

Republic of Moldova

PARLIAMENT

LAW No. LP282/2004
of 22.07.2004

on the regime of precious metals and precious stones

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AMENDED

LP60 of 17.03.23, MO113-116/05.04.23 art.184; in force 05.04.23

The Parliament adopts the present organic law.

Chapter I

GENERAL PROVISIONS

Article 1. Subject matter and scope of regulation

This Law establishes the legal framework for the regime of precious metals and precious stones; state policy in the field of activities with precious metals and precious stones; purposes, principles and particularities of state regulation of the activities of legal entities and individuals in this field; duties of public authorities; status of state marking supervision; state control over the production, use and circulation of precious metals and precious stones.

Article 2. General principles

The principles of state regulation of activities with precious metals and precious stones are:

- a) ensuring respect for the rights of economic agents practicing activities related to precious metals and precious stones;
- b) unification of state policy in the field of activities related to precious metals and precious stones;
- c) state supervision of activities related to precious metals and precious stones;
- d) respect for the right of ownership of articles of precious metals and precious stones.

Article 3. Legal framework for the regime on precious metals and precious stones

(1) The legal framework regarding the regime of precious metals and precious stones is constituted by the Constitution of the Republic of Moldova, this law and other laws, the decisions of the Parliament, decrees of the President of the Republic of Moldova, Government ordinances and decisions, other normative acts in the field, as well as international treaties to which the Republic of Moldova is a party.

(2) Where an international agreement to which the Republic of Moldova is a party contains rules other than those specified in the national legislation on the regime of precious metals and precious stones, the rules of the international agreement shall apply.

Article 4. Main concepts

For the purposes of this law, the following main concepts are defined:

precious metals - gold, silver, platinum and platinized metals (palladium, iridium, rhodium, ruthenium, osmium), whatever their state and form, including in their native, refined form, as well as in raw materials, alloys, semi-finished products, industrial products, chemical compounds, industrial and consumer waste and scrap;

precious stones - natural diamonds, emeralds, rubies, sapphires, alexandrites and natural pearls (except river, lake) in natural and processed form, as well as unique amber formations;

articles of precious metals and precious stones - articles of precious metal alloys with the use of various types of artistic workmanship with or without inserts of precious stones and other materials of natural or artificial origin, used as jewellery (rings, bracelets, necklaces, brooches, earrings, chains, key-rings, etc.), articles for personal use (cigarette-holders, snuff-boxes, powder-boxes, candy boxes, lighters, glasses, watches, etc.), articles for household and/or ritual and decorative purposes, etc;

valuables - precious metals and precious stones, articles made of them;

bullion - gold, silver, platinum and palladium, cast in special forms that correspond to the national standards and technical regulations for these metals, in force on the territory of the Republic of Moldova, or international standards, accompanied by certificates of quality of precious metals, issued by the authorized authority;

investment, commemorative, jubilee coins - made of precious metals of established shape, weight and title, which correspond to national standards and technical regulations in force on the territory of the Republic of Moldova or international standards, accompanied by certificates of authenticity;

monetary gold - the part of financial gold used as an asset, held by the National Bank of Moldova as an international reserve of the State;

scrap containing precious metals - details, assemblies, articles and materials containing precious metals, which have lost their functional purpose and/or consumption qualities and are unusable according to their intended purpose;

waste containing precious metals - industrial and consumer waste in any state and form containing precious metals;

use of precious metals and precious stones - use of precious metals and precious stones for financial, production, scientific, social-cultural and other purposes;

state marking sign - a state marking sign, established in the Republic of Moldova, which is applied on jewellery and other articles of precious metals and which confirms the title of precious metals;

precious metal marking - the application of the state marking sign on jewellery and other articles made of precious metals;

precious metal assay - determination of the fineness of jewellery and other articles made of precious metals by established methods;

title - value of the alloy, indicating the number of weight units of the base precious metal per thousand weight units of the alloy;

personal nominal mark - a special mark indicating the manufacturer on jewellery and other finished articles made of precious metals, recorded in a special register;

expertise of precious metals - determination of qualitative and/or quantitative characteristics of metals by the authority empowered to confirm the conformity of products (articles) made of precious metals with national standards and technical regulations, the results of which are finalized, where appropriate, in the form of a quality act or certificate;

precious stones diagnostics - determination of the qualitative and quantitative characteristics of precious stones, including for classification and/or for the establishment of cost;

precious stone valuation - determining the cost of precious stones based on diagnostic results;

