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THE ACT
Of 19 March 2013

On control and marking of precious metals (Hallmarking Act) and on the amendment of certain laws

The National Council of the Slovak Republic has resolved at this Act:

Art. I
FIRST PART
BASIC PROVISIONS

§ 1
Subject of this Act

This Act regulates

- a) the competence of state authorities in the field of control and marking of precious metals and precious stones,
- b) testing of precious metal articles and identification of precious stones,
- c) the rights and obligations of the manufacturers, traders and importers of the articles made of precious metals and precious stones,
- d) performance of market surveillance in the field of precious metals and precious stones (hereinafter as "hallmarking inspection"),
- e) offenses and other administrative offenses in the field of precious metals and precious stones.

§ 2
Basic provisions

(1) For the purposes of this Act the precious metals are gold, silver, platinum, palladium, iridium, rhodium, ruthenium and osmium.

(2) Precious stone means a natural substance of inorganic or organic origin used in jewellery.

(3) For the purposes of this act a precious metal article is:

- a) jewellery, costume jewellery, medals and other products made of alloys of gold, silver, platinum or a combination of these alloys, that can be combined with natural stones or with synthetic stones, pearls, enamel, coral, glass and other non-metallic materials and a composite product with a characteristic surface structure produced by layering of more precious metals alloys (hereinafter referred to as "goods"),
- b) jewellery alloy, solders and semi-finished products made of precious metals intended for the production and/or repair of goods,
- c) precious metal alloy used in dental care (hereinafter referred to as "dental alloys"),
- d) coins made of precious metals issued by the National Bank of Slovak Republic according to a special regulation¹⁾ (hereinafter referred to as "coins"),

¹ Sections 15 and 16 of the Act of the National Council of the Slovak Republic no. 566/1992 Coll. on the National Bank of Slovakia, as amended.

- e) worn, incomplete or damaged goods marketed at the price of contained precious metal (hereinafter referred to as "scrap").
- (4) Precious metal alloy means an alloy, which is a solid mixture containing at least one precious metal.
- (5) Common metal means a metal other than gold, silver, platinum, and platinum group metals.
- (6) Registered alloy means a precious metal alloy that is entered in the list of registered alloys.
- (7) Responsibility mark means an alphanumeric sign placed in the characteristic shape assigned or recognized by the Assay Office of the Slovak Republic (hereinafter referred to as the "Office").
- (8) A hallmark means a specific sign, placed in the characteristic outline, expressing the relevant legal standard of fineness of the precious metal, by which the Office marks the goods.
- (9) Fineness number means a three-digit mark expressing the minimum content of the named precious metal measured in terms of parts per thousand by weight of alloy.
- (10) For the purposes of this Act, the following definitions shall apply:
- a) a manufacturer is an entrepreneur²⁾, whose subject of business includes manufacture of goods, assembly of goods, repair of goods, production or processing of jewellery alloys, coins or dental alloys,
or an entrepreneur who carries out one of the mentioned activities on the basis of permission other than an authorization for commerce, under special regulations³⁾, or a person whose activity consists in realizing the results of one's own intellectual activity protected by a special regulation⁴⁾,
- b) a trader is an entrepreneur²⁾, who buys products of precious metals articles and precious stones for the purpose of selling them to the final consumer or other operator(trader),
- c) an importer is a trader who imports precious metals articles and precious stones from abroad to the territory of the Slovak Republic under the required customs regime,
- d) a trading means buying and selling precious metals articles, including ordering sales, brokering sales, commission sales, purchase of products metal of precious metal for the purpose of sale in the original or modified form.

§ 3 Goods

² § 2 par. 2 letter a) and b) of the Commercial Code.

³ For example § 18 of Act no. 131/2002 Coll. on Higher Education Institutions and on Amendments to Certain Acts, as amended, § 151 par. 1 of Act no. 245/2008 Coll. on Upbringing and Education (School Act) and on Amendments to Certain Acts, § 3 par. 1 of the Act no. 362/2011 Coll. on Medicines and Medical Devices and on Amendments to Certain Acts.

⁴ Act no. 618/2003 Coll. on Copyright and Rights Related to Copyright (Copyright Act) as amended.

