

Legislative Decree No 251 of 22 May 1999 governing the fineness and identification marks of precious metals

Article 1

For the purpose of this decree, precious metals are platinum, palladium, gold and silver.

Article 2

Precious metals and their alloys must bear a punch indicating the fineness, expressed in parts per thousands, of the precious metal content and the identification mark, according to the provisions of the following articles.

It's forbidden to use identification marks different from those established by this decree.

Article 3

The fineness of the precious metal content must be expressed in parts per thousands. The nominal standards of fineness for works in precious metal authorized, which have to be guaranteed by melting of the work, for each part of this, are the following:

Platinum, 950, 900 and 850 parts per thousands;

Palladium, 950 and 500 parts per thousands;

Gold, 750, 585 and 375 parts per thousands;

Silver, 925 and 800 parts per thousands.

Any standard of fineness higher than the highest provided for each precious metal by comma 2 is admitted.

No negative tolerance is admitted in relation to the declared fineness of gold, silver, platinum and palladium raw materials and to the nominal standards of fineness, except for the following cases:

- a) For works in solid or pure plate platinum, a negative tolerance of 5 thousandths is admitted; for works in solid or pure plate palladium, a negative tolerance of 5 thousandths is admitted;
- b) For works in platinum with single soldering, a negative tolerance of 10 thousandths is admitted; for works in palladium with single soldering, a negative tolerance of 10 thousandths is admitted;
- c) For works in gold, carried out with investment casting method with centrifugal injection, is admitted the 753 parts per thousands nominal standard of fineness and a negative tolerance of 3 thousandths.

The methods to recognize the constructional characteristic of the articles are established by the implementing regulations, from now on called regulations, provided by article 27. Such regulations state also the official analysis methods for checking the fineness of raw materials and works, to apply for the purposes of this decree, and the maximum error allowed during the analysis for each method.

Article 4

Works in precious metals, manufactured and marketed in the territory of the Republic, must have one of the authorized standards of fineness and must bear the indication of fineness and the identification mark.

Article 5

Works in precious metals, legally manufactured and marketed in a State member of European Union or European Economic Area, to be marketed in the territory of the Republic, are exempted from the obligation to bear the importer's identification mark on condition that they bear the indication of fineness in parts per thousands and the responsibility mark provided by the legislation of the Country of origin or, instead of the latter, a mark having an informative content equivalent to that of the identification mark provided by this decree and intelligible for the final consumer.

Works in precious metals imported from a Country which is not a member of European Union or European Economic Area, to be marketed in the territory of the Republic, must be at one of the authorized standards of fineness and bear the indication of fineness in parts per thousands, the responsibility mark of the foreign manufacturer and the importer's identification mark provided by article 7.

Works in precious metals bearing a responsibility mark provided by the legislation of a Country which is not a member of European Union or European Economic Area, where this mark is compulsory and guarantees the fineness, and the same mark has been registered in Italy or in another Country of European Economic Area, may to bear not the importer's identification mark, if the Country of origin grants an analogous treatment to the objects manufactured in Italy and imported in that Country and if the officially guaranteed standards of fineness are the same or higher than those provided by this decree.

For the purpose to assure fair information to the consumers the regulations establish the characteristics of a comparative table, reproducing the standard of fineness and the marks different from those provided for objects manufactured in Italy, that anyone who retails the objects regulated by this article must display in a clear and easily visible manner.

Article 6

Production of objects in precious metals having a fineness different from those provided by this decree is allowed, both for being exported outside the European Economic Area and for being marketed inside the European Economic Area, on condition that such fineness is provided by the legislation of the Country of destination.

Article 7

To obtain the identification mark, the manufacturers, importers and dealers of precious metals must make the application provided by article 14, comma 2, accompanied by the receipt for payment of the assay and mark charges. The amount of the charges is lit. 125.000 for craft businesses or workshops annexed to commercial firms and lit. 500.000 for industrial firms. The amount of the charges is doubled for firms with more than 100 employees.

Grant of identification mark is subject to annual renewal upon payment of charges equivalent to half those provided in comma 1, to make every year not later than January 31st. The payment must be made to the Chamber of Commerce, Industry, Handicrafts and Agriculture, from now on Chamber of Commerce.

