

1) assaying of precious metals and their articles, analysis and expert-examination of the composition, and performance of control analysis;

2) marking with the mark of the assay authority of Latvia and with the fineness mark, expert-examination of marks of assay authorities and fineness marks;

3) expert-examination and assessment of precious stones and other valuable stones to be used in articles of jewellery, issuance of quality attestations;

4) control of conformity with the requirements for labelling and mandatory assaying of precious metals, precious stones and their articles at locations where economic activity involving precious metals, precious stones and their articles is performed;

5) registration of such locations where economic activity involving precious metals, precious stones and their articles is performed, and registration of their personal marks;

6) assessment of the composition of alloys of precious metal and precious stone articles in relation to conformity with the requirements for the safety of goods.

[11 April 2002; 19 January 2006; 1 December 2009]

## **Chapter II Marks and Marking**

**Section 6.** Precious metal articles shall be marked with the following marks (signs):

1) mark of the assay supervisory authority;

2) fineness mark;

2<sup>1</sup>) supplementary fineness mark;

3) personal mark;

4) year distinction mark.

[5 June 2008]

**Section 7.** (1) The mark of the assay supervisory authority is a mark by which the assay supervisory authority confirms that the precious metal article bears a specific mark and it has been marked in this authority.

(2) The marks of the assay supervisory authority are as follows in the Republic of Latvia:

1) for gold – "female head with a head wreath" in a circle;

- 2) for silver – “female head with a head wreath” in an oval;
- 3) for platinum – “female head with a head wreath” in a diamond;
- 4) for palladium – “female head with a head wreath” in a square.

[5 June 2008]

**Section 8.** The mark of the assay authority and the fineness mark are assay supervisory marks of the Republic of Latvia. Only the Assay Office of Latvia has the right to use them for marking.  
[1 December 2009]

**Section 9.** (1) A precious metal article made, as well as brought (imported) in the Republic of Latvia must be marked with the mark of an assay supervisory authority authorised by or of an independent assay supervisory authority (public or private) of the Republic of Latvia or a European Union Member State, Swiss Confederation, Turkey or a state of the European Economic Area, or with the fineness mark, or with the common control mark laid down in the Convention on the Control and Marking of Articles of Precious Metals.

(2) The Cabinet shall determine the list of assay supervisory authorities authorised by or of independent assay supervisory authorities (public or private) of the Republic of Latvia or a European Union Member State, Swiss Confederation, Turkey or a state of the European Economic Area, the procedures by which such assay supervisory authorities shall be included in the list, and the procedures by which marks of such assay supervisory authorities or fineness marks shall be recognised until inclusion of such assay supervisory authorities in the list.

[5 June 2008]

**Section 10.** (1) The fineness mark is a mark by which the assay supervisory authority confirms that the precious metal article bears a specific mark and it has been marked in this authority, and indicates the designation of the mark of the precious metal alloy.

(2) The fineness marks are as follows in the Republic of Latvia:

1) for gold – “female head with a head wreath” and for an alloy designation of the corresponding mark with Arabic numerals in parts per thousand by weight – in an oval that is shaved off from the left side and the right side;

2) for silver – “female head with a head wreath” and for an alloy designation of the corresponding mark with Arabic numerals in parts per thousand by weight – in an oval;

3) for platinum – “female head with a head wreath” and for an alloy designation of the corresponding mark with Arabic numerals in parts per thousand by weight – in an oval that is shaved off from the right side;

4) for palladium – “female head with a head wreath” and for an alloy designation of the corresponding mark with Arabic numerals in parts per thousand by weight – in an oval that is shaved off from the left side.

[5 June 2008]

**Section 10.<sup>1</sup>** (1) Supplementary fineness mark is a mark which indicates that the precious metal article contains details with different fineness.

(2) Supplementary fineness marks in the Republic of Latvia shall be a designation corresponding to the fineness of the alloy with Arabic numerals in parts per thousand by weight in a rectangular.

(3) If metal parts that are not made of precious metal are added to a precious metal article, the Assay Office of Latvia shall mark the article with the supplementary fineness mark “MET”.

