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FAQ: HALLMARKING LEGISLATION FOR WORKS IN PRECIOUS METALS



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FAQ contents

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1) IS THE ACT OF MARKING WORKS SUCH AS JEWELLERY A SIMPLE FORMALITY OR A LEGAL OBLIGATION?

It is a legal obligation that has to be fulfilled by the **manufacturer (designer) and/or the importer** of jewellery. This means that all jewellery **put up for sale has to carry two different marks**.

1. The first mark mentions, for the benefit of the consumer, the fineness and the nature of the precious metal.
2. The second mark allows to identify the manufacturer or his agent.

2) WHAT DOES REGISTRATION IN THE ASSAY OFFICE REGISTER MEAN?

Every manufacturer, importer, wholesaler, retailer or repairman of precious metal works is obliged to register every year in the Assay Office Register.

As a consequence, not a single precious metal work can be sold by a non-registered person. Prior to registration, the persons mentioned above need to submit a request for that purpose. The registration has to be renewed each year. Registration and annual renewal are free of charge.

Registration in the Assay Office Register

- Step 1: Request for registration in the Assay Office Register

Submit a request and join a copy of your registration in the Crossroads Bank of Enterprises.

- Step 2: Receipt of your renewal card and proof of first registration

The Assay Office sends a renewal card and a proof of first inscription to the persons concerned.

Annual renewal of registration

- Step 1: Renewal of your registration in the Assay Office Register

The renewal is done by means of the renewal card. During the renewal period, the persons registered in the Register have to fill in and sign their renewal card and send it to the Assay Office where the card will be validated.

- Step 2: Receipt renewal card

The document is then sent back to the persons concerned. They need to keep the card carefully as proof of their annual renewal and they have to be able to produce it when asked by the Economic Inspection Service.

3) WHAT IS THE LEGAL SIGNIFICANCE OF THE FINENESS MARK?

In Belgium, every manufacturer of works in gold, silver or platinum and – if the mark is absent from the goods involved – also every importer or trader in such works, has to apply a fineness mark.

The shape of the fineness mark depends on the nature of the precious metal. It expresses the fineness of precious metal in thousandths, in Arabic numerals. That figure is preceded by the following inscriptions*:

au	gold
AG	silver
PT, Pt	platinum



*These inscriptions can also be put before and hence outside the actual fineness mark.

The mark is rhombic for gold, oval for silver and hexagonal (in the shape of a rectangle with cut angles) for platinum.

The fineness mark, put in a specific place, certifies that all parts of the work are made of precious metal with the indicated fineness. However, if the work is made of different precious metals or different alloys of precious metals, each precious metal or each alloy has to carry the corresponding fineness mark.

4) WHAT DOES THE OBLIGATORY STAMP MARK IMPLY?

This obligatory mark, which allows to identify the manufacturer and his agent, has to represent a symbol (Art. 6, § 1, 2° of the Royal Decree of 18 January 1990) and has to be approved by the Mintmaster. The symbol is always shown inside a barrel-shaped figure. Initials and/or figures, both smaller than the symbol, can be added (Art. 6, § 1, 3° of the Royal Decree of 18 January 1990).



5) HOW TO DEPOSIT YOUR STAMP MARK?

- Step 1: Submit draft designs of your stamp mark to the Assay Office

First make some draft designs of your stamp mark. Given the obvious need for originality (identification of the manufacturer or his agent) of this stamp mark involving a symbol and the possible presence of smaller figures and/or initials, it is useful to submit several draft designs to the Assay Office, Pachecolaan 32, 1000 Brussels. Some 2,150 stamp marks have been registered there.

As already mentioned, the external shape of the stamp mark has to be a barrel (Art. 6, § 1, 3° of the Royal Decree of 18 January 1990).

- Step 2: Approval by the Mintmaster

The Assay Office submits the draft designs to the Mintmaster for approval.

- Step 3: Submit a Benelux application form to the Office for Industrial Property

You can request the **(electronic or paper) Benelux application form for registration of a brand, in this case your stamp mark**, at the Office for Industrial Property, www.BOIP.int, to register with this office. Register your stamp mark in 'Class 14: Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery ...'

(Information centre: 078 052 242)

- Step 4: Approval by the Office for Industrial Property

The Office for Industrial Property will, on approval of your mark, make out the registration certificate containing your identification data, your registration number and the time of your registration.

