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## **Ordinance on the Control of Trade in Precious Metals and Articles of Precious Metals (Precious Metals Control Ordinance, PMCO)<sup>1</sup>**

of 8 May 1934 (Status as of 1 September 2021)

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*The Swiss Federal Council,*

based on Article 59 of the Federal Act of 20 June 1933<sup>2</sup> on the Control of the Trade in Precious Metals and Precious Metal Articles (hereinafter «the Act»),  
*decrees:*

### **Section 1      Organisation of official bodies**

#### **Art. 1**

I. Federal  
Council

The Federal Council is the supreme body in all matters concerning the control of trade in precious metals and precious metal articles. Specifically, its duties are to:

- a. appoint the officers of the Federal Central Office for Precious Metals Control (hereinafter «the Central Office») in accordance with Article 4 of the Public Officials Regulations I of 24 October 1930<sup>3</sup>;
- b. approve the reports of the Federal Department of Finance<sup>4</sup>;
- c. issue directives to the Federal Department of Finance, where the latter does not make orders independently under the Act;
- d.<sup>5</sup> ...
- e.<sup>6</sup> ...

AS 50 363 and BS 10 147

<sup>1</sup> Amended by No I of the O of 17 Feb. 1993, in force since 1 April 1993 (AS 1993 984).

<sup>2</sup> SR 941.31

<sup>3</sup> [BS I 610; AS 1948 367, 1949 I 133 832, II 1730. AS 1952 659 Art. 76 para. 2].  
See today: the Federal Personnel Act of 24 March 2000 (SR 172.220.1).

<sup>4</sup> Name in accordance with Art. 1 of the unpublished FCD of 23 April 1980 on the Adaptation of Federal Legislation to the new names of the Departments and Offices. This amendment has been made throughout the text.

<sup>5</sup> Let. d concerned the now repealed para. 1 and 2 of Art. 54 of the Act.

<sup>6</sup> Repealed by No I of the O of 19 June 1995, with effect from 1 Aug. 1995 (AS 1995 3113).

**Art. 2**

II. Department of  
Finance

The Federal Department of Finance is responsible for the direct business management. Specifically, its duties are to:

- a. appraise, submit motions for the attention of the Federal Council and to execute the Decrees of the Federal Council;
- b. supervise the administration of the Central Office;
- c. report to the Federal Council;
- d. decide on the establishment of Federal Assay Offices and determine the contribution fee paid by the business sectors involved towards the establishment and operating costs (Art. 6);
- e. approve the establishment of Assay Offices by cantons, communal authorities or associations (Art. 7);
- f. decide on the dissolution of cantonal and federal Assay Offices (Art. 9);
- g. receive the reports of the Central Office and issue the required directives to this body (Art. 4 let. a);
- h. approve the settlement of fees flowing into the federal coffers (Art. 4 let. n);
- i. select the officers of the Central Office in accordance with Article 4 of the Public Officials Regulations I of 24 October 1930<sup>7</sup>.

**Art. 3**

III. Central  
Office

1. Organisation

The Central Office is affiliated to the Directorate General of Customs. ...<sup>8</sup>

**Art. 4**

2. Duties

The Central Office is responsible for all business matters involved in supervising the trade in precious metals and precious metal articles. Specifically, its duties are to:<sup>9</sup>

- a. submit motions and report to the Federal Department of Finance and execute the instructions of the Department;
- b.<sup>10</sup> supervise the management of the Assay Offices and of sworn trade assayers (Art. 18, 19, 33 and 34); approve the budgets and annual accounts of the Assay Offices (Art. 19 para. 3);

<sup>7</sup> [BS 1 610; AS 1948 367, 1949 I 133 832, II 1730. AS 1952 659 Art. 76 para 2].

See today: the Federal Personnel Act of 24 March 2000 (SR 172.220.1).

<sup>8</sup> Second sentence repealed by No I of the O of 19 June 1995, with effect from 1 Aug. 1995 (AS 1995 3113).

<sup>9</sup> Amended by No I of the O of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>10</sup> Amended by No I of the O of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).

- c.<sup>11</sup> register the responsibility marks (Art. 69–75);
- d.<sup>12</sup> supervise the official controlling and hallmarking of precious metal articles and multi-metal articles (Art. 81–123);
- e.<sup>13</sup> arrange and supervise the diploma examination for sworn assayers and also issue and withdraw diplomas (Art. 22 and 25);
- f. issue and withdraw assayer licences as trade assayers (Art. 29 and 34);
- g.<sup>14</sup> issue and withdraw melter’s licences (Art. 165, 166a and 166);
- h. supervise the determinations of the fineness of melt products (Art. 173–178);
- i.<sup>15</sup> register and store documents sent by the Assay Offices, by sworn trade assayers and by holders of melter’s licences as well as other correspondence;
- k.<sup>16</sup> procure new official stamps/hallmarks and destroy those which have become unusable<sup>17</sup> (Art. 113 and 114);
- l.<sup>18</sup> supervise the domestic market (Art. 15 para. 2);
- m.<sup>19</sup> rule on appeals against orders of Assay Offices and trade assayers;
- n.<sup>20</sup> keep accounts for the fees flowing into the federal coffers.