(1) For the purposes of this Act, the following definitions shall apply:

- a) domestic goods means goods produced on the territory of Slovak Republic, including goods created by significant modification of other goods,
- b) foreign goods means goods imported into the territory of Slovak Republic by an importer from abroad for selling in the territory of the Slovak Republic,
- c) old goods means goods of unspecified origin which was not submitted for the control and marking earlier, and which is submitted for the control and marking by a subject other than its producer or importer,
- d) repaired goods means officially marked goods where a part with hallmark must be replaced during the repair, or if a hallmark is damaged during the repair and the customer did not deliberately give up his rights for restoring of damaged hallmark.

(2) For the purposes of this Act following are not considered as goods:

- a) gold articles with a fineness lower than 375/1000,
- b) silver articles with a fineness of less than 800/1000,
- c) platinum articles with a fineness of less than 800/1000,
- d) equipment, instruments and other articles of precious metals intended for technical, scientific, laboratory or educational purposes regardless of their fineness.

§ 4

Legal standards of fineness

(1) Fineness means relative weight content of precious metal in the alloy expressed in parts per thousands (1/1000). The fineness of the pure metal is 1000/1000.

(2) The standard fineness for gold goods is

- a) 999/1000,
- b) 986/1000,
- c) 900/1000,
- d) 750/1000,
- e) 585/1000,
- f) 375/1000.

(3) The standard fineness of silver goods is

- a) 999/1000,
- b) 959/1000,
- c) 925/1000,
- d) 900/1000,
- e) 835/1000,
- f) 800/1000.

(4) The standard fineness of platinum goods is

- a) 999/1000,
- b) 950/1000,
- c) 900/1000,
- d) 850/1000,
- e) 800/1000.

(5) The goods are allowed to be produced, or imported from abroad for trade, only if its fineness is equal to or higher than the lowest legal standard of fineness according to paragraphs 2 to 4.

SECOND PART STATE ADMINISTRATION BODIES

§ 5

(1) State administration in the field of control and marking of precious metals and precious stones is performed by:

- a) Ministry of Economy of the Slovak Republic (hereinafter referred to as “the Ministry”),
- b) the Office.

(2) The seat of the Office is Bratislava.

§ 6

Powers of the Ministry

The Ministry

- a) manages and controls the performance of state administration in the field of control and marking of precious metals and precious stones,
- b) is the appellation body in matters on which the Office ruled, except § 23,
- c) approves the budget of the Office, and checks compliance with the Office's budget,
- d) gives its consent to the establishment and closure of branches and sub-branches as the territorial units of the Office.

§ 7

Powers of the Office

The Office

- a) performs hallmarking control according to §10,
- b) performs hallmarking inspection pursuant to Section 38,
- c) assigns, recognizes and revokes responsibility marks,
- d) verifies the fineness of dental alloys, and precious metals alloys when minting coins,
- e) verifies or otherwise checks the fineness of precious metals articles,
- f) performs the identification of precious stones,
- g) issues and revokes certificates of professional competence for manufacturers of precious metals alloys,
- h) keeps the list of registered alloys, and issues certificates of entry of jewelery alloys into the list of registered alloys,

- i) keeps the register of producers and traders with precious metals articles and precious stones⁵⁾
- j) upon request, performs expert deeds in the field of marking, testing and analytical chemistry of precious metals and in the field of precious stones,
- k) comments on proposals of national technical standards in the field of precious metals testing and analytical chemistry,
- l) imposes fines in the first instance,
- m) takes measures in accordance with a special regulation.⁶⁾

§ 8 Head of the Office

(1) The Office is headed by an executive (the Head of the Office), who is appointed and dismissed by the Minister of Economy of the Slovak Republic according to the special regulation.⁷⁾

(2) The Head of the Office may, in accordance with this Act and with the consent of the Ministry establish or close branches and sub-branches as the territorial offices without legal personality.

