

No. 26744

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**FRANCE  
and  
SWITZERLAND**

**Convention concerning reciprocal recognition of official hall-  
marks on articles of precious metal. Signed at Paris on  
2 June 1987**

*Authentic text: French.*

*Registered by France on 27 July 1989.*

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**FRANCE  
et  
SUISSE**

**Convention relative à la reconnaissance réciproque des poin-  
çons officiels apposés sur les ouvrages en métaux pré-  
cieux. Signée à Paris le 2 juin 1987**

*Texte authentique : français.*

*Enregistrée par la France le 27 juillet 1989.*

## [TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE SWISS FEDERAL COUNCIL CONCERNING RECIPROCAL RECOGNITION OF OFFICIAL HALL-MARKS ON ARTICLES OF PRECIOUS METAL

The Government of the French Republic and the Swiss Federal Council, hereinafter referred to as “the Parties”, desiring to promote and facilitate trade in articles of precious metal while at the same time ensuring the protection of the consumer,

Have agreed as follows:

*Article 1*

For the purposes of this Convention:

(a) The terms “one Party” and “the other Party” mean either France or Switzerland, depending on the context.

(b) The term “France” means the European and overseas departments of the French Republic. However, the provisions of this Convention shall not be applicable in respect of the department of Guyane prior to publication of the decree provided for in article 553 *bis* of the General Tax Code, nor in respect of the departments of Haute-Corse and Corse du Sud until such time as the measures provided for in article 27 of Act 6610 of 6 January 1966 are applicable.

(c) The term “Switzerland” means the Swiss Confederation.

(d) The term “competent authorities” means:

1. In the case of France, the Directorate General of Taxation (Direction Générale des Impôts);
2. In the case of Switzerland, the Central Precious Metals Hallmarking Office (Bureau central du contrôle des métaux précieux).

(e) The term “Swiss Act” means the Federal Act of 20 June 1933 concerning the regulation of trade in precious metals and articles of precious metal and its implementing regulations of 8 May 1934.

(f) The term “French law” means the Acts of 19 Brumaire Year VI (9 November 1797), 25 January 1884, 8 April 1910, 23 January 1972 and 1 July 1983 and the texts codified in the General Tax Code (articles 521 to 553 *bis* with the exception of the provisions relating to articles composed of precious metals juxtaposed with other metals and those relating to gold, silver or platinum plate and rolled gold, silver or platinum).

(g) The term “articles of precious metal” means articles made of alloys of gold, silver or platinum, as referred to in French and Swiss law, including watches, accessories thereof and watch-cases.

<sup>1</sup> Came into force on 1 May 1989, i.e., the first day of the third month following the date of receipt of the last of the notifications by which the Parties had informed each other (on 18 July 1988 and 30 January 1989) of the completion of the required procedures, in accordance with article 10 (2).

(h) The term “official mark” means

1. In the case of Switzerland: the hallmarks and the lesser hallmarks provided for in article 15 of the Swiss Act;
2. In the case of France: the marks provided for in articles 523 and 524 of the General Tax Code.

(i) The term “maker’s mark” means

1. In the case of Switzerland: the master’s mark provided for in article 9 of the Swiss Act;
2. In the case of France: the mark provided for in articles 524 (2) and 548 (1) of the General Tax Code.

(j) The term “standard mark” means the mark provided for in article 7 of the Swiss Act.

### *Article 2*

1. Articles of precious metal which at the time of their importation into Switzerland bear the French official mark, the maker’s mark and the standard mark shall not be subject to further verification, control or marking in Switzerland, provided that the articles in question satisfy the requirements of the Swiss Act.

The proof assays provided for in article 4 shall, however, be excepted from the foregoing.

When the customs formalities have been completed, the articles shall be submitted to a control office for the presence of the French official marks to be verified and, where appropriate, for charges to be levied in respect of control of precious metals.

2. Articles of precious metal which at the time of their importation into France bear the Swiss official mark, the maker’s mark and the standard mark shall not be subject to further verification, control or marking, whether official or otherwise in France, provided that the articles in question satisfy the requirements of French law.

The proof assays provided for in article 4 shall, however, be excepted from the foregoing.

After the customs formalities have been completed, the articles shall be submitted to a hallmark office for the presence of the Swiss official marks on the articles to be verified and for an entry form, giving particulars of the precious metals and a description of the articles and their weight, to be filed. The payment of hallmarking charges may be effected on the basis of the entry form.

