



**ΕΠΙΣΗΜΗ ΕΦΗΜΕΡΙΔΑ
ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΝΟΜΟΘΕΣΙΑ – ΜΕΡΟΣ ΙΙΙ**

Αριθμός 4074	Παρασκευή, 28 Ιουλίου 2006	353
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Ο περί της Σύμβασης για τον Έλεγχο και Σήμανση των Αντικειμένων από Πολύτιμα Μέταλλα (Κυρωτικός) Νόμος του 2006 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 21(III) του 2006

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΒΑΣΗ ΓΙΑ ΤΟΝ ΕΛΕΓΧΟ ΚΑΙ ΣΗΜΑΝΣΗ
ΤΩΝ ΑΝΤΙΚΕΙΜΕΝΩΝ ΑΠΟ ΠΟΛΥΤΙΜΑ ΜΕΤΑΛΛΑ ΤΟΥ 1972,
ΟΠΩΣ ΤΡΟΠΟΠΟΙΗΘΗΚΕ ΤΟ 1988

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Σύμβασης για τον Έλεγχο και Σήμανση των Αντικειμένων από Πολύτιμα Μέταλλα (Κυρωτικός) Νόμος του 2006. Συνοπτικός τίτλος.

2. Στον παρόντα Νόμο, εκτός εάν από το κείμενο προκύπτει διαφορετική έννοια— Ερμηνεία.

«Σύμβαση» σημαίνει την Σύμβαση για τον Έλεγχο και Σήμανση Αντικειμένων από Πολύτιμα Μέταλλα, η οποία υπογράφηκε στην Βιέννη, στις 15 Νοεμβρίου 1972, τέθηκε σε εφαρμογή στις 27 Ιουνίου 1975, όπως τροποποιήθηκε στις 18 Μαΐου 1988.

3.—(1) Με τον παρόντα Νόμο κυρώνεται η Σύμβαση, η προσχώρηση στην οποία αποφασίσθηκε με την Απόφαση του Υπουργικού Συμβουλίου με Αριθμό 56.884 και ημερομηνία 5.12.2002. Κύρωση.

(2) Το ενοποιημένο κείμενο της Σύμβασης εκτίθεται σε πρωτότυπο στην Αγγλική στο Μέρος Ι του Πίνακα και σε μετάφραση στην Ελληνική στο Μέρος ΙΙ: Πίνακας, Μέρη Ι και ΙΙ.

Νοείται ότι, σε περίπτωση διαφοράς μεταξύ του πρωτότυπου κειμένου στην Αγγλική και του μεταφρασμένου κειμένου στην Ελληνική, υπερισχύει το πρωτότυπο κείμενο στην Αγγλική.

Αρμόδια Αρχή. 4.—(1) Αρμόδια Αρχή για την εφαρμογή της Σύμβασης είναι ο Κυπριακός Οργανισμός Σήμανσης Αντικειμένων από Πολύτιμα Μέταλλα.

(2) Αρμόδιος Υπουργός για την εποπτεία εφαρμογής της Σύμβασης είναι ο Υπουργός Εμπορίου, Βιομηχανίας και Τουρισμού.

Κανονισμοί. 5.—(1) Το Υπουργικό Συμβούλιο έχει εξουσία να εκδίδει Κανονισμούς για να καθορίζει ο,τιδήποτε χρειάζεται ή είναι δεκτικό καθορισμού για την καλύτερη εφαρμογή της Σύμβασης.

(2) Κανονισμοί που εκδίδονται δυνάμει του παρόντος άρθρου τίθενται σε ισχύ κατά την ημερομηνία δημοσίευσής τους στην Επίσημη Εφημερίδα της Δημοκρατίας, εκτός εάν προβλέπεται σε αυτούς διαφορετικά.

ΠΙΝΑΚΑΣ
(Άρθρο 3(2))

ΜΕΡΟΣ I

CONVENTION ON THE CONTROL AND MARKING OF ARTICLES OF PRECIOUS METALS

PMC/W 1/2003 (Rev.)
20 January 2003

CONVENTION ON THE CONTROL AND MARKING OF ARTICLES OF PRECIOUS METALS (without Annexes)

Signed in Vienna on 15 November 1972

Entered into force on 27 June 1975

Amended on 18 May 1988 *

English version

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* The amendment of 18 May 1988 entered into force on 16 August 1993.