precious metal processing - extraction of precious metals from scrap and waste, chemical compounds, concentrates and semi-manufactures containing precious metals;

refining - the process of purifying the extracted precious metals from mixtures and compounds in order to bring them into compliance with national standards and technical regulations in force in the Republic of Moldova or international standards;

special record-keeping - keeping of the special register of legal and natural persons practicing activities with precious metals and precious stones and of those practicing activities in pawnshops;

pawning of articles of precious metals and precious stones - the deposit of articles of precious metals and precious stones in pawnshops and financial institutions in order to obtain a loan (credit);

activities with precious metals and precious stones - operations having as their object: industrial processing of precious metals and precious stones, including scrap and waste containing precious metals; manufacture, repair (restoration) of jewellery and other articles; sale, purchase, pawning (pledging), keeping, introduction, dispatch and removal to/from the Republic of Moldova of precious metals and precious stones and articles thereof; expertise and marking of jewellery and other articles of precious metals and precious stones; other operations with precious metals and precious stones, articles thereof.

Article 5. Persons subject to legal relationships in the field of activities related to precious metals and precious stones

The subjects of legal relations in the field of activities with precious metals and precious stones are the State, legal and natural persons from the Republic of Moldova who carry out entrepreneurial activity, as well as foreign legal and natural persons who practice activities with precious metals and precious stones and/or manage pawnshops on the territory of the Republic of Moldova.

Article 6.- *repealed*;

Article 7. Ownership of precious metals and precious stones

(1) Precious metals and precious stones procured in the manner prescribed by law may be state property or the property of legal or natural persons.

(2) Legal and natural persons shall acquire ownership of precious metals and precious stones on the basis of civil contracts transferring ownership, as well as with the right of inheritance.

(3) Scrap and waste containing precious metals, shall become the property of legal or natural persons to whom the administration and management of scrap and waste obtained as a result of production or consumption shall be entrusted.

(4) The transfer of precious metals for processing and refining does not entail the transfer of ownership and other property rights, unless the contract provides otherwise.

(5) Economic agents shall sell refined precious metals exclusively on the domestic market at prices established in contracts, compared to world prices.

(6) Natural persons may introduce, dispatch and remove jewellery and other articles made of precious metals and precious stones into/from the Republic of Moldova within the limits and under the conditions established by the legislation.

(7) The transfer of ownership and other patrimonial rights over precious metals and precious stones shall be finalized in the manner established by law.

Chapter II

STATE REGULATION, SUPERVISION AND CONTROL OF ACTIVITIES WITH PRECIOUS METALS AND PRECIOUS STONES

Article 8. State regulation, supervision and control of activities with precious metals and precious stones

(1) State regulation, supervision and control of activities with precious metals and precious stones shall aim to:

- a) promotion of state policy in the field of precious metals and precious stones activities;
- b) defense of the economic interests of the country;
- d) efficient use of precious metals and precious stones;
- e) observance of national legislation regulating the production, processing, fabrication, use and circulation of precious metals and precious stones;
- (f) use of environmentally pure technologies for the production and processing of precious metals and the faceting of precious stones;

h) protection of the rights of the beneficiaries of products (articles) made of precious metals and precious stones, the rights of the producers of these products (articles), including against unfair competition.

(2) Regulation, supervision and state control of the activities with precious metals and precious stones shall be exercised by the Government and the central public administration authorities, authorized with the right of control and supervision, within the limits of their competence.

(3) State regulation, supervision and control of the activities with precious metals and precious stones and of the operation of pawnshops shall be exercised by:

a) licensing of activities with precious metals and precious stones, licensing of the operation of pawnshops;

b) establishment of a state monopoly on the testing and marking of jewellery and other articles made of precious metals and precious stones manufactured in the Republic of Moldova and those imported for trade, as well as on the expertise of the imprints of the marking signs on articles made of precious metals and precious stones:

d) establishment of special rules of record-keeping and management in the process of procurement, processing, use and circulation (including commercialization) of precious metals and precious stones, articles thereof;

e) carrying out of special customs control of precious metals and precious stones, of articles thereof;

f) establishment of the mode of transportation of precious metals and precious stones and articles thereof across the state border of the Republic of Moldova, with monitoring of volumes and prices;

h) state supervision and control of compliance with the normative acts in the field of activities with precious metals and precious stones;

i) supervision of state marking.