### Art. 5<sup>21</sup>

### Art. 6

IV. Assay  
Offices  
1. Organisation  
a. Establishment  
aa. Federal  
Assay Offices

<sup>1</sup> Federal Assay Offices shall be established if and when necessary in the country’s economic interests, particularly where a cantonal Assay Office does not exist. A federal Assay Office may be established for an area covering several cantons, or parts of various cantons may be included in its sphere of operation. Establishment is effected by a decision of the Federal Department of Finance.

<sup>2</sup> Before establishment, opinions must be sought from the relevant cantonal governments and the business associations involved, which

11 Amended by No I of the O of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).  
 12 Amended by No I of the O of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).  
 13 Amended by No I of the O of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).  
 14 Amended by No I of the O of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).  
 15 Amended by No I of the O of 26 May 2010, in force since 1 July 2010 (AS 2010 2219).  
 16 Amended by No I of the O of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).  
 17 The terms «stamp» and «hallmark» have the same meaning here.  
 18 Amended by No I of the O of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).  
 19 Amended by No I of the O of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).  
 20 Amended by No I of the O of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).  
 21 Repealed by No I of the O of 19 June 1995, with effect from 1 Aug. 1995 (AS 1995 3113).

shall also receive precise details of the financial requirements that are made of them in the event of establishment. The Department may request payment of collateral to secure these financial requirements.

<sup>3</sup> The Department shall determine the organisation of the federal Assay Offices. The officers and sworn assayers<sup>22</sup> are employees of the Customs Administration and are subject to its official regulations.

### Art. 7

bb. Cantonal Assay Offices

<sup>1</sup> Cantonal Assay Offices are those established by a canton or by the communes or business associations authorised by a canton to do so. Where a canton authorises a commune or a business association to establish an Assay Office, it has the duty to supervise the general management thereof. The Central Office is solely authorised to supervise the technical activities of the Assay Office and to issue technical directives concerning implementation of the Act and its Ordinances.

<sup>2</sup> Prior to the establishment of an Assay Office, a draft of the Office's organisational by-laws must be presented to the Federal Department of Finance by way of the cantonal government. If the Assay Office is not established by the canton itself, details must be given on the procurement of the working capital required. The canton shall appoint a supervisory board for each Assay Office. A representative of the Central Office must sit on each supervisory board.

<sup>3</sup> The Assay Office may not commence operations until its establishment has been approved by the Federal Department of Finance.

<sup>4</sup> The set-up and operating expenses of cantonal Assay Offices are borne by the establishing canton, communes or associations. The canton shall be liable for any deficit in operating expenses that may occur if the commune or association that set up the Assay Office is not in a position to cover it.

### Art. 8

b. Staff of Assay Offices

<sup>1</sup> The number and position of officers working at federal Assay Offices shall be determined by the Federal Department of Finance. Specifically, the latter shall appoint the senior staff, in response to the proposal of the Directorate General of Customs, and appoint the official sworn assayers.

<sup>2</sup> Cantonal Assay Offices must have a sufficient number of officers to ensure the prompt execution of the functions of the Office. The Central Office shall determine the required number of sworn assayers.

<sup>22</sup> Expression in accordance with No I of the O of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113). This amendment has been made throughout the text.

<sup>3</sup> The sworn assayers working at the Assay Offices, whose duty is to conduct the official assaying and hallmarking of precious metal articles and ascertain the fineness of melt products, must hold a federal diploma as a sworn assayer.

<sup>4</sup> Officers of cantonal Assay Offices are selected as prescribed by the cantons, communes or associations. Such selection requires the approval of the Federal Department of Finance.

<sup>5</sup> The determination of the remuneration of officers of the cantonal Assay Offices is subject to approval by the Federal Department of Finance, as are the rules drawn up by the cantons, communes or associations on the sureties to be paid by the agencies of the Assay Offices they establish.

### Art. 9<sup>23</sup>

c. Dissolution of Assay Offices

<sup>1</sup> The relevant cantonal government or the business associations concerned must be notified of the intention to close an Assay Office. In the case of a cantonal Assay Office, sufficient notice must be given before dissolution.

<sup>2</sup> Where a cantonal Assay Office is to be closed because the facilities and management no longer meet existing requirements, the canton, or the communes or business associations concerned, must be given sufficient time to remedy the situation.

### Art. 10–13<sup>24</sup>

### Art. 14

2. Duties  
a. Content

<sup>1</sup> The Assay Offices must perform their duties in accordance with the statutory provisions and the directives that they receive from the Central Office.

<sup>2</sup> They shall take charge of the official controlling and hallmarking of precious metal articles (Art. 13–17 of the Act) and determination of the fineness of melt material and melt products submitted by private customers (Art. 32 of the Act). Melting on behalf of third parties is only permitted with the special authorisation of the Federal Department of Finance.

<sup>3</sup> In particular cases, the Central Office may entrust the Assay Office with the performance of tests and analyses with regard to violations of the law.

<sup>23</sup> Amended by No I of the O of 19 June 1995, in force since 1 Aug. 1995 (AS 1995 3113).

<sup>24</sup> Repealed by No I of the O of 19 June 1995, with effect from 1 Aug. 1995 (AS 1995 3113).