§ 9 Administration of the State property

(1) The Office performs state property administration in precious metals, precious stones and precious metals articles:

- a) which have been the subject of a forfeiture order or confiscation order in customs infringement proceedings or in proceedings of customs offenses,
- b) for which a forfeiture sanction has been imposed, in which a penalty of confiscation or forfeiture of property has been imposed, or in respect of which a protective measure for confiscation of property has been imposed or,
- (c) which have been left to the State in accordance with Regulation⁸⁾ or for which the State has acquired property right.⁹⁾

⁵ Council Regulation (EC) No. Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for trade in rough diamonds (Special Edition OJ EU, Chapter 18 / Vol. 2, OJ L 358, 31.12.2002), as amended.

⁶ Regulation (EC) No. 764/2008 of 9 July 2008 laying down procedures for application of certain national technical rules for products which are lawfully placed on the market in another Member State repealing Decision No 3052/95 / EC (OJ L 218, 13.8.2008).

⁷ Act no. 55/2017 Coll. on Civil Service and on Amendments to Certain Acts.

⁸ For example § 64 par. 9, § 65 par. 2, § 66 of Act No. 199/2004 Coll. Customs Act and amending certain laws as amended regulations.

⁹ For example, § 135 par. 1 and § 456 of the Civil Code as amended by Act No. 509/1991 Coll.

(2) The Office is the authorized property of the state pursuant to paragraph 1 sell at auction, following a special procedure prescription.¹⁰⁾

THIRD PART CONTROL AND MARKING

Subject and scope of hallmarking control

§ 10

(1) Hallmarking control determines and verifies the fineness and prescribed condition of the goods which are established by this Act. The result of the hallmarking control is the official marking of the goods with a hallmark or by other means in accordance with §18 par. 3, or its destroying according to §20 par. 1. The Office shall notify the person who submitted the goods for hallmarking (hereinafter only "submitter") the result of the hallmarking control within 30 days since the date of submission of the goods.

(2) Domestic, foreign, repaired and old goods intended for domestic trade (§3 para.1) fall under the mandatory hallmarking control, if not in §24 and 47 stated otherwise.

Testing of goods

§ 11

Domestic goods

(1) The producer submits domestic goods for hallmarking control complete, cleaned and in such a condition that it could be tested and marked without undue manipulation. Domestic goods must be made in such a way that after it's marking the hallmark could not be damaged, modified or removed.

(2) The producer is obliged to submit a written declaration of type, weight and amount of pieces and fineness of domestic goods. If the goods submitted are combined with other materials, its weight shall be confirmed or determined by the estimation. Where domestic goods are manufactured from an unregistered alloy, the producer shall declare the type and weight content of the precious metal in the alloy, upon submission. In the case of goods made by laminating precious metals alloys, the manufacturer is obliged to declare the type, fineness and proportion of each alloy, in writing, and submit samples of the input alloys as well as sample from the composite before its further processing.

(3) Domestic goods must be made in such a way that they could be permanently marked with a hallmark or by other means according to §18 par. 3.

¹⁰ Act No. 527/2002 Coll. on voluntary auctions and on the amendment of the Act of the Slovak National Council No. 323/1992 Coll. on notaries and notarial activities (Notarial Code) as amended.

(4) Submitted domestic goods must be permanently marked by the producer with assigned responsibility mark according to §43 at a place decided by the Office, and in such a way that a hallmark can be placed next to it.

§ 12 Foreign goods

(1) Foreign goods which are not officially marked according to §47, are submitted for hallmarking control by the importer together with the original of the invoice proving its origin and decision of the customs procedure for the release of foreign goods into free circulation.¹¹⁾ If the foreign goods come from another Member State of the European Union, decision of customs proceedings for the release for free circulation of foreign goods is not submitted.

(2) The importer is obliged to submit the foreign goods for hallmarking control no later than 30 days after the acquisition of the decision referred to in paragraph 1.

(3) The foreign goods submitted must be permanently marked with the assigned responsibility mark according to §43 at a place determined by the Office, under the condition that the goods are not marked with another responsibility mark recognized by the Office, in such a way, that a hallmark could be placed next to it.

§ 13 Old goods and repaired goods

(1) Old goods, to be the subject of the trade, is submitted for hallmarking control by a person other than its producer or importer, indicating the number of pieces, type and weight.

(2) The repaired goods shall be submitted for hallmarking control by the manufacturer together with replaced part.