A delay indemnity, equivalent, for each month or fraction of delay in payment, to the twelfth part of annual charges, will be applied to the defaulter.

If payment is not made within the year, the Chamber of Commerce provide for revocation of the identification mark and for striking off the register provided by article 14, comma 1,

giving communication of this to the Questor, in order to provide for revocation of the public security licence.

Article 8

Specifications of the identification mark are established by the regulations.

The mark contains the number to identify the manufacturer or importer and the initials of the Province where the manufacturer or importer has its seat.

The characteristic number to be reproduced on the identification mark is assigned by the competent Chamber of Commerce.

The forms and dimensions of the geometrical shapes enclosing the legal fineness figures, expressed in parts per thousands, are established by the regulations.

The indication of fineness of raw materials and works in platinum and palladium must be followed, respectively, by the symbols Pt and Pd.

Works in precious metals must bear the identification mark and the indication of fineness on their principal part.

In the case of objects which rule out direct marking, the identification mark and the indication of fineness must be affixed to a plate of the same precious metal as the object, attached to it by means of soldering with this precious metal.

Objects of mixed manufacture of two or more precious metals must bear, if technically possible, the indication of the fineness on each of the component precious metals; if this is not possible, the impressions are affixed to the metal of predominant weight.

Objects consisting of several parts that can be dismantled, not joined by soldering, must bear the identification mark and the indication of fineness on each part, with the exceptions provided, for technical reasons, by the regulations.

It's prohibited to introduce non precious metals, mastic and any other substances into the objects, with the exceptions provided by article 15.

Article 9

Traditional trademarks or other marks may also be affixed to objects, in addition to the identification mark, but they do not lead to confusion with the same mark or the indication of fineness.

Article 10

Within two months from the presentation of the application provided by article 14, the Chamber of Commerce allocates the characteristic number of identification to the applicant and gets to produce the dies of the impression of the mark. The regulations establish standards and procedures for dies engraving, in order to assure security and uniformity over the whole national territory.

Article 11

The dies are stored at the Chambers of Commerce concerned.

The punches bearing the impression of the identification marks are obtained from the above-mentioned dies by the assignees of the marks, in the required number of copies, in accordance with the procedure laid down by the regulations.

The punches have to be provided, by the Chamber of Commerce, with the authentication stamp provided by the regulation.

The punches bearing the impression of the identification mark, rendered unserviceable by the use, must be returned to the competent Chamber of Commerce to be defaced in accordance with the procedure laid down by the regulations.

Article 12

The following objects are exempt from the obligation to affix the identification mark and the indication of fineness, but they have to be guaranteed in accordance with the procedure laid down by the regulations:

- a) Objects weighing less than one gram;
- b) Semi-finished products and works in precious metals or their alloys for dentistry;
- c) Antique objects;
- d) Semi-finished products, alloys, works and instruments for industrial use;
- e) Equipment and instruments for scientific use;
- f) Coins;
- g) Medals and other precious works manufactured by the Mint and bearing the special mark of the Mint instead of the mark provided by article 8;
- h) Used objects, not having antique value, owned by commercial firms;
- i) Processing waste;
- j) Soldering silver, platinum or palladium alloys.

The proof that an object is a used one is given by the description of the same object recorded in the transactions register referred to in article 128 of the Consolidated Act of the Public Security Acts (Royal Decree no. 773 of June 18th, 1931) and by the relating invoice drafted by the buying dealer.

The authenticity of antique objects, referred to in letter c), must be certificated by experts enrolled in the Chamber of Commerce list of experts.

Article 13

Metals and works in metals regulated by this decree may be submitted to the Chamber of Commerce for assay, on request of the interested party. The Chamber of Commerce affixes on the assayed metal or work the special mark provided by the regulations.

Article 14

The firms that carry on one of the following activities:

- a) sale of platinum, palladium, gold and silver in the state of ingots, rods, plates, sections and semi-finished products;
 - b) manufacture or import of objects containing the metals referred to in letter a);
- must join to the register of the assignees of the identification marks run by each Chamber of Commerce.

The interested party submits an application for entry in the register, referred to in comma 1, to the Chamber of Commerce of the Province where the applicant firm has its registered office. The application must include copy of the licence referred to in article 127 of the Consolidated Act of the Public Security Acts (Royal Decree no. 773 of June 18th, 1931) and subsequent modifications.