- Step 5: Engraving the stamp

Your stamp mark, which meets the legal requirements as to its shape and content, can now be produced by an engraver. As already mentioned, the stamp is barrel-shaped. The symbol of the stamp, imprinted on a metal plate, should be as faithful as possible to the approved design, and has to be visible in relief. It is necessary to build a mould first (for making the stamp). That will make it possible to replace a worn or deteriorated stamp. If the mould gets lost or damaged, the procedure to register a new stamp mark at the Assay Office has to be done all over again.

6) HOW TO REGISTER YOUR STAMP MARK?

To register your stamp mark, you have to provide the following documents and elements to the Assay Office of the Royal Belgian Mint (Art. 15, § 1 of the Law of 11 August 1987):

- An extract from the population register indicating the nationality of the holder of the stamp mark, or an extract from the Belgian Official Journal with regard to the memorandum of association in the case of a company.
- Each person who is not a subject in the EEC shall pay a deposit of nine hundred fifty Euro (950.00 EUR) to the post office giro account 679-2004099-79 of the Deposit and Consignment Office in 1040 Brussels mentioning 'Registration Precious Metal – Royal Belgian Mint'; this deposit will be reduced to two hundred forty Euro (240.00 EUR) if the person can prove that he has been practising, in a regular and uninterrupted manner, the activity of manufacturer, importer, wholesaler, retailer or repairman of precious metal works for at least five years in Belgium.
- A copy of the official document from the Crossroads Bank for Enterprises.
- A copy of the certificate of registration from the Office for Industrial Property (Benelux trademark office).
- A square metal plate (side: 6 cm and height: 1 mm) with three real-size stamp imprints. The plate has to be in copper (yellow or red), nickel silver or nickel.
- Proof of payment of the fee of 35.21 Euro (subject to annual indexation) for the deposit on account number **BE55 6792 0040 6444** of the Federal Public Service Finance.

7) WHAT IS THE PERIOD OF VALIDITY OF A STAMP MARK DESIGN THAT HAS BEEN ACCEPTED?

The design of a stamp mark that has been approved by the Mintmaster remains valid for a period of one year starting on the date of approval. If during this period you do not meet all requirements for registering your stamp mark, you will have to submit a new design and ask the Mintmaster for a new approval.

8) WHICH PRECIOUS METAL WORKS HAVE TO CARRY THE FINENESS MARK AND THE STAMP MARK?

- All works in gold, silver or platinum, destined for the trade in or the manufacture of jewellery, watches, gold and silversmith products, badges of honour, medals and insignia made of these precious metals.

The following works are considered equal to the works described in the previous paragraph:

- all other works in gold, silver or platinum, serving exclusively or partially as ornament, manufactured in one piece or by combining other objects, except coins.
- All works in gold, silver or platinum put on offer at public sales or at sales organised by public lending institutions or similar organizations, also have to carry the legal marks.

Exception:

- All works in precious metals presenting the risk that they could get damaged by the impression of the stamp marks, as well as all works of art and antiquities, are exempted from carrying the legal stamps.

The legal finenesses (see also State hallmark) of precious metal works are the following:

- For gold:

First fineness:	833 parts per thousand
Second fineness:	750 parts per thousand
Third fineness:	585 parts per thousand

- For silver:

First fineness:	925 parts per thousand
Second fineness:	835 parts per thousand

- For platinum:

	950 parts per thousand
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9) WHAT IS THE STATE HALLMARK?

The government's inspector can also apply the State hallmark. That hallmark refers to the fineness of the precious metal used and to the State guarantee.

The costs for applying the State hallmark are indexed every year and amount to:

Works in gold:	21.77 Euro per 100 grams
Works in silver:	6.51 Euro per 100 grams
Works in platinum:	43.54 Euro per 100 grams

10) WHAT ARE THE CONSEQUENCES OF NOT COMPLYING WITH THESE REQUIREMENTS?

Any person who breaches the law is subject to a fine ranging from 50 to 5,000 Euro. Repeated violations can lead to an imprisonment sentence of eight days to six months and are always sanctioned with a ban on certifying and stamp marking any more works. Moreover, the works put up for sale may be seized.

Any judgement or sentence is notified to the Mintmaster and published by excerpt in the Belgian Official Journal. The costs of publication are borne by the convicted persons.

Putting up for sale products carrying fake stamp marks is punishable with imprisonment of eight days to six months and/or a fine of 26 to 2,000 Euro.

MORE QUESTIONS?

Should you still have questions after reading this text, please contact the Belgian Jewellery and Watch Federation on the number 0499 722 882

(mail@arsnobilis.be) or the Assay Office of the Royal Belgian Mint on the number 0257 57 040 (waarborgkantoor.officedegarantie@minfin.fed.be).