

22 May 2009

Unofficial translation from Finnish
©Ministry of Employment and the Economy & Safety Technology Authority

Act on Articles of Precious Metals (Finland)

(1029/2000)

In accordance with the decision of Parliament, the following is enacted:

Chapter 1 – General Provisions

Section 1 – Scope of application

This Act applies to articles of precious metals that are intended, or that are used to an essential extent, for private consumption.

This Act shall not apply to appliances and equipment intended for scientific, artistic, industrial or medical purposes.

The Council of State decree provides for other articles of precious metals to which this Act or its provisions are not applicable.

Section 2 – Definitions

For the purposes of this Act,

- (1) *precious metal* means fine gold, silver, platinum and [palladium \(19.12.2008/977\)](#);
- (2) *an article of precious metals* means an object manufactured in total or in part of precious metals or alloys of precious metals (11.3.2005/154);
- (3) *a mark* means a permanent marking intended for articles of precious metals;
- (4) *Ministry* means the Ministry of Trade and Industry;
- (5) *Surveillance Authority* means the Safety Technology Authority (Tukes); and
- (6) *an assay office* means an organisation that has been declared competent and that has the right to perform the duties laid down for an assay office under the present Act.

22 May 2009

Chapter 2 – **Articles of precious metals**

Section 3 – *Requirements*

Only such articles may be placed on the market and sold as articles of precious metals that have been manufactured from:

- (1) a gold alloy with a minimum of 375 thousandths of mass of fine gold;
- (2) a silver alloy with a minimum of 800 thousandths of mass of fine silver;
- (3) a platinum alloy with a minimum of 850 thousandths of mass of fine platinum;
- (4) a palladium alloy with a minimum of 500 thousandths of mass of fine palladium (19.12.2008/977).

Laid down by Council of State decree, further provisions on the marking of fineness higher than the minimum fineness, determination of the fineness, as well as for combining precious metals, metals and other materials, coating, filling and other requirements.

Section 4 – *Marks and responsibility*

The marks used on articles of precious metals are an assay office mark, a responsibility mark, a fineness mark, a date letter and a location mark.

When an article of precious metals is placed on the market or sold, it shall carry a responsibility mark and a fineness mark or an assay office mark and a fineness mark (11.3.2005/154).

The manufacturer or the party responsible for placing an article of precious metals on the market is responsible for seeing that the article is at least provided with the marks prescribed in subsection 2 as an indication of conformity with requirements.

Further provisions concerning the marks, their approval and registration, and on other allowable markings, are established by Council of State decree.

Section 5 – *Assay and hallmarking of articles*

The conformity of an article of precious metals with the provisions established under section 3, can be demonstrated by assays carried out by an assay office and hallmarked with an assay office mark as laid down in greater detail by Council of State decree.

Section 6 – *Assay office's accreditation and its surveillance*

The Surveillance Authority shall accredit an assay office for it to perform its responsibilities referred to in section 5, subsection 1, as laid down in detail by Council of State Decree.

22 May 2009

The conditions for accrediting an assay office require that the assay office is operationally and economically independent, that it holds third party liability insurance and it has a sufficient number of qualified personnel. Also an assay office must have the systems, equipment and instruments necessary for its operations. The Council of State decree lays down further provisions on the conditions for accrediting an assay office, as well as for the documentation demonstrating conformity with requirements which have to be appended to an application.

A document of accreditation can be granted for a fixed period of time. Requirements, restrictions and other conditions can be imposed on the operations of an assay office. An assay office is bound to notify any such changes in its operations that have an effect on the requirements of its accreditation.

The Surveillance Authority has to monitor the operations of the assay offices under its accreditation and at regular intervals has to ensure that the requirements which have been laid down are met. Should an assay office fail to conform with the requirements provided for or should it operate in breach of any provisions, the Surveillance Authority is required to request the assay office to remedy any deficiency by a fixed date. If the deficiency is not remedied by that date or if the gravity of the situation otherwise calls for it, the Surveillance Authority has to withdraw its accreditation.

Chapter 3 – **Surveillance**

Section 7 – *Surveillance Authorities*

The Ministry is the highest appointed authority and responsible for issuing guide-lines concerning the surveillance of compliance with the provisions of this Act.

The Surveillance Authority has to monitor compliance with this Act.

Section 8 – *Surveillance Authority rights*

For monitoring compliance with this Act, the Surveillance Authority has the right to:

- (1) have access to facilities for manufacturing, storing, selling, repairing and assaying articles of precious metals and their components and materials; and
- (2) to obtain required samples from manufacturers, importers, sellers and stockists of articles of precious metals, their components and materials, and as well as from the assay office.