§ 14 Testing of fineness

(1) The testing of fineness shall be performed by the Office

- a) on a touchstone,
- b) in another non-destructive manner (hereinafter non-destructive test) or
- c) chemically.

(2) Chemical test (hereinafter referred to as "chemical analysis") shall be carried out by the Office at the expense of the submitter, if the domestic goods or foreign goods are made from other than registered alloy, or if a non-destructive test did not confirm declared fineness.

¹¹ Art. 79 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, as amended.

(3) In the case of old goods or repaired goods, the Office may carry out a chemical test only with the submitter's consent. If the submitter refuses to grant consent, the Office will return the old goods or repaired goods to the submitter.

(4) In order to perform a chemical test, the Office is entitled to take required sample of tested goods, if no sample was submitted by the submitter.

Prescribed state of the goods

§ 15

Allowed combinations

(1) Goods submitted for hallmarking control may be made of the same precious metal of different legal standards of fineness or of various precious metals.

(2) Components required to achieve the necessary strength and flexibility of the goods can be made of base metals; in other cases a prior consent of the Office is necessary. Components made of base metals must be easily identifiable and, where technically possible, marked as „METAL”.

(3) In the case of a jewellery alloy used for the manufacture of goods the producer or importer must arrange for its chemical test and such alloy may, in addition to the main precious metal, contain other metals specified by generally binding legal regulation. The use of other metals shall be, in technologically justified cases, approved by the Office.

(4) Plating of goods may be performed only in such extent that precious metal content in the base alloy can be determined by a non-destructive test.

(5) Plating of goods with a coat of base metal, even in the form of an interlayer, is prohibited.

§ 16

Soldering

(1) For soldering goods, with exemption of platinum goods, solder of the same precious metal from which the goods are made must be used. For soldering platinum goods gold solder can be used. The Office may, in technologically justified cases, allow use of other solders.

(2) For soldering goods only solder with fineness determined by a legally binding regulation may be used.

(3) When soldering goods, solder may be used only in the quantity strictly necessary for soldering; solder must not be used for reinforcing or filling.

Marking of goods

§ 17

- (1) For each legal standard of fineness and for each precious metal a hallmark is established.
- (2) The originals of the hallmark designs are in the custody of the Office.
- (3) The Office shall permanently mark goods of legal fineness and prescribed condition with the proper hallmark, or mark it by other means according to §18 par. 3. If the goods have a defect which can be remedied, the Office shall summon the submitter to remove the defect and the marking of goods will take place after the remedy.
- (4) The Office shall mark the goods which have the legal fineness and prescribed condition with the Assay Office mark and a Common Control Mark¹²⁾, at the request of the applicant.
- (5) Foreign goods with a fineness that is a legal fineness under the legislation of the country of origin and are higher than the lowest legal fineness according to §4 par. 2 through 4, the Office shall mark the goods with the hallmark for the next lower legal fineness.

§ 18

- (1) The goods made of the same precious metal of two or more different legal fineness shall be marked with the hallmark of the lowest fineness present.
- (2) The goods made of several precious metals shall be marked with the corresponding hallmarks for precious metals used, without using the hallmarks of those metals of which less than one fifth of the weight of the object have been used, and whose weight is less than 0.5 grams.
- (3) If it is not technically possible to mark the goods permanently with a hallmark, the Office shall, on the basis of an agreement with the producer or trader, mark the articles by laser, by hanging seals with an embossed hallmark or issue certificate of fineness.

§ 19

- (1) If it is not possible to permanently mark old goods or repaired goods with mechanical marking, or if the submitter does not agree with the mechanical marking of the old goods, the Office shall mark the goods by hanging a seal with an embossed hallmark or by issuing a certificate of fineness.
- (2) No objections may be filed pursuant to §23 against the result of the hallmarking control pursuant to paragraph 1.

Processing of faulty goods

§ 20

¹² Art. 3 and Annex II to the Convention on the Control and Marking of Precious Metal Products (Notification of the Ministry of Foreign Affairs no. 194/2008 Coll.).

(1) The Office will destroy goods, other than old goods or repaired goods, which are in conflict with provisions of this Act, unless otherwise provided in paragraph 3.

