

No. 51649*

**Switzerland
and
Russian Federation**

Agreement between the Federal Council of the Swiss Confederation and the Government of the Russian Federation on the mutual recognition of official hallmarks on precious metal articles of the watch industry. Moscow, 14 December 2011

Entry into force: *2 August 2013, in accordance with article 12*

Authentic texts: *English, German and Russian*

Registration with the Secretariat of the United Nations: *Switzerland, 23 January 2014*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Suisse
et
Fédération de Russie**

Accord entre le Conseil fédéral de la Confédération suisse et le Gouvernement de la Fédération de Russie relatif à la reconnaissance mutuelle des poinçons officiels apposés sur les ouvrages en métaux précieux de l'industrie horlogère. Moscou, 14 décembre 2011

Entrée en vigueur : *2 août 2013, conformément à l'article 12*

Textes authentiques : *anglais, allemand et russe*

Enregistrement auprès du Secrétariat des Nations Unies : *Suisse, 23 janvier 2014*

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AGREEMENT

between the Federal Council of the Swiss Confederation and the Government of the Russian Federation on the mutual recognition of official hallmarks on precious metal articles of the watch industry

The Federal Council of the Swiss Confederation and the Government of the Russian Federation - hereinafter referred to as the Parties -, for purposes of developing trade between the Swiss Confederation and the Russian Federation, have agreed in the following:

Article 1

The terms used in this Agreement mean the following:

“entity responsible”:

in the Russian Federation: the Federal Government’s Office “Russian State Assay Chamber with the Ministry of Finance of the Russian Federation”;

in the Swiss Confederation: the Central Office for Precious Metals Control;

“legislation of the Russian Federation”: Federal Law No. 41-FZ of March 26, 1998, ‘On Precious Metals and Precious Stones’; Decision of the Government of the Russian Federation No. 643 of June 18, 1999, ‘On the Procedure for Assaying and Marking of Precious Metal Articles’; Decree of the Ministry of Finance of the Russian Federation of January 11, 2009, No. 1n, ‘On the Putting into Force of the Instruction for Assay Supervision’; and any changes thereof;

“legislation of the Swiss Confederation”: the Federal Act of June 20, 1933, ‘Regulating the Trade in Precious Metals and Works in Precious Metals’ and its Implementation Ordinance of May 8, 1934, as well as the Instructions on the Application of Precious Metals Legislation of May 1, 2010; and any changes thereof;

“precious metal articles of the watch industry”: wrist watches, pocket watches and other types of carry-on watches, including stop-watches, which have casings made of precious metals (gold, silver, platinum, palladium) and alloys thereof.

The term covers both watches with watch bracelets in precious metals and alloys thereof or those that have components in precious metals, and watches without bracelets;

“official hallmark”:

in the Russian Federation: a Russian Federation assay mark provided for in the Decision of the Government of the Russian Federation No. 643 of June 18, 1999, ‘On the Procedure for Assaying and Marking of Precious Metal Articles’;

in the Swiss Confederation: an approved hallmark provided for in Article 15 of the Federal Act of June 20, 1933;

“manufacturer’s stamp”:

in the Russian Federation: a responsibility mark provided for in the Decision of the Government of the Russian Federation No. 643 of June 18, 1999, ‘On the Procedure for Assaying and Marking of Precious Metal Articles’;

in the Swiss Confederation: a responsibility mark provided for in Article 9 of the Federal Act of June 20, 1933, or a collective responsibility mark as provided for in Article 60 of the Ordinance of May 8, 1934;

“legal standard of fineness”:

in the Russian Federation: the standard of fineness provided for in the Decision of the Government of the Russian Federation No. 643 of June 18, 1999, ‘On the Procedure for Assaying and Marking of Precious Metal Articles’;

in the Swiss Confederation: the standard of fineness provided for in Article 7 and Article 7a of the Federal Act of June 20, 1933;

“XRF measurement”:

a non-destructive method of analysis using X-ray fluorescence spectrometers.

Article 2

By application of the official hallmark on the precious metal articles of the watch industry the entity responsible:

- Testifies the compliance of the actual fineness with the legal standard of fineness;

- Guarantees that it has verified the precious metal content in the precious metal articles of the watch industry;
- Guarantees that it has identified the registered manufacturer's stamps on the precious metal articles of the watch industry.

Article 3

1. Precious metal articles of the watch industry which, when imported to the Swiss Confederation, have the imprints of the official hallmark of the Russian Federation, the manufacturer's stamp and the legal fineness mark, shall not be subject to new assay, analysis or hallmarking in the Swiss Confederation, provided that these goods comply with the provisions of the legislation of the Swiss Confederation and this Agreement.

Exceptions to this are spot checks provided for in Article 5 of the present Agreement.

During the customs control the precious metal articles of the watch industry shall be submitted to the entity responsible, whose function is to check the articles for the presence of the imprint of the official hallmark of the Russian Federation and legal standard of fineness in line with the legislation of the Russian Federation.

2. Precious metal articles of the watch industry which, when imported to the Russian Federation, have the imprint of the manufacturer's stamp and the imprint of the official hallmark of the Swiss Confederation, including the legal fineness mark, shall not be subject to new assay, analysis or hallmarking in the Russian Federation, provided that these goods comply with the provisions of the legislation of the Russian Federation and this Agreement.

Exceptions to this are spot checks provided for in Article 5 of the present Agreement.

During the customs control the precious metal articles of the watch industry shall be submitted to the entity responsible, whose function is to check the articles for the presence of the imprint of the official hallmark of the Swiss Confederation and legal standard of fineness in line with the legislation of the Swiss Confederation.

Article 4

The owner of a manufacturer's stamp, who has lodged his mark at the entity responsible of the Russian Federation, shall be released from the requirement to register the mark in the Swiss Confederation.

The owner of a manufacturer's stamp, who has lodged his mark at the entity responsible of the Swiss Confederation, shall be released from the requirement to register the mark in the Russian Federation.

Article 5

The provisions of the present Agreement do not prevent either of the two Parties from carrying out spot checks on precious metal articles of the watch industry which bear the imprints of the official hallmarks, manufacturer's stamps and legal fineness marks provided for in Article 3 of the present Agreement. These checks shall not have effect on the time period of the import of precious metal articles of the watch industry, provided that they bear the imprints of the official hallmarks, manufacturer's stamps and legal fineness marks in compliance with the provisions of the present Agreement.

Article 6

1. Spot checks of precious metal articles of the watch industry are generally carried out by conducting touchstone tests and by carrying out XRF measurements using analysis methods based on sampling without disturbing the integrity of the article.

2. The analysis of the actual fineness is conducted:

- for the Russian Federation: in line with Part 3 of the Instruction for Assay Supervision;
- for the Swiss Confederation: in line with the methods described in the Decisions on Technical Matters related to Annex II to the Convention on the Control and Marking of Articles of Precious Metals (Hallmarking Convention of 1972).

Negative tolerances of the actual fineness from the legal fineness standard are not admissible.