

**LAW NO. 04/L-154
ON PRECIOUS METAL WORKS**

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves:

LAW ON PRECIOUS METAL WORKS

**Article 1
Purpose**

1. This Law sets out conditions, manner and action of control of works made of precious metals as well as their trading.
2. It defines technical requirements which determine fineness degree, composition and content of other metals, parts of non-precious metals and non-metals.
3. It regulates conditions and method of marking in harmonization with internationally recognized signs, obligations for expenses of examinations and marking, regulates execution of inspection and metrological supervision.
4. It ensures that precious metal works to be traded in compliance with the consumer protection standards.

**Article 2
Scope of application**

Provisions of this Law are applicable for untreated works such as: granules, bars, plaques, sheets, wires, gold foils and similar, in case they are intended for sale.

**Article 3
Exemption**

1. Provisions of this Law are not applicable to:
 - 1.1. works temporarily imported as work sample, market promotion works, laboratory comparison samples;
 - 1.2. works fully coated with enamel, precious stones, pearls or non-metallic coating;
 - 1.3. works, whose base metal is not a precious metal, but are fully coated with precious metals;
 - 1.4. works intended for export may have a different composition and content from that provided by this Law;
 - 1.5. works with precious stones, pearls or other works, whose precious metal weight and value are below one (1) gram;

- 1.6. music instruments, parts of music instruments made of precious metals;
- 1.7. equipments created for medical, dental, veterinary, scientific and technical purposes;
- 1.8. bars and granules of precious metals used in banking services, including stock plaques;
- 1.9. antic coins and medals made of precious metals;
- 1.10. broken work, broken metal intended for further processing for refining.

Article 4 **Definitions**

1. Terms used in this Law shall have the following meaning:

- 1.1. **Ministry** - the respective Ministry of Trade and Industry;
- 1.2. **Minister** - the respective Minister of the Ministry of Trade and Industry;
- 1.3. **Precious metal** - platinum, gold, palladium and silver;
- 1.4. **Precious metals alloy** - homogeneous mixture of a precious metal with one or more other metals;
- 1.5. **Work** – any item made completely or partially of precious metals and their alloys;
- 1.6. **Fineness** - the certain percentage of precious metal to the total mass of the alloy, expressed per one thousand gram (1000g);
- 1.7. **Fineness degree** - the highest percentage of precious metals to the total mass of the alloy, expressed per one thousand gram (1000g);
- 1.8. **Harmonization mark** - work conformity with the described requirements as well as the compatibility with declared fineness;
- 1.9. **Precious metal coating** - a layer of precious metal that covers the whole part of the work;
- 1.10. **Solder** - a joint of precious metals that can only be used as a solder;
- 1.11. **Unclean work** - a broken work intended for further processing for refining;
- 1.12. **Half-work** - a raw work intended for processing toward the final work;
- 1.13. **Bars and granules of precious metals** – parts of raw – broken metals;
- 1.14. **Metrological inspection** - the metrological supervision of a work, service, process or a measuring system according to the certain requirements.
- 1.15 **Statistical method** – quantitative - chemical analysis of more than ten (10) pieces of precious metals works.

1.16. **Precious Metals Laboratory** - the laboratory for controlling the quality of precious metals works.

Article 5

Duties and responsibilities in the laboratory covering the field of precious metal works

1. Under the Kosovo Metrology Directorate in accordance with the respective Regulation on organization and systematization of jobs of the respective Ministry of Trade and Industry, operates the precious metals laboratory, providing professional services in the field of quality control of works.
2. While carrying out duties set out in paragraph 1 of this Article the Precious Metals laboratory:
 - 2.1. determines manufacturer's sign;
 - 2.2. keeps records on manufacturer's signs;
 - 2.3. performs work examination and marking;
 - 2.4. performs examination of the quality of precious metals and their alloys;
 - 2.5. cooperates with other inspection bodies, other responsible bodies and provides professional support in works quality control field.
3. In case of contest of the laboratory with other responsible bodies, Kosovo Metrology Directorate is the final decision-making body in work quality control field.