PREAMBLE

The Republic of Austria, the Republic of Finland, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Sweden, the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland;

Desiring to facilitate international trade in articles of precious metals while at the same time maintaining consumer protection justified by the particular nature of these articles;

Have agreed as follows:

I Scope and Operation

ARTICLE 1

1. Legal provisions of a Contracting State which require articles of precious metals to be assayed by an authorized body and to be marked with official stamps so as to indicate that they have been satisfactorily assayed, or require such articles to be marked so as to indicate the sponsor, the nature of the metal or the standard of fineness, shall be deemed to be satisfied in respect of articles of precious metals imported from the territory of another Contracting State if such articles have been controlled and marked in accordance with the provisions of this Convention.
2. For articles controlled and marked in accordance with the provisions of this Convention an importing Contracting State shall not require further assaying or marking of a kind referred to in paragraph 1, except for the purpose of check tests as provided in Article 6.
3. Nothing in this Convention shall require a Contracting State to allow the importation or sale of articles of precious metals which do not fulfil its national minimum standards of fineness. Furthermore, nothing in this Convention shall require a Contracting State which accepts 800 as a standard of fineness for silver to allow the importation or sale of articles marked with the 830 standard of fineness.

ARTICLE 2

For the purposes of this Convention "articles of precious metals" means articles of silver, gold, platinum or alloys thereof, as defined in Annex I.

ARTICLE 3

1. In order to benefit from the provisions of Article 1, articles of precious metals must be:
 - (a) submitted to an authorized assay office appointed in accordance with Article 5;
 - (b) controlled by the authorized assay office in accordance with the rules and procedures laid down in Annexes I and II;
 - (c) marked with the marks as prescribed in Annex II, including the Common Control Mark as described in paragraph 8 thereof.
2. The benefits of Article 1 shall not be applicable to articles of precious metals which, after being marked as prescribed in Annex II, have had any of these marks altered or obliterated.

ARTICLE 4

The Contracting States shall not be obliged to apply the provisions of paragraphs 1 and 2 of Article 1 to articles of precious metals which, since being submitted to an authorized assay office, and controlled and marked as prescribed in Article 3, have been altered by addition or in any other manner.

II Control and Sanctions**ARTICLE 5**

1. Each Contracting State shall appoint one or more assay offices which shall be the only bodies authorized in its territory to carry out the control of articles of precious metals provided for in this Convention and to apply its own appointed assay office mark and the Common Control Mark.
2. Each Contracting State shall notify the depositary of the appointment of such authorized assay offices and of their assay office marks and any withdrawal of this authorization from any assay office previously appointed. The depositary shall immediately notify all other Contracting States accordingly.

ARTICLE 6

The provisions of this Convention shall not prevent a Contracting State from carrying out check tests on articles of precious metals bearing the marks provided for in this Convention. Such tests shall not be carried out in such a way as to hamper unduly the importation or sale of articles of precious metals marked in conformity with the provisions of this Convention.

ARTICLE 7

The Contracting States hereby empower the depositary to register with the World Intellectual Property Organization (WIPO), in accordance with the Convention of Paris for the Protection of Industrial Property, the Common Control Mark as a national hallmark of each Contracting State. The depositary shall also do so in the case of a Contracting State in relation to which this Convention enters into force at a later date or in the case of an acceding State.

ARTICLE 8

1. Each Contracting State shall have and maintain legislation prohibiting subject to penalties, any forgery or misuse of the Common Control Mark provided for by this Convention or of the marks of the authorized assay offices which have been notified in accordance with paragraph 2 of Article 5, and any unauthorized alteration to the article or alteration or obliteration of the fineness mark or responsibility mark after the Common Control Mark has been applied.

2. Each Contracting State undertakes to institute proceedings under such legislation when sufficient evidence of forgery or misuse of the Common Control Mark or marks of the authorized assay offices, or unauthorized alteration to the article or alteration or obliteration of the fineness mark or responsibility mark after the Common Control Mark has been applied is discovered or brought to its attention by another Contracting State or, where more appropriate, to take other suitable action.

ARTICLE 9

1. If an importing Contracting State or one of its assay offices has reason to believe that an assay office of an exporting Contracting State has affixed the Common Control Mark without having complied with the relevant provisions of this Convention, the assay office by which the articles are purported to have been marked shall be immediately consulted, and the latter assay office shall promptly lend all reasonable assistance for the investigation of the case. If no satisfactory settlement is reached, either of the parties may refer the case to the Standing Committee by notifying its Chairman. In such a case the Chairman shall convene a meeting of the Standing Committee not later than one month from the receipt of such notification.

2. If any matter has been referred to the Standing Committee under paragraph 1, the Standing Committee may, after having given an opportunity for the parties concerned to be heard, make recommendations as to the appropriate action to be taken.

3. If within a reasonable time a recommendation referred to in paragraph 2 has not been complied with, or the Standing Committee has failed to make any recommendation, the importing Contracting State may then introduce such additional surveillance of articles of precious metals marked by that particular assay office and entering its territory, as it considers necessary, including the right temporarily to refuse to accept such articles. Such measures shall immediately be notified to all Contracting States and shall be reviewed from time to time by the Standing Committee.