(2) The Office shall return the remnants of goods, old goods or repaired goods to the submitter.

(3) Domestic goods and foreign goods may be destroyed by the Office, if

a) the verdict of the Office may no longer be challenged according to provisions of §23,

b) the submitter has waived the right to object under §23 in writing,

c) after the conditions set out in point (a) or point (b), have been met; the submitter of the foreign goods did not followed requirements specified in §21.

§ 21

(1) If the submitter notifies the Office in writing, within seven days from the delivery of notification of the result of the hallmarking control, that he will export the faulty goods outside the territory of the Slovak Republic and within the next 20 days deposits a security deposit of twice the value of the value of precious metal contained in foreign goods to the Office's account, the Office shall return the goods to the submitter and shall set a deadline for proof its export.

(2) If the submitter proves the export of faulty goods to another Member State of the European Union or outside the European Union by customs declaration within the deadline determined in accordance with paragraph 1, the Office shall return the security deposit. If the supplier fails prove the export within the deadline pursuant to paragraph 1, the security shall be forfeited in favour of the state.

§ 22

The Office is entitled to remove any data, from the goods, that would or could be misleading about its fineness, weight or condition. The Office may also remove such data from items which are interchangeable with the goods.

§ 23

Objections

(1) Objections may be filed against the result of the hallmarking control, if not provided otherwise in §19 par. 2.

(2) Objections shall be submitted to the Office in writing, within seven days from the date of notification of the result of the hallmarking control.

(3) If the objections are concerning the result of the fineness testing of the goods according to §14, a repeated test shall be performed at a branch other than that, which made the first test of fineness.

(4) Objections may not be filed after notification made by submitter according to §21 par. 1.

(5) The Head of Office shall decide on objections within 30 days after the date of notification of the result of repeated fineness test of the goods.

(6) Based on the result of a repeated fineness test the Office shall officially mark the goods, or change or remove original marking, or confirm the result of the hallmarking control.

(7) The decision of the Head of Office is final.

(8) If a repeated test of the fineness shows that that the goods do not have the fineness declared by the supplier, the cost of the test shall be borne by the submitter.

Exemptions from hallmarking control and damage compensation

§ 24

(1) Following are not subjects to compulsory hallmarking control:

a) goods

1. completely coated with enamel,
2. in which the weight of the precious metal has minimum importance in respect to the weight of other materials used,
3. with very low weight established by legally binding regulation,

b) foreign goods placed under a customs procedure with a suspensive arrangement, or into a customs procedure with economic effect¹³⁾

c) domestic goods intended for release into customs procedure for export¹⁴⁾, unless provided otherwise in paragraph 2,

d) old goods defined by legally binding regulation,

e) coins, even if they are a part of goods which are subject to hallmarking control and are freely connected to it.

(2) The goods referred to in paragraph 1 letter (c) may be presented for hallmarking control. If such goods are to be officially marked, they must comply with the conditions laid down in this Act.

(3) In case of doubt whether the goods are subject to a hallmarking control, the Office shall decide.

§ 25

(1) The producer or trader must permanently mark the goods referred to in §24 par. 1 letter (a) point 3 with the responsibility mark and fineness number. If it is useful for reasons of the nature of the goods or the dimensions of the goods the Office proceeds according to §18 par. 3.

¹³ Art. 84 Directive (EHS) No. 2913/92.

¹⁴ Art. 161 Directive (EHS) No. 2913/92

(2) The goods referred to in §24 par. 1 letter (a) and (d) if they meet the conditions laid down in this Act may be the subject of domestic trade.

§ 26

State liability for damage of goods

(1) The Office shall not be liable for damage or destruction of goods which it has taken over for the purpose of hallmarking control, if

- a) the damage to the goods was due to chemical analyses, provided that the Office has carried it out properly and has been authorized to carry it out by law,
- b) the Office destroyed domestic or foreign goods in accordance with this Act.

(2) In other cases, the Office shall be responsible for destruction or loss of articles made of precious metals according to the special regulation.¹⁵⁾

PART FOUR TESTING OF PRECIOUS METAL ARTICLES AND IDENTIFICATION OF PRECIOUS STONES

Articles of precious metals

§ 27

The coin producer is obliged to submit samples from the minting of coins, to the Office, to verify their fineness. If the conditions stated under this Act are met, the Office shall issue a certificate on verification of fineness. Without certificate the producer may not supply the coins to the customer who ordered the minting.