[5 June 2008; 1 December 2009]

**Section 11.**

[5 June 2008]

**Section 12.** (1) Within the meaning of this Law a personal mark is a mark which is made and used by a performer of economic activity for marking its articles.

(2) A personal mark is a letter, combination of letters or another symbol which is different from marks of other performers of economic activity.

(3) A personal mark must be registered with the Assay Office of Latvia. The personal mark shall be re-registered once in five years.

*[11 April 2002; 5 June 2008; 1 December 2009]*

**Section 13.** (1) A year distinction mark is a mark that indicates the year when the article was made. Such mark is a Latin letter, number or graphical symbol or a combination of such elements, and it is determined by the Cabinet for each calendar year.

(2) The maker shall mark precious metal articles with the year distinction mark.

*[19 January 2006]*

**Section 14.** The year distinction mark may be combined with the personal mark. The use of the year distinction mark and personal mark is not mandatory.

*[5 June 2008; 1 December 2009]*

### **Chapter III** **Supervision of Official Fineness**

*[1 December 2009]*

**Section 15.** (1) The State Revenue Service and the Assay Office of Latvia shall, in accordance with the competence laid down in this Law and other laws and regulations, implement the supervision of conformity with the requirements for labelling and mandatory assaying of precious metals, precious stones and their articles.

(2) The Assay Office of Latvia shall carry out the following administration tasks:

1) supervise the conformity with the requirements for labelling and mandatory assaying of precious metals, precious stones and their articles;

2) determine the fineness of precious metals, precious stones and their articles, perform analysis of the composition, expert-examination, control analysis, and assessment, issue quality attestations;

3) mark with the mark of the assay authority of Latvia and with the fineness mark, perform expert-examination of marks of assay authorities and fineness marks;

4) perform expert-examination and assessment of precious stones and other valuable stones to be used in articles of jewellery, issue quality attestations;

5) register such locations where economic activity involving precious metals, precious stones and their articles is performed, and register their personal marks;

6) perform inspections at places where economic activity involving precious metals, precious stones and their articles is performed in respect of conformity with the requirements of labelling, mandatory assaying, marking, storage, and safety of goods, select articles for laboratory expert-examination, and prepare inspection statements on the findings of such inspections;

7) assess the composition of alloys of precious metals, precious stones and their articles in relation to conformity with the requirements for the safety of goods.

(3) In relation to carrying out the tasks referred to in Paragraph two of this Section, the Assay Office of Latvia is subordinate to the Ministry of Finance. The Ministry of Finance shall implement the subordination in the form of supervision.

(4) If the Assay Office of Latvia detects violations of laws and regulations, it shall send the materials regarding the inspection performed to the State Revenue Service for initiating administrative offence proceedings.

(5) The Ministry of Finance shall organise and co-ordinate the drafting of the national policy in relation to protecting the interests of consumers in the field of using precious metals, precious stones and their articles.

*[17 October 2019 / The new wording of the Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions]*

**Section 15.<sup>1</sup>** [17 October 2019 / See Paragraph 6 of Transitional Provisions]

**Section 16.** [31 March 2004]

**Section 17.** [31 March 2004]

**Section 18.** [31 March 2004]

**Section 19.** [31 March 2004]

**Section 20.** Upon performing supervision of fineness, officials of the State Revenue Service and employees of the Assay Office of Latvia, according to their competence, have the right:

1) presenting a service identification document, to freely visit the production sites, trading sites existing in the Republic of Latvia and other non-residential premises which belong to or are leased to legal or natural persons performing economic activity involving precious metals, precious stones and their articles;

2) to perform inspections and analyses of precious metals, precious stones and their articles;

3) to request and receive all documentation related to the receipt, utilisation, selling, accounting and storage of precious metals, precious stones and their articles, as well as statements and explanations regarding questions that have arisen during the inspection process, from the legal and natural persons to be inspected who perform economic activity involving precious metals, precious stones and their articles;

4) [31 March 2004];

5) to give instructions to be mandatorily executed by legal and natural persons who perform economic activity involving precious metals, precious stones and their articles, to eliminate the detected deficiencies and violations within a specific time period;

6) [31 March 2004].