### *Article 3*

1. The holder of a maker’s mark who has registered the mark with the French Hallmarking Directorate (“Direction de la garantie française”) shall be exempt from the obligation to have the mark registered in Switzerland and the requirement to provide guarantees in accordance with article 11 of the Swiss Act.

2. The holder of a maker’s mark who has registered the mark with the Swiss Central Precious Metals Hallmarking Office shall be exempt from the obligation to have the mark registered in France.

#### Article 4

The provisions of this Convention shall not prevent either of the Parties from undertaking proof assays of articles of precious metals bearing the marks referred to in article 2 of this Convention. Such assays must not be conducted in such a way as to hinder unduly the importation or the sale of articles of precious metal marked in conformity with this Convention.

#### Article 5

1. The assaying of articles of precious metals shall normally be carried out using the touchstone method. In doubtful cases, analytical methods which do not entail the destruction of the article shall be used (removal of small samples by scraping). Should failure to meet the requirements of the fineness standard be confirmed, a sample weighing not less than one eighth of a gram taken from the article shall be subjected to analytical assay.

2. Analytical assays shall be carried out using the following methods:

(a) For gold: cupellation and parting with nitric acid;

(b) For silver:

— Cupellation;

— Titrimetric analysis, by dissolution in nitric acid and titration with a solution of sodium chloride (Gay-Lussac) or titration with a solution of ammonium or potassium thiocyanate using ammonium sulphate/iron (III) as indicator (Volhard and Charpentier);

— Gravimetric analysis;

(c) For platinum: gravimetric analysis, by dissolution in aqua regia, precipitation with ammonium chloride and reduction, at high temperature to metallic platinum.

Precipitated or entrained iridium shall be counted as platinum.

3. No negative tolerance with respect to the fineness standard indicated shall be permitted. The control authorities may, however, accept assay results revealing a slight non-conformity within the limits of accuracy of the approved assay methods.

#### Article 6

When articles of precious metal coming from the territory of either of the Parties are found not to be in conformity with the legislative provisions of the other Party, the articles in question shall be returned to the exporter with a detailed explanation of the reasons for their return. The competent authority of the other Party shall be notified.

#### Article 7

1. When this Convention comes into force, the competent authorities shall transmit to one another:

(a) The national legislation in force relating to the manufacture, sale and hall-marking of articles of precious metal;

(b) A reproduction (illustration) of the official marks.

2. Each party undertakes to notify the other Party of any amendment made to the laws referred to in paragraph 1 (a) of this article.

### Article 8

1. Each Party shall possess and shall maintain legislation prohibiting as a punishable offence any counterfeiting or improper use of the other Party's official marks and likewise any unauthorized modification of an article or any modification or obliteration of the standard mark or the maker's mark, once the official mark of either of the Parties has been applied.

2. Each Party shall institute proceedings to the aforementioned legislation if sufficient proof is shown or brought to its notice by the other Party of the counterfeiting or improper use of the official marks referred to in article 1 of this Convention or of unauthorized modification of an article or of modification or obliteration of the standard mark or the maker's mark, once the official mark of either of the Parties has been applied. Where appropriate, other more suitable measures may be taken.

### Article 9

The competent authorities shall endeavour by amicable means to resolve any difficulties to which this Convention may give rise.

At the request of either of them, the competent authorities shall also consult with one another with a view to:

- (a) Formulating proposals for the amendment of this Convention or to permit the use of other methods of analysis;
- (b) Encouraging technical and administrative cooperation between the two States in the areas covered by this Convention.

### Article 10

1. The Parties shall notify one another through the diplomatic channel of the completion of all the formalities required under their legislation for the entry into force of this Convention.

2. This Convention shall come into force on the first day of the third month following the date of receipt of the later of the notifications provided for in paragraph 1 of this article.

### Article 11

This Convention shall remain in force until such time as either of the Parties denounces it.

Either Party may denounce it at any time, by notifying denunciation through the diplomatic channel. The Convention shall cease to apply one year after its denunciation.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Paris on 2 June 1987, in duplicate in the French language.

For the Government  
of the French Republic:  
[ISABELLE RENOARD]

For the Swiss Federal Council:  
[CARLO JAGMETTI]