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Federal Act on the Control of the Trade in Precious Metals and Precious Metal Articles (Precious Metals Control Act, PMCA)¹

of 20 June 1933 (Status as of 1 January 2022)

The Federal Assembly of the Swiss Confederation,

based on Articles 31^{bis} paragraph 2, 31^{sexies} and 34^{ter} letter g
of the Federal Constitution^{2,3}

and having examined the Federal Council Dispatch dated 8 June 1931⁴

decrees:

Section 1 Definitions

Art. 1⁵

Precious metal,
precious metal
articles and
multi-metal
articles

¹ Precious metals under this Act are gold, silver, platinum and palladium.

² Melt products are ingots, slabs, bars and granules produced by melting or recasting precious metal or melt material.

³ Melt material means:

- a. precious metals obtained through the extraction of raw materials or refining;
- b. waste products from the processing of precious metals or alloys thereof which are usable for reclaiming precious metal;
- c. material containing precious metal which is usable for reclaiming precious metal.

BS 10 130

¹ Amended by Art. 75 No 2 of the Trademark Protection Act of 28 Aug. 1992, in force since 1 April 1993 (AS 1993 274; BBl 1991 I 1).

² [BS 1 3; AS 1981 1244]

³ Amended by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

⁴ BBl 1931 I 888A

⁵ Amended by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

⁴ Precious metal articles are articles wholly comprised of precious metals with a legal standard of fineness, or articles made of precious metals with a legal standard of fineness in combination with a non metallic material. This does not include coins made of precious metals.

⁵ Multi-metal articles are articles made of a combination of precious metal with a legal standard of fineness and base metals.

Art. 2⁶

Plated articles.
Imitations

¹ Plated articles are articles for which a layer of precious metal is fixed or plated to a substrate of another material.

² The minimum requirements for precious metal layers are set out in Annex 1 hereto. The Federal Council shall specify the error tolerance and may adjust the provisions in the Annex in line with international developments.

³ Imitations are:

- a. articles made of precious metals that are below the minimum legal standard of fineness or do not satisfy the other material conditions for precious metal articles;
- b. articles that qualify as multi-metal articles or plated articles but which are not marked as such or do not satisfy the material conditions for these categories of articles.

Section 2 Fineness

Art. 3

Legal standards
of fineness⁷

¹ Fineness refers to the purity of precious metal contained in a unit of weight of a metal alloy, measured in parts per thousand.

² The legal standards of fineness for precious metal articles and multi-metal articles are set out in Annex 2 hereto. The Federal Council may adjust these provisions in line with international developments.⁸

⁶ Amended by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

⁷ Amended by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

⁸ Amended by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

Art. 4⁹**Art. 5**

Error tolerance The Federal Council¹⁰ shall define the extent to which and the circumstances in which error tolerances may be allowed for deviations from the standard of fineness.

Section 3 Trade in Finished Articles**Art. 6¹¹**

Marking of goods; accuracy Where the Act or the Ordinance prescribes or authorises marks on goods, these must refer to the composition of the article. It is prohibited to apply a mark that is likely to be misleading to precious metal articles, multi-metal articles, plated articles or imitations or to items likely to be confused with these.

Art. 7¹²

Precious metal articles; fineness mark ¹ Precious metal articles may only be placed on the market with a legal fineness mark.
² All parts of a precious metal article must at least meet the specified fineness. The Central Office for Precious Metals Control (Central Office) may make exceptions on technical grounds.
³ In addition to the fineness mark, articles of platinum or palladium must also bear a reference to the type of precious metal used.

Art. 7a¹³

Multi-metal articles; marking and appearance ¹ Multi-metal articles may be traded as such provided that they are marked accordingly and satisfy the material conditions.
² The actual composition must be clear from the mark. The precious metal parts must be clearly marked with the legal fineness in parts per thousand, the other metal parts with the type of metal used.

⁹ Repealed by No I of the FA of 17 June 1994, with effect from 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

¹⁰ Expression in accordance with No II of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033). This amendment has been made throughout the text.

¹¹ Amended by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

¹² Amended by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

¹³ Inserted by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

³ The different metals must be visible from the exterior and differ in colour. Multi-metal articles must not have the appearance of plated articles.

Art. 8¹⁴

Plated articles and imitations; marking

¹ Plated articles may be traded as such provided that they are marked accordingly and satisfy the material conditions.

² Plated articles must bear quality marks which must not leave any doubt as to their plated nature.

³ Imitations with precious metal coatings may be marked as gilded, silvered, platinised or palladised articles.

⁴ Plated articles and imitations must not bear any fineness marks.

Art. 8a¹⁵

Other marks and exceptions

¹ The Federal Council may prescribe or authorise other marks for precious metal articles, multi-metal articles, plated articles and imitations.

² The Federal Council may provide for exceptions to the legally prescribed marks for special, i.e. technical and medical, purposes.

³ The Central Office may issue more specific provisions on the type and form of the prescribed and authorised marks.

Art. 8b¹⁶

Material requirements; more specific provisions

¹ The Federal Council shall issue detailed provisions on the requirements for precious metal articles, multi-metal articles and plated articles.

² It may authorise the Central Office to specify the technical details.

Art. 9

Responsibility mark
a. Obligation

¹ In addition to the prescribed marks, precious metal articles, multi-metal articles and plated articles must also bear a responsibility mark.¹⁷

¹⁴ Amended by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

¹⁵ Inserted by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

¹⁶ Inserted by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

¹⁷ Amended by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

² Manufacturers who do not themselves produce the articles that they use may have their trademark stamped as a responsibility mark on the articles manufactured for them. Articles 10 to 12 apply in the case of these marks.

³ For watch-cases, members of manufacturer associations may use a collective responsibility mark with a serial number.¹⁸

⁴ An indication of the standard of fineness may not be applied unless a responsibility mark is applied at the same time.

Art. 10¹⁹

b. Composition ¹ The responsibility mark is a symbol which in itself identifies the owner of the mark. It may consist of letters, figures, words, graphic representations or artistic forms, individually or in combination. The mark should not be likely to be confused with previously registered marks or with the official hallmarks.

² The imprint of the responsibility mark on the article must be clear and indelible.

Art. 11

c. Application for registration ¹ The responsibility mark must be submitted in writing to the Central Office²⁰ for registration. The application must include the owner's place of residence and registered office and a precise description of the type of business as well as the evidence needed to prove the mark's compliance with legal requirements.

² An owner of a mark who is not listed in the Swiss Commercial Register or is not resident in Switzerland may be asked to provide collateral. This collateral serves as a guarantee for all claims under this Act.

³ The registration fee is payable on submission of the application.

Art. 12

d. Registration ¹ The Central Office shall maintain a register of all responsibility marks that fulfil the legal requirements. The applicant shall be notified of the registration decision by registered letter, which, in the case of refusal, contains information on the right of appeal against the decision.

¹⁸ Amended by No I of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033).

¹⁹ Amended by Art. 75 No 2 of the Trademark Protection Act of 28 Aug. 1992, in force since 1 April 1993 (AS 1993 274; BBl 1991 I 1).

²⁰ Expression in accordance with No II of the FA of 17 June 1994, in force since 1 Aug. 1995 (AS 1995 3102; BBl 1993 II 1033). This amendment has been made throughout the text.