Article 6

Works Technical Requirements

1. Works shall have one of the fineness degrees set out in ISO 9202:1991 standard as below:
 - 1.1. works made of Platinum;
 - 1.1.1. 950/1000 nine hundred and fifty parts per one thousand gram;
 - 1.1.2. 900/1000 nine hundred parts per one thousand gram;
 - 1.1.3. 850/1000 eight hundred fifty parts per one thousand gram.
 - 1.2. works made of gold:
 - 1.2.1. 916/1000 nine hundred and sixteen parts per one thousand gram;
 - 1.2.2. 750/1000 seven hundred and fifty parts per one thousand gram;
 - 1.2.3. 585/1000 five hundred and eighty five parts per one thousand gram;
 - 1.2.4. 375/1000 three hundred and seventy five parts per one thousand gram.
 - 1.3. works made of Palladium;
 - 1.3.1 950/1000 nine hundred and fifty parts per one thousand gram;
 - 1.3.2. 500/1000 five hundred parts per one thousand gram.

1.4. works made of silver;

1.4.1. 925/1000 nine hundred and twenty five parts per one thousand gram;

1.4.2. 835/1000 eight hundred and thirty five parts per one thousand gram;

1.4.3. 800/1000 eight hundred parts per one thousand gram.

2. Forged works such as: golden coins, silver coins, memorial plates and similar, shall have the following fineness degree:

2.1. works made of platinum:

2.1.1. 999/1000 nine hundred and ninety nine parts per one thousand gram

2.1.2. 950/1000 nine hundred and fifty parts per one thousand gram;

2.1.3. 900/1000 nine hundred parts per one thousand gram;

2.1.4. 850/1000 eight hundred and fifty parts per one thousand gram;

2.2. works made of gold;

2.2.1. 999/1000 nine hundred and ninety nine parts per one thousand gram;

2.2.2. 995/1000 nine hundred and ninety five parts per one thousand gram;

2.2.3. 990/1000 nine hundred and ninety parts per one thousand gram;

2.2.4. 986/1000 nine hundred and eighty six parts per one thousand gram;

2.2.5. 916/1000 nine hundred and sixteen parts per one thousand gram;

2.2.6. 900/1000 nine hundred parts per one thousand gram;

2.2.7. 875/1000 eight hundred and seventy five parts per one thousand gram;

2.3. works made of palladium;

2.3.1. 999/1000 nine hundred and ninety nine parts per one thousand gram;

2.3.2. 950/1000 nine hundred and fifty parts per one thousand gram;

2.3.3. 500/1000 five hundred parts per one thousand gram;

2.4. works made of silver;

2.4.1. 999/1000 nine hundred and ninety nine parts per one thousand gram;

2.4.2. 925/1000 nine hundred and twenty five parts per one thousand gram;

2.4.3. 900/1000 nine hundred parts per one thousand gram;

2.4.4. 835/1000 eight hundred and thirty five parts per one thousand gram;

2.4.5. 800/1000 eight hundred parts per one thousand gram.

Article 7

Fineness Degree Assessment

Fineness of a work that is between two fineness degrees defined in accordance with Article 6 of this Law shall be considered as a work of the lowest fineness degree between those two degrees.

Article 8

Marking of the works with sign

1. Manufacturers are obliged to mark the works they manufacture with manufacturer's sign and fineness mark.
2. Fineness mark set out in paragraph 1 of this Article shall correspond to one of the fineness degrees set out in Article 6 of this Law.
3. The imported works should be marked at least with the fineness mark.
4. Precious metal works which are manufactured, before placing them in circulation in the market shall be checked and marked with the harmonization sign.
5. Precious metals works that are imported, before placing them in circulation in the market shall be checked and marked with the harmonization sign.
6. Harmonization sign shall be set out by precious metals laboratory within the Metrology Directorate.
7. Fineness sign, manufacturer's sing and harmonization sign shall be determined by a sub-legal act.

Article 9

Works that contain solders

For works that contain solders, the fineness degree of the solder shall be the same with the fineness degree of the base work, according to Article 6 of this Law.

Article 10

Contain of the works of precious metal

1. The work can contain non-precious metal parts and precious metal parts, provided that they are easily physically separated from the work.
2. Non-precious metal parts shall not be coated with a precious metal layer which would make them look like precious metals.
3. Precious metal coating shall have the lower degree of fineness than the work that has been coated.

Article 11

Fineness Evaluation

1. Prior to placement in the market, the manufacturer is obliged to submit the work for examination and marking, in order to certify its compatibility with the requirements set out in this Law.
2. Precious metals laboratory following the examination of works referred to in paragraph 1 of this Article, shall issue a written report noting the quantity and quality of the examined works.
3. A copy of written report shall be delivered to the party.

