

22 May 2009

Unofficial translation from Finnish  
©Ministry of Trade and Industry & Safety Technology Authority

## **Council of State Decree on Articles of Precious Metals** (Finland)

(1148/2000)

By decision of the Council of State, made on the submission of the Ministry of Trade and Industry, the following is decreed by virtue of the Act on Articles of Precious Metals (1029/2000) of 1 December 2000:

### **Chapter 1 – General Provisions**

#### *Section 1 – Delimitations on the scope of application*

The Act on Articles of Precious Metals and this Decree shall not apply to:

- (1) legal tender and collector's coins;
- (2) raw materials and investment gold; and
- (3) articles verified as being at least fifty years old.

### **Chapter 2 – Combining precious metals, metals and other materials**

#### *Section 2 – Combining materials*

When using any parts made from base metals or other materials in an article of precious metals, the parts that are not of precious metals, subject to marking, shall be indicated with a permanent marking. If the marking cannot be used for technical reasons, the other parts shall be clearly distinguishable from the article's precious metal, subject to marking, and be visible.

Precious metal, base metal or other material with a fineness lower than that marked on the article may not be used for reinforcing, filling or increasing the weight of the article.

#### *Section 2 a: Cutlery, candlesticks and similar products (16.6.2004/534)*

For the attachment or filling of the handle of cutlery pieces or similar products made from sheeted precious metals one may, for sound reasons, use metal, other material or precious metal with a fineness lower than the one indicated by the fineness mark. However, if the manufacturer uses substandard material, written justified grounds shall be provided with a description of the structure and materials used in the product.

22 May 2009

The provisions mentioned in subsection 1 shall also be applied to candlesticks or similar products which are made of sheeted precious metals to increase the weight at the base of the article.

The written description mentioned in subsection 1 shall either follow the product or be easily available at the point of sale.

### Section 3 – *Soldering*

Solders used in manufacture shall be of the same fineness and of the same precious metal as the article itself, with the following exceptions:

- (1) the minimum gold fineness of solders of gold articles with a fineness exceeding 750 shall be 750 thousandths of mass;
- (2) the minimum silver fineness of solders of silver articles shall be 550 thousandths of mass;
- (3) the minimum platinum fineness of solders of platinum articles shall be 800 thousandths of mass;
- (4) the minimum precious metal fineness of solders of palladium articles shall be 500 thousandths of mass (8.1.2009/8).

A solder with a lower fineness as referred to in subsection 1 may be used only to the extent necessary for soldering and it may not be used for reinforcing, filling or for increasing the weight of an article of precious metals.

### Section 4 – *Coating*

The fineness mark on a coated article of precious metals indicates the fineness of the precious metal that has been coated.

No parts made of base metals or other materials and coated with precious metal may be used in an article of precious metals.

## Chapter 3 – **Marks**

### Section 5 – *Assay office mark*

An assay office mark indicates the assay office that has certified the conformity with requirements of the article of precious metals. An assay office mark is either punched or marked by laser on an article of precious metals. (16.6.2004/534)

22 May 2009

The assay office mark consists of a crown on a heart-shaped background with a wave pattern. The mark may also contain a marking that identifies the assay office. The Surveillance Authority approves an assay office mark upon application.

#### Section 6 – *Responsibility mark*

A responsibility mark indicates the entrepreneur responsible for the conformity of an article of precious metals. The responsibility mark shall feature a capital letter or a combination of capital letters.

The Surveillance Authority shall approve a responsibility mark upon application. An excerpt from the Trade Register or similar verified information shall be appended to the application.

The Surveillance Authority maintains a register of responsibility marks it has approved. The holder of a responsibility mark shall notify the Surveillance Authority, in writing, of any essential amendments to the given information, and shall reconfirm the registration at three-year intervals.

#### Section 7 – *Fineness mark*

A fineness mark indicates in numbers and in thousandths of mass the content of a fine precious metal in a precious metal alloy.

#### Section 8 – *Date letter*

A date letter indicates the year of manufacture and consists of the letter A, B, C, D, E, F, G, H, I, K, L, M, N, O, P, Q, R, S, T, U, V, X, Y or Z followed by a number or a digit. The letters are used in alphabetical order, one for each year. The digit combined with the letter indicates the number of times the set of letters has been used. The date letter A indicates the year 1810 and Y8 the year 2000.

#### Section 9 – *Location mark*

The location mark indicates the place of manufacture of articles of precious metals. The background of a location mark is shield-shaped. The Surveillance Authority approves a location mark following an application by a municipality.

#### Section 10 – *Other marks (8.1.2009/8)*

No article of precious metals may carry any other marks that are confusingly similar to the marks referred to in this Decree.

No other article than an article of precious metals may carry the marks referred to in this Decree or any other marks that are confusingly similar to them. Nevertheless, the use of the responsibility mark is allowed, if the product is clearly distinguishable from an article of precious metals.

22 May 2009

In addition to the marks referred to in this Decree, an article of precious metals may carry marks used in other states.

The provisions of subsections 1 to 3, shall not apply to the situations referred to in section 14 a.