§ 28

(1) Dental alloys may be the subject of trade or may otherwise be placed on the market if they meet technical requirements for products according to the special regulation.¹⁶⁾

(2) Producers or traders are required to provide the Office with samples of dental alloys, in accordance with its instructions, to verify fineness.

§ 29

¹⁵ Act No. 514/2003 Coll. on Liability for Damage Caused in the Exercise of Public Power and on Amendments to Certain Laws.

¹⁶ Act no. 264/1999 Coll. on Technical Requirements for Products and on Conformity Assessment and on Amendments to Certain Acts.

(1) At the request of the submitter, the Office shall determine content of the precious metals in submitted products, jewellery alloys, scrap materials and samples which are not a subject to mandatory hallmarking. If it is expedient to do so and if the submitter agrees, the Office shall melt or otherwise adjust above mentioned items. The Office shall issue a certificate stating its finding of fineness.

(2) The Office only marks ingots, which it has itself melted from submitted precious metals articles, semi-products, including other ingots, scrap or waste of precious metals. The office shall mark the ingot by stamping of the official mark for the marking of ingots. If the size of the ingot permits, the Office shall stamp fineness mark on it, otherwise the Office shall indicate the fineness in attached test certificate.

(3) The Office shall not perform the determination and verification of the contents of precious metals if the required actions are not in its technical capacity, or if implementation of required actions is not possible for the reason of health protection.

§ 30

Identification of precious stones

(1) The Office shall identify precious stones at the request of the submitter. Identification shall be carried out by non-destructive gemmological tests, the result of which the Office shall issue a certificate.

(2) The provisions of §29 par. 3 applies to the identification of precious stones appropriately.

PART FIVE

OBLIGATIONS OF MANUFACTURERS AND TRADERS

§ 31

(1) Manufacturers and traders are obliged to notify the Office, in writing, of the subject of trade, place of business, addresses of outlets¹⁷⁾ if established, and the address for written communication, if different from the place of business, within 15 days from the day of entry in the trade register or commercial register.

(2) Articles of precious metals may also be traded off-site or on an electronic site in the information system, except for trading in portable vending machines and mobile outlets. Manufacturers or traders are obliged to notify, in writing, the Office about off-site trading of precious metal goods, at least three days in advance.

(3) Manufacturers and traders are obliged to notify the Office about all the amendments or changes concerning the information under Paragraph 1, within 15 days from the date of their occurrence, and are also obliged to notify the termination of the business activity.

¹⁷⁾ Section 17 of Act no. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended.

(4) The obligations under Paragraphs 1 to 3 shall appropriately apply also to persons selling goods resulting from their intellectual creative activity, protected by regulation.⁴⁾

(5) The provisions of Paragraphs 2 and 3 shall appropriately apply also to foreign entrepreneurs who trade in the territory of the Slovak Republic.

§ 32

The manufacturer or trader shall permanently mark or have marked, with the assigned responsibility mark, all goods which he himself has manufactured or imported; this shall not apply to goods of very low weight.

§ 33

(1) Manufacturers and traders are required to keep records on weight and fineness of used and stored precious metals.

(2) Manufacturers are required to keep records on the mass of goods produced or repaired, and on the record of admission, purchase and sale of goods.

(3) In determining the weight of precious metals manufacturers or traders must use designated scales.¹⁸⁾ Determination of the weight of silver and silver alloys is carried out to the nearest gram, and of other precious metals to the nearest 0.05 gram.

(4) Each outlet must be equipped with the designated scales, this also applies to the off-site sale of goods.

Sale of goods

§ 34

Traders may not trade in officially unmarked goods, or possess such goods for trading or offer such goods for sale.

§ 35

(1) Goods offered for sale or intended for sale or stored for the purpose of sale in the shop must be placed in an irreplaceable visible way and visibly separated from other products; this also applies to the storage of officially unmarked goods, which is not intended for trading and domestic intended for export. Goods offered for sale must also be distinguished by fineness and type of precious metal.