According to article 16 of the Legislative Decree no. 112 of March 31st, 1998, the licence referred to in comma 2 is not required for firms joined to the roll of craft businesses.

The register referred to in comma 1 is updated by the competent Chamber of Commerce and can be consulted throughout national territory by the public administration including by means of computerised and telematic techniques. This register is public.

Article 15

It is prohibited to affix any indication of fineness, in part per thousands or in carats, or any other indication liable to cause mistakes to objects in metals different from precious metals, also if gold-plated, silver-plated or plated.

The indication of fineness and the identification mark must be affix to objects made up of parts in precious metal and parts in base metal or other substances. If that is the case, initials or inscriptions to identify the base metal or the other substances must be affix on them, according to the regulations.

Making an exception to the provision of article 8, in the cases, provided by the regulations, of objects which, due to the uses for which they are intended or due to requirements of a technical nature, require the introduction, on their inside, of mastic or other non precious substances, these objects are subject to the obligations referred to in comma 2.

In this case the regulations establish also the manner to identify, also quantitatively, the non-precious substances.

Article 16

The seller is responsible to the buyer for exactness of the nominal standard, except legal action of reimbursement.

Article 17

By previous written permission and under their responsibility, the assignees of identification marks may authorize another assignee of identification mark, taking part in productive process, to affix their identification mark.

Article 18

The laboratories which carry out the assay of precious metals and issue the relevant certificates of fineness must be qualified by the Chambers of Commerce or belong to them or their external services.

These laboratories must assure their independence and technical and professional qualification, with particular reference to the jewellery industry and the assay of precious metals.

The application for the qualification must be submitted to the competent Chamber of Commerce and be attached with documents proving:

the staff employed in the laboratory, with the professional qualification of each member of the staff;

the equipment of the laboratory for the assay of each metal precious for which the qualification is required.

The staff of a qualified laboratory is obliged to comply with the following instructions:

- a) prohibition to carry on, on his own account, directly or indirectly, or in someone's service or in co-operation or partnership with a third party, any commercial or manufacturing activity in the precious metals' industry;
- b) prohibition to carry out, on his own account, in the laboratory in which is employed, analysis and researches except that they are carried out for the same laboratory's account;
- c) observance of the professional secrecy.

The competent Chamber of Commerce, according to the modalities established by the regulations, carries on the surveillance and inspection on qualified laboratories, to verify the observance of the above-mentioned instructions.

Article 19

In order to ensure the conformity to the provisions of this decree, additional certification are admitted.

For this purpose, the manufacturer or his agent has the right to require the special certification issued by a laboratory referred to in article 18 or by a certification body accredited, according to the technical standards in force, at European Union level and which is directed at the precious metals production industry.

The regulations establish criteria for singling out the certification body referred to in comma 2.

According to this article, laboratories and certification body carry out periodically, on the production and storage premises, checks on the works ready for sale. Modalities of these checks, by means of taking samples of works and respective results of assay analysis, are established by the regulations.

Article 20

Pursuant to article 57 of the code of criminal procedure, the Chamber of Commerce staff, during the accomplishment and within bounds of the service for the enforcement of this decree, performs the function of criminal policemen and officials.

The above-mentioned staff must be provided with an identification card, with photograph, issued by the competent Chamber of Commerce.

Article 21

The Chamber of Commerce staff carries out inspections also without notice. Pursuant to this, the staff has free access to the premises of production, storage and sale of raw materials and works in precious metals, for the following purposes:

- a) to take samples of raw materials bearing the indication of fineness, of semi-finished and finished works in precious metals, bearing the mark and ready for sale, to verify the exactness of nominal standard of raw materials, semi-finished products and works by assays carried out by the laboratories referred to in article 18;
- b) to verify the number of punches owned by the firm;
- c) to verify the authenticity and suitability for using of the punches.

A report on taking referred in to letter a), that can be carried out only by people with the functions of criminal police officials, must be drawn up in the presence of the proprietor of the firm or the person representing him on the occasion concerned.

The report has to specify also the weight, the value, the characteristics and the identification mark of the object or the raw material.