Article 12

Mark with state mark

Works imported and made of platinum, gold and palladium with a mass less than one gram (1g) and silver works with a mass less than three gram (3g) shall not be marked with manufacturer's sign neither with the fineness mark, but after examination, and after fulfilling the requirements set out in this Law shall be marked with state mark.

Article 13

Boundary of fineness

1. Works consisting of various parts, with different degrees of fineness of the same precious metal, between which there is no distinct boundary of fineness, shall bear the fines mark of a lower quality alloy.
2. Works consisting of various parts of different precious metals, which do not have clearly distinct fineness boundaries, shall be marked with the lower quality mark of precious metals.
3. In works with clearly distinct boundary of fineness, each part shall be marked with appropriate fineness mark.
4. Works consisting of parts from precious metals and parts of precious stones shall be marked with the precious metal fineness.
5. When work coating has higher fineness than the base work, it shall be marked with base work fineness.

Article 14

Examination

1. Work under personal ownership shall not be subject to mandatory examination and marking.
2. Work under personal ownership shall be subject to mandatory examination and marking if their owner places the works for sale.
3. At owner's request, the precious metals sector carries out work examination and marking even if the owner does not place the works for sale.
4. In case of examination of precious metal works under personal ownership, it is verified that the works do not have even the lowest degree of fineness as foreseen by Law, such works shall not be marked and they will be returned to the possessor.

Article 15

Reexamination

1. If works after being marked by the precious metals laboratory, are reprocessed or undergo any change, the works shall undergo a re-examination.

Article 16
Filling of a form

1. Manufacturer, respectively authorized representative, on the occasion of handing over the works to the precious metals laboratory for examination and marking, is obliged to fill in a form with information on the type of work, number, mass, composition and content of the alloy.
2. Importer, respectively authorized representative, on the occasion of handing over the works to the precious metals laboratory for examination and marking, is obliged to fill in a form with information on the type of work, number, mass, fineness degree and Unique Customs Document.

Article 17
Moving of the stamped part

Moving of the stamped part from one work to another is prohibited.

Article 18
Expenses of examination

1. Work examination and marking expenses shall be borne by the applicant.
2. Expenses and fees for provision of these services shall be regulated by a bylaw.
3. Incomes from work examination and marking activities will be deposited to the budget of the Republic of Kosovo.
4. If during the marking precious metal works are damaged, indemnity of works shall be covered by Metrology Directorate in compliance with the respective Law on Obligational Relationships.

Article 19
Placement of precious metal works on the market

Precious metals works may be placed in circulation only if they meet technical requirements and if they are marked in accordance with the provisions of this Law.

Article 20
Separation of the works from the precious metals

Precious metals works exhibited for sale shall be kept separate from works that are not precious metal works-imitation jewelry.

Article 21
Placement of decision in the visible place

1. Precious metal works seller shall keep a picture of state stamps in a visible place, a magnifying glass as well as a weighing instrument of accuracy class II verified by the measure laboratory of the Directorate with which can be discerned the work marks and tables with the fineness degrees allowed according to the provision of this Law.
2. Manufacturer, importer, respectively the authorized representative is obliged to keep the decision on his mark in a visible place in his selling premises.

Article 22
Metrological Supervision

Metrological supervision and enforcement of this Law and other bylaws in the field of precious metals works shall be carried out by the Metrology Inspectorate and Market Inspectorate.

Article 23
Responsibilities of the Metrology Inspectorate

1. Metrology Inspectorate carries out metrological supervision of:
 - 1.1. works placed in the market in the sense of meeting the requirements of this Law;
 - 1.2. entities dealing with collection of precious metals works for further processing;
 - 1.3. entities dealing with manufacturing of precious metals.