¹⁸ Section 8 of Act no. 142/2000 Coll. on Metrology and on Amendments to Certain Acts, as amended by Act no. 431/2004 Coll.

(2) Traders are obliged, upon sale, to issue a bill indicating the type, price, weight and fineness of the articles of precious metal; this also applies to purchases of scrap or goods from customers.

(3) Picture of Slovak national hallmarks must be placed in an accessible and visible place in the shop; this also applies if the goods are sold outside the establishment.

§ 36

(1) Traders who also sell products made of gold, silver or platinum, which do not reach the fineness according to § 4 par. 2 to 4 or are completely made of base metal or non-metallic material, although surface-treated with precious metal, may not use labels that could mislead that the goods are made of precious metals, in particular label these goods with the words gold, silver or platinum, including derivatives of the latter or translations into a foreign language (hereinafter referred to as "deceptive labelling"). Deceptive labelling is also the presentation of precious metal articles as articles made of base metal or other material.

(2) Traders are obliged to clearly label the goods mentioned in paragraph 1 and display them separately in a visible manner. The same applies to goods made of different fineness or of different type of precious metals, especially if they are surface-treated in such a way as to give a false impression of their true composition.

§ 37

Register

(1) These data, including their changes, are entered into the register:

a) if it is a natural person - an entrepreneur, business name, date of birth, address of permanent residence, place of business, identification number, first name, last name, date of birth and address of permanent residence of the responsible representative, if established,

b) if it is a legal entity, business name, seat, legal form, identification number, name and surname, date of birth, address of permanent residence of the person or persons who are the statutory bodies, the way in which the legal person acts, name and surname, date birth, address of permanent residence of the responsible representative, if established,

c) subject of business with precious metals or precious stones,

d) addresses of establishments in which the subject of business is carried out, including the date of commencement and termination of the business in those establishments,

e) electronic addresses of websites, if established, on which the sale of goods of precious metals and precious stones is carried out,

f) the date of starting and ending the business with precious metals or precious stones,

g) the date of assignment and cancellation of the responsibility mark, the form and the content of the latter.

(2) The register is divided into a public part and a non-public part. The non-public part of the register contains a date of birth of a natural person-entrepreneur, of responsible representative and of a statutory of legal entity.

(3) Everyone has the right to look at the public part of the register, or request a listing from it.

(4) The data listed in the public part of the register is published by the Office on its website.

PART SIX HALLMARK INSPECTION (Market Surveillance)

Legal duties of the hallmark inspection

§ 38

(1) The Office inspects the manufacturers and merchants (hereinafter referred to as the "inspected person"),

- a) whether the goods sold, goods offered for sale or stored for that purpose did not escape the hallmarking control and if these goods are marked with the relevant hallmark and responsibility mark or fineness mark,
- b) fineness and composition of jewellery alloys,
- c) compliance with other obligations established by this Act.

(2) An employee of the Office authorized in writing by the Head of the Office or, when the latter is absent, by designated person, shall carry out the hallmark inspection according to Section 1 and is authorised to,

- a) Enter all production, storage or commercial and other premises related to the subject of the inspected person's business pursuant to this Act.
- b) Inspect the records kept by the inspected person according to § 33.
- c) Carry out a test of the fineness of the goods, jewellery alloys or dental precious metals (including samples of goods), and for this purpose is entitled to demand their full submission. The products made from other materials than precious metals are considered as goods, for this purpose, if they are interchangeable with the goods in appearance.
- d) Carry out control purchases, purchases through electronic sales, and the latter indirectly and under a secret identity. If, within 30 days of taking over the goods, the Office notifies the merchant that the purchase made was a control purchase, and if the goods were returned to the merchant within the same period of time, the merchant is obliged to refund the price paid for the product within 15 days from the day of return of the goods; the costs associated with the return of the goods will be paid by the Office, the 30 days deadline does not apply to the goods, in which deficiencies are detected, such goods is processed according to letter e),

e) To seize the goods, in which reasonable suspicion has arisen, whether they have been submitted for hallmarking control according to the law, or to secure these goods against unauthorized manipulation, and impose an obligation to the inspected person to submit it to the Office for the hallmarking control within 30 days.