The Surveillance Authority has to recompense at current prices for the samples mentioned in subsection 1, paragraph 2.

22 May 2009

Section 9 – *Cooperation between authorities*

Where appropriate, the police have to provide official assistance to the Surveillance Authority in order to monitor compliance with this Act and to implement it. The same applies to the Customs Authorities, if an article of precious metals is imported from outside the European Economic Area.

Section 10 – *Right of access to information*

For the purposes of supervision of this Act, regardless of confidentiality provisions in general, the Surveillance Authority is entitled to obtain:

- (1) from the Customs Authority, the name of the importer, as well as information regarding the type, volume and import date of any article of precious metals which is being imported from outside the European Economic Area; and
- (2) information from manufacturers, importers, retailers and stockists of articles of precious metals and their components and materials, and as well as from the assay office.

Section 11 – *Non-compliant article*

If in the process of surveillance it is discovered that an article of precious metals does not conform to the requirements laid down in section 3 and 4, the Surveillance Authority has the right to:

- (1) prohibit the manufacturing, marketing, sale and other transfer of such an article of precious metals;
- (2) demand the party responsible for the conformity of the article of precious metals to undertake such changes that the article then meets the requirements or, if this is not appropriate or possible, give instructions as to how to otherwise treat the article; and
- (3) oblige the party responsible to reimburse at the current price of the article and any costs incurred by the assay and the examination, if the Surveillance Authority applies the prohibition or demand referred to in subsection 1 or 2 above.

Chapter 4 – **Coercive measures and sanctions**

Section 12 – *Conditionally imposed fine and threat to proceed at the defaulter's expense*

The Surveillance Authority may enforce a prohibition, a demand or an obligation, laid down by virtue of this Act, with a conditionally imposed fine or a threat to proceed at a defaulter's own expense as provided for in the Act on Conditionally Imposed Fines (1113/1990).

The costs incurred by a commissioned measure shall be paid for in advance by the State Treasury.

22 May 2009

The costs referred to in subsection 2 and the costs referred to under section 11, subsection 3, can be collected from the party concerned without a court order or decision in the order as laid down under the Act on the Recovery of Taxes and Fees through Recovery Proceedings (367/1961).

Section 13 – *Penalties*

Anyone who deliberately or out of gross negligence

- (1) ignores the obligation laid down in section 3 or 4, or
- (2) does not comply with a prohibition, a demand or an obligation as laid down in section 11,

shall be sentenced to a fine, *for infringement of the statutes on articles of precious metals*, unless a more severe penalty is provided by law.

In the case of anyone violating a prohibition or an order, enforced with a conditionally imposed fine, laid down by virtue of this Act, the penalty may be waived for the same Act.

Section 14 has been repealed by 893/2001.

Chapter 5 – **Miscellaneous provisions**

Section 15 – *Access to confidential information*

Notwithstanding the secrecy obligation laid down in the Act on the Transparency of Council of State Activities (621/1999), information on the financial status of a private individual, a corporation or a foundation, about a trade or professional secret, or regarding the personal circumstances of a private individual obtained while performing a duty related to the surveillance concerning the compliance with this Act, may be divulged:

- (1) to prosecutors, the police or Customs authorities towards aiding the resolving of a crime; and
- (2) to foreign institutions and assay offices referred to in the international convention which binds Finland, under the terms of the convention.

Section 16 – *Appeal process*

An administrative decision taken under this Act by the Ministry and Surveillance Authority may be appealed against as provided for in the Administrative Judicial Procedure Act (586/1996). Despite an appeal, the decision must be adhered to, unless otherwise defined by a court of appeal.

22 May 2009

Should an assay office reject the confirmation of conformity with requirements, the decision must be justified and then notified immediately to the party concerned. At the same time, the assay office shall inform the applicant how she or he should take the matter up for reconsideration by the assay office as a part of the rectification procedure. The rectification procedure shall follow the method that has been established in greater detail during the accreditation of the assay office. A decision rendered by an assay office in a rectification procedure, in which the confirmation of conformity has been refused, shall be appealed against through the appeal court as provided for under the Administrative Juridical Procedure Act.

Section 17 – *Mutual recognition*

Articles of precious metals marked in one of the countries within the European Economic Area are acceptable in Finland, if they provide the consumer with the same information as the marks mentioned in section 4 above.

Section 18 – *Further provisions*

Further provisions on the implementation of this Act are given by Council of State decree.

The Surveillance Authority may issue, when appropriate, technical and administrative directions harmonising the application of the present Act.

Section 19 – *Entry into force*

This Act comes into force on 1 January 2001. Measures necessary for the implementation of this Act may be undertaken before this Act comes into force.