*[11 April 2002; 31 March 2004; 19 January 2006, 1 December 2009]*

**Section 21.** [1 December 2009]

### **Chapter III.<sup>1</sup>**

#### **Administrative Offences in the Field of Using Precious Metals, Precious Stones and Their Articles and Competence in Administrative Offence Proceedings**

*[17 October 2019 / Chapter shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions]*

**Section 21.<sup>1</sup>** For violating the procedures for registering the places where economic activity involving precious metals, precious stones and their articles is performed and for registering personal marks, a warning or a fine of up to one hundred and fourteen units of fine shall be imposed on a natural or legal person.

*[17 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions]*

**Section 21.<sup>2</sup>** For violating the requirements for assaying, marking, labelling, and storing precious metals, precious stones and their articles, a warning or a fine of up to one hundred and forty units of fine shall be imposed on a natural or legal person.

[17 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions]

**Section 21.<sup>3</sup>** Administrative offence proceedings for the offences referred to in Sections 21.<sup>1</sup> and 21.<sup>2</sup> of this Law shall be conducted by the State Revenue Service.

[17 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 6 of Transitional Provisions]

## **Chapter IV Final Provisions**

**Section 22.** [31 March 2004]

**Section 23.** (1) Upon performing assaying, the Assay Office of Latvia has the right to utilise the necessary quantity of precious metals for ensuring a complete analysis.

(2) After laboratory analyses are performed the remainder of precious metals at the Assay Office of Latvia shall be returned to the commissioning party.

(3) [11 April 2002]

[11 April 2002; 1 December 2009]

**Section 24.** The results of analyses and expert-examinations conducted by the Assay Office of Latvia may also be applied by law enforcement authorities in all cases of disputes.

[1 December 2009]

**Section 25.** [17 October 2019 / See Paragraph 6 of Transitional Provisions]

**Section 26.** If international agreements approved by the *Saeima* include provisions contrary to this Law, the provisions provided for in the international agreement shall apply.

**Section 27.** The Cabinet shall:

1) determine the requirements for labelling and mandatory assaying of precious metals, precious stones and their articles, the list of articles exempted from mandatory assaying and marking, the procedures for storing non-assayed precious metals, precious stones and their articles, and also the procedures by which locations shall be registered where economic activity involving precious metals, precious stones and their articles is performed;

2) determine the procedures for marking precious metal articles and the permitted remedy;

3) determine the procedures for registering personal marks;

4) determine a fee for assaying and marking of precious metal articles to be mandatorily assayed, for assaying of precious stone articles to be mandatorily assayed and for issuing of quality attestations, as well as for registering of a personal mark.

[11 April 2002; 31 March 2004; 1 December 2009]

## **Transitional Provisions**

1. With the coming into force of this Law, Cabinet Regulation No. 172 of 30 August 1994, On Supervision of Official Fineness (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1994, No. 19), is repealed.

2. [11 April 2002]

3. Until coming into force of the Cabinet regulations laid down in Section 27 of this Law, but not later than until 1 September 2002, the following Cabinet regulations are in force, insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 161 of 20 June 1995, Regulations Regarding the Guarantee Marks and Fineness of Precious Metals;

2) Cabinet Regulation No. 185 of 19 May 1998, Regulations Regarding Handling of Precious Metals, Precious Stones and Their Articles”.

[11 April 2002]

4. Until 30 December 2009 the Cabinet shall issue the new regulations provided for in Section 27, Clause 4 of this Law.

[1 December 2009]

5. The Inspectorate for Supervision of Official Fineness shall carry out the functions laid down by law and transfer them to the Ministry of Finance and the State Revenue Service by 1 January 2010.

[1 December 2009]

6. Amendments to Section 15 of this Law regarding the new wording thereof, the deletion of Section 15.<sup>1</sup>, the Chapter III.<sup>1</sup>, and also the deletion of Section 25 shall come into force concurrently with the Law on Administrative Liability.

[17 October 2019]

This Law has been adopted by the *Saeima* on 19 January 1995.

President

G. Ulmanis

Riga, 2 February 1995