Article 24
Supervision and Administrative measures

1. Supervision of movement of precious metals works is carried out by the Market Inspectorate that is entitled to temporarily ban the sale of a work that is not marked according to the provisions of this Law and orders to submit for quality control at the precious metals laboratories.
2. If the request is not submitted within the deadline stipulated the directorate decides to damage these works.
3. Manufacturer, importer of works, is obliged to submit for quality control and marking at the precious metals laboratory the works sealed by an inspection body within fifteen (15) days together with the minutes of the inspector issued by the inspector.
4. Regarding works, which after laboratory tests are found that their fineness degree is not in conformity with paragraph 1 of Article 6 of this Law, Metrology Directorate shall take a decision that the work is not in conformity with technical requirements.
5. A party dissatisfied with the decision of the Directorate may appeal to the Professional Committee for Complaints which is established by the decision of the Minister of the respective Ministry of Trade and Industry.
6. Professional Committee for Complaints consists of three (3) members, two (2) permanent members and one (1) member appointed by the case.
7. The term of the members of the Professional Committee for Complaints is three (3) years.
8. The request shall be submitted to the commission within five (5) days of receiving the decision.
9. Request submitted prohibits the execution of the Decision.
10. The party that is dissatisfied with the decision of the professional commission shall address to the competent court upon the legislation into force.

Article 25

Commission of complains

1. Commission shall send the request for re-examination to an accredited laboratory within five (5) days of receiving the request.
2. Commission may take a decision to reexamine the precious metal works upon the appeal made by the party.
3. If the decision of the Commission complies with the analysis report issued by the accredited laboratory, all costs shall be borne by the party.
4. If the request is not submitted within the deadline stipulated in paragraph 8 of Article 24 of this Law the directorate decides to damage these works.
5. Works damaged in the laboratory of precious metals, shall be returned back to the party.

Article 26 Procedure of inspection

1. Metrology inspector during metrological supervision shall be obliged to perform metrological supervision of precious metal works.
2. Metrological inspection procedure for precious metal works shall be determined by a sub-legal act.

Article 27 Penalty Provisions

1. A fine of two thousand (2000) up to six thousand (6000) € shall be imposed on a business entity that deals with works made of platinum, gold if:
 - 1.1. if the works have not been subject to examination prior to being placed in the market;
 - 1.2. if the marked part has been moved from one work to another.
2. A fine of one thousand (1000) up to three thousand (3000) € shall be imposed on the responsible person of the entity if it is not in accordance with subparagraph 1.1 and 1.2 of this Article.
3. A fine of five hundred (500) up to one thousand and five hundred (1500) € shall be imposed on the business entity that deals sells works made of silver, palladium, if:
 - 3.1. if the works have not been subject to examination prior to being placed in the market;
 - 3.2. if the marked part has been moved from one work to another.
4. A fine of three hundred (300) up to nine hundred (900) € will be imposed on the responsible person of the business entity if it is not according to the subparagraph 3.1 and 3.2 of this Article.

Article 28

1. A fine of one hundred (100) up to three hundred (300) € will be imposed on business entity and natural person if:
 - 1.1. fails to place pictures of harmonization marks for certification of precious metals works fineness in a visible place;

1.2. does not possess a magnifying glass for work stamps check;

1.3. does not possess a weighing instrument verified by the Kosovo Metrology Directorate and fails to place it in a visible place, possible to be read by the consumer.

2. All fines foreseen by this Law shall be imposed by the market inspectorate.

Article 29

Sub-legal acts applicable until the issuance of new sub-legal acts

1. Provided that they are not inconsistent with this Law and until the issuance of new sub-legal act for the right and entire implementation of this Law, the current applicable sub-legal acts shall remain into force:

1.1 Administrative instruction no. 2008/04 setting up the conformity tariffs of precious metals products;

1.2. Administrative instruction no. 2008/06 on producers, craftsman and sellers marks for precious metal products;

1.3. Administrative instruction no. 2008/07 on form and content of fineness marks, mode of determination and marking the fineness degree of precious metal products;

1.4. Administrative instruction no. 2010/06 on amendment and replenishment of the administrative instruction no. 2008/07 on form and content of fineness marks, mode of determination and marking the fineness degree of precious metal products.

Article 30

Transitional Provisions

The Minister of the respective Ministry of Trade and Industry, in order to enforce this law, is obliged to issue sub-legal acts in accordance with Law within twelve (12) months from the date of entry into force of this Law.

Article 31

Repealing Provisions

Upon entry into force of this Law, the Law No.2004/28 on Precious Metals Products and other acts in conflict to this Law shall be repealed.

Article 32

Entry into Force

This Law shall enter into force fifteen (15) days after the publication in the Official Gazette of the Republic of Kosovo.

Law No. 04/L-154

13 December 2012

Promulgated by Decree No. DL-061-2012, dated 27.12.2012,, President of the Republic of Kosovo Atifete Jahjaga