Section 10 a – *Post-marking finishing processes for articles of precious metals* (16.6.2004/534)

Following assaying and marking an article of precious metals may not be processed in such a way that the specific features of the assay office mark are altered. Neither shall the processing weaken the readability of marks mentioned in this section.

#### Chapter 4 – **Fineness to be marked**

Section 11 – *Fineness marks* (8.1.2009/8)

The digits indicating allowable fineness in a fineness mark are 375, 585, 750, 916 and 999 for a gold article; 800, 830, 925 and 999 for a silver article; 850, 900, 950 and 999 for a platinum article; and 500, 850, 950 and 999 for a palladium article. No other digits may be used in a fineness mark.

Section 12 – *Background shapes of fineness marks* (8.1.2009/8)

If background shape is used for a fineness mark of an article of precious metals, the fineness mark shall be placed on an oval background for gold, on a rectangular background for silver, and on a rhomboid on its vertex for platinum, in lying position. Correspondingly, the fineness mark for palladium shall be on a symmetric quadrangular background, three sides of which are of the same length and half of the base length.

Section 13 – *Determination of fineness* (16.6.2004/534)

No downward deviations in the fineness of an article of precious metals are permitted.

#### Chapter 5 – **Marking of articles**

Section 14 – *Exemption from marking* (8.1.2009/8)

Gold, platinum and palladium articles, in which the mass of a part manufactured of a precious metal alloy is below 1 gram, and silver articles in which the corresponding mass is below 10 grams, may be placed on the market without any marks provided by law.

Nevertheless, if an article referred to in subsection 1 is marked, it shall carry the fineness mark at the minimum.

Section 14 a: *Substitution of marks* (16.6.2004/534)

22 May 2009

If the article of precious metals to be sold lacks the regulatory marks, Customs authorities, bailiff authorities, auction houses, pawnbrokers, bankruptcy receivers and estate trusts, have the right to substitute the regulatory marks with a written certificate. In such cases, as an exception to section 11, the fineness of a product shall be quoted according to the actual fineness of the article.

#### Section 15 – *Assay and marking*

Any party responsible for the conformity of an article of precious metals may allow an article to be assayed by an assay office. After having verified that the article conforms with requirements, the assay office shall certify the article by placing an assay office mark on it. (16.6.2004/534)

If the article is such that placing the assay office mark would damage it or diminish its value, the assay office has the right to issue a written certificate as to the article's conformity with requirements. (16.6.2004/534)

Furthermore, an article of precious metals may be furnished with a common control mark as defined in the Convention on the Control and Marking of Articles of Precious Metals (Treaty Series of the Statutes of Finland 17/1975), provided that the article conforms with the conditions laid down by the Convention.

### Chapter 6 – **Requirements for assay offices**

#### Section 16 – *Requirements concerning assay offices*

An assay office shall meet the following requirements:

- (1) the office, its Director and personnel shall be independent of all such instances, groups and persons that hold a direct or an indirect interest;
- (2) the personnel of the office are presumed to have good technical and vocational training and to have received sufficiently wide-scoped experience in the duties required for their activities; and
- (3) the office shall have an impartially assessed and controlled system to verify the conformity of articles of precious metals, as well as appropriate instructions for undertaking and monitoring its activities.

#### Section 17 – *Application for accreditation of an assay office*

The application for the accreditation of an assay office shall be sent to the Surveillance Authority.

Documentation demonstrating conformity with the requirements laid down in section 16, including a certificate or statement issued by the Centre for metrology and accreditation, or a corresponding organisation, or some other certificate or statement on conformity with requirements considered sufficient by the Surveillance Authority.

22 May 2009

### Section 18 – *Accreditation of an assay office*

Having verified that the requirements set have been met, the Surveillance Authority shall accredit an office as an assay office, as referred to in this Decree.

### Section 19 – *Responsibilities of an assay office*

If an assay office uses external testing, assay and other services, the assay office shall verify that the external service provider meets the requirements laid down for an assay office under section 16.

An assay office shall submit an annual report concerning its activities to the Surveillance Authority.

### Chapter 7 – *Entry into force*

#### Section 20

This Decree enters into force on 1 January 2001.

Measures necessary for the implementation of this Decree may be undertaken prior to the Decree's entry into force.

Any approvals and decisions rendered by the Surveillance Authority before the entry into force of this Decree remain in force as such.

Articles of precious metals manufactured, assayed and legally marked, prior to the entry into force of this decree in a member state of the European Union or another state within the European Economic Area or in a member state of the Vienna Convention (Treaty Series of the Statutes of Finland 17/1975), can be placed on the market and sold without hindrance to the regulations contained in this decree. (16.6.2004/534)

Notified according to the Directive 98/34/EC, amended 98/48/EC of the European Parliament and the Commission.

### **Entry into force and implementation of the amended statutes:**

16.6.12004/534:

This Decree enters into force on 1 July 2004. Notified according to the Directive 98/34/EC, amended 98/48/EC of the European Parliament and the Commission.

8.1.2009/8:

This Decree enters into force on 14 January 2009.