(3) The inspector will issue a confirmation receipt to the inspected person about the collection of samples and of their weight. Precious metal taken from the samples shall be returned to inspected person after performing the tests.

(4) The inspector is obliged to notify the inspected person of the results of the hallmark inspection without unnecessary delay.

(5) The inspected person is obliged to provide the inspectors with the necessary cooperation.

§ 39

(1) The inspector proves his identity by means of an official ID card and a written authorization.

(2) The inspector is obliged to keep confidential facts of which he became aware during the execution of the hallmark inspection, even after the conclusion of the inspector's duties.

(3) The Head of the Office can relieve the inspector from the obligation of confidentiality according to section 2.

§ 40

Offences

(1) The offence is committed by the entity if it

- a) performs the same activities as a manufacturer or trader without relevant authorization,
- b) falsifies or misuses a hallmark or trades in goods, even though he knows, that the goods are marked with such mark,
- c) commits a false labelling of the goods during the sale.

(2) For an offense according to paragraph 1 letter a), a fine of up to 5,000 euros may be imposed.

For an offense according to paragraph 1 letters b) and c), a fine of up to 25,000 euros may be imposed.

For an offense according to paragraph 1 letter b) and c), a prohibition of activity up to one year may be imposed.

(3) Offences listed in Paragraph 1 are arbitrated by the Office.

(4) Offenses and their proceedings are covered by the general regulation on offenses.¹⁹⁾

§ 41

Other administrative offences

(1) The Office imposes a fine from 20 to 25,000 euros, if the inspected person

- a) fails to fulfil the obligation according to § 31,
- b) uses the responsibility mark contrary to this Act, or allows such use,
- c) fails to fulfil the obligation according to § 33,
- d) fails to fulfil the obligation according to § 35 or § 36 par. 2.
- e) fails to fulfil the obligation according to § 38 par. 2 letter d).

(2) The Office imposes a fine from 50 to 35,000 euros if the inspected person

- a) Trades in unmarked goods that are subject to mandatory hallmarking, or owns such goods or offers such goods for sale,
- b) trades in goods that are not marked with the responsibility mark,
- c) trades in the goods referred to in § 24 par. 1 letter a) point 3, which is not marked with fineness mark,
- d) trades in goods marked with a hallmark, that does not correspond to the fineness of the alloy,
- e) commits misleading labelling of the goods during the sale,
- f) falsifies or misuses a hallmark, or trades in goods bearing such a mark,
- g) does not use the specified measuring devices¹⁸⁾, or uses them without verification, or does not have them available in the shop and other outlets.

(3) The Office imposes a fine from 40 to 50,000 euros if the inspected person commits an offence according to paragraph 1 repeatedly, within three years from the date of validity of the decision on the imposition of a fine.

(4) The Office imposes a fine from 100 to 70,000 euros if the inspected person commits an offence according to paragraph 2 letters a) to g) repeatedly, within three years from the date of validity of the decision on the imposition of a fine.

(5) Proceedings on the imposition of a fine according to paragraphs 1 to 4 can be started by the Office, up to one year from the date when the Office became aware of the offence, but no later than three years after the date the offence occurred.

(6) The Office determines the amount of the fine, taking into account the severity, manner, duration and consequences of the offence.

(7) The revenue from fines is a revenue of the state budget.

¹⁹⁾ Act of the Slovak National Council. No. 372/1990 Coll. on offenses in the wording of earlier regulations.

§ 42
Disciplinary fine

(1) The Office may impose a disciplinary fine of up to 2,000 euros to an inspected person who obstructs or makes difficult the performance of a hallmark inspection according to § 38 par. 2 letter e).

(2) The disciplinary fine according to paragraph 1 may be imposed repeatedly, if the action, that obstructed or made difficult the performance of the hallmark inspection, is not aborted even after an appeal made by the Office. Sum of the repeatedly imposed disciplinary fines may not exceed 10,000 euros.

(3) A disciplinary fine may be imposed for up to two months of when the Office has learned about the actions listed in paragraph 1, but no later than one year from the date when such an action occurred.

(4) The disciplinary fine imposed pursuant to this Act is the income of the state budget.