Article 22

Pursuant to article 21 the assays are carried out with the methods provided by the regulations. They don't give right at any refund and their results must be indicated on suitable certificates.

Article 23

In the event they are found to conform to the provisions of this decree, samples and objects taken to be assayed and the waste from the said samples and objects, are returned to the owner.

Article 24

It is prohibited to manufacturers, importers and dealers to sell objects in precious metals not bearing the identification mark and the indication of fineness.

It is prohibited to dealers also to hold objects in precious metals ready for sale not bearing the identification mark and the indication fineness.

The prohibition referred to in commas 1 and 2 does not apply to objects referred in to article 5 and article 12.

Semi-finished products which rule out marking, can form the subject of trade only between firms which are assignee of a identification mark and provided that they are contained in sealed wrappers bearing the producer's identification mark and the indication of fineness.

Article 25

Without prejudice to the application of greater penalties established by the acts in force if the action constitutes an offence, the non observance of the provision of this decree are punished as follow:

- a) anyone who manufactures, imports and puts on sale or holds raw materials and works in precious metals without to have obtained the assignation of the mark, or uses marks assigned to other firms, with the exception provided by article 17, or uses not assigned, expired or withdrawn marks, is punished with the administrative sanction from 300.000 to 3.000.000 lire. This sanction is applied also to whom markets or holds for sale raw materials or works in precious metals not bearing the identification mark or the indication of fineness or bearing unreadable marks or different from those provided by this decree;
- b) anyone who produces raw materials and works in precious metals with a fineness lower than the indicated one, is punished with the administrative sanction from 600.000 to 6.000.000 lire;
- c) anyone who markets or holds for sale raw materials and works in precious metals with a fineness lower than the indicated one, is punished with the administrative sanction from 150.000 to 1.500.000 lire, except he will able to demonstrate that he is not the manufacturer and the works have not been modified;
- d) anyone who produces, markets or holds for sale works in base metal bearing an indication of fineness, also if different from those provided by this decree, or any alphanumerical indication able to be confused with those provided by this decree, is punished with the administrative sanction from 60.000 to 600.000 lire;
- e) anyone who loses one or more identification marks and does not report such losses to the Chamber of Commerce, is punished with the administrative sanction from 60.000 to 600.000 lire.

The sanction referred to in comma 1, letter d), is applied also in the event of non observance of the provisions of article 8, commas 6, 7, 8, 9 and 10, article 11, comma 4, article 15, article 24, commas 3 and 4, and of the regulations.

Copy of the report regarding any of the non-observance of the provision of this decree is transmitted to the Questor.

Article 26

If the action constitutes an offence, except very faint cases, in addition to the criminal conviction, the judgement will be published pursuant to article 36 of criminal code.

In case of relapse, without prejudice to the dispositions of article 99 and subsequent articles of criminal code, if applicable, the suspension, from 15 days to 6 months, from manufacturing or trading raw materials or works of precious metals will ensue to the sanction. Determining the term of suspension, it will take into account the term of suspension eventually executed, for the same infringement, according to article 10 of the Consolidated Act of the Public Security Acts (Royal Decree no. 773 of June 18th, 1931).

Article 27

Within 6 months from the coming into force of this decree, with Presidential Decree, at the proposal of the Minister for Industry, Trade and Craft Trades, in conjunction with the Minister of the Interior, by previous resolution of the Council of Ministers, heard the opinion of the Central Metrical Committee and of the Council of State, it will be issued the regulation for the application of this decree.

Awaiting the promulgation of the above mentioned regulation, it will be applied the regulation approved by Presidential Decree no. 1496 of December 30th, 1970 and subsequent changes and integrations.

Article 28

Law no. 46 of January 30th, 1968 and any other provision different from or contrary to those included in this decree are repealed.

Article 29

Until the enforcement of the decree of the President of Council of Ministers pursuant to articles 20 and 50 of the Legislative Decree no. 112 of March 31st, 1998, the tasks granted to the Chambers of Commerce by this decree will be carried on by the Provincial Metrical Offices.

Article 30

This decree will come into force 60 days after the publication in the Official Gazette.

This decree, provided with the State seal, will be inserted in the Official Collection of statutory rules of the Italian Republic. It is an obligation of whomever it may concern to observe it and have it observed.