Article 9. Duties of the Government

The Government exercises the following main powers:

a) ensures the promotion of the single internal and external policy in the field of activities with precious metals and precious stones;

b) approves the Regulation on the supervision of state marking and constitutes the organizational structure responsible for this field;

e) ensures state control of compliance by legal and natural persons engaged in entrepreneurial activity with the normative acts regulating the activities with precious metals and precious stones, as well as the operation of pawnshops;

g) establishes the manner of introduction, dispatch and removal to/from the Republic of Moldova of precious metals and precious stones, articles thereof;

h) establish the manner of trading of jewellery and other articles of precious metals and precious stones;

i) draws up the conditions of organization and operation of pawnshops and submits them to the Parliament for approval;

j) approves the Rules for the purchase from the public of precious metals and precious stones contained in articles and scrap;

k) determines the manner of writing off machinery, equipment, means of transportation and other used goods containing precious metals;

l) approves normative acts on state control of quality control and evaluation of precious stones;

m) approves the list of services, the methodology for calculating fees and the amount of fees for determining the title and marking of precious metal objects, for precious metal expertise, precious stone diagnostics, precious stone appraisal, gemstones, precious metals and articles made of them.

Article 10. Duties of the Ministry of Finance

The Ministry of Finance, within the limits of its competence:

- b) elaborates policy documents, draft normative acts in the field of state marking supervision;
- c) draws up and submits to the Government for approval the list of services, the methodology for calculating fees and the amount of fees for determining the title and marking of precious metal objects, for precious metal expertise, precious stone diagnostics, precious stone evaluation, jewellery, precious metals and articles made of them;
- e) approves normative acts regulating the processing, use, storage and record-keeping of precious metals and precious stones, as well as the collection, refining, processing of scrap and waste containing precious metals;

Article 11.- *repealed*;

Article 12. Duties of the National Bank of Moldova

The National Bank of Moldova shall exercise the following main tasks:

- a) deals in, buys and sells precious metals;
- b) manages the stock of monetary gold;
- b¹) introduces and dispatches into the Republic of Moldova, as well as dispatches and removes from the Republic of Moldova precious metals, including for the purpose of placing and maintaining them in accounts opened abroad;
- c) exercises other powers established by law.

Article 13. Rights of legal and natural persons dealing in precious metals and precious stones

(1) Legal entities and natural persons have the right to hold any quantity of objects, jewellery, coins with or without circulating power, whether or not they are part of a numismatic collection, as well as any quantity of other articles of precious metals and precious stones.

(2) Legal and natural persons may buy and/or sell precious metals and precious stones without restriction, subject to the provisions of the law.

(3) Persons engaged in entrepreneurial activity are prohibited from obtaining precious metals and precious stones as gifts.

Article 13¹. Rights of natural persons not dealing in precious metals and precious stones

Natural persons have the right to submit for testing and marking articles of precious metals and precious stones in a quantity of up to five units per year, irrespective of their value.

Article 14. Supervision of state marking

(1) - *repealed*;

(2) State marking supervision shall include:

a) testing and marking of all precious metal articles manufactured on the territory of the Republic of Moldova and/or introduced into the country for commercialization;

b) expertise of sign markings on articles made of precious metals and precious stones;

c) expertise of precious metals and diagnosis of precious stones, their valuation;

d) expertise of museum and archive valuables made of precious metals and precious stones;

e) carrying out arbitrage and control analysis of precious metals in any form and in any condition and of articles thereof, as well as of their remains and waste, at the request of law enforcement, customs and other authorities, according to the tariffs established by the Government;

f) registration in a special register of economic agents dealing in precious metals and precious stones, as well as pawnshops;

g) registration of the personal nominal marks applied on articles made of precious metals and precious stones by economic agents;

h) state control of compliance by legal and natural persons with the requirements of state marking supervision;

i) other activities provided for by legislation.

(3) - *repealed*.

Chapter III

ORGANIZATION OF THE ACTIVITY WITH PRECIOUS METALS AND PRECIOUS STONES AND THE OPERATION OF PAWNSHOPS

Article 16. Licensing of activity with precious metals and precious stones and operation of pawnshops

(1) Entrepreneurial activity in the field of precious metals and precious stones shall be carried out on the basis of a licence, issued under the conditions of the Law no. 160/2011 on the regulation by authorization of entrepreneurial activity, as well as under the conditions of this Law.

(2) Activities with precious metals and precious stones:

- a) trading of articles of precious metals and precious stones;
- b) manufacture and repair (restoration) of articles of precious metals and precious stones;
- c) faceting of precious stones;
- d) purchase from the public of precious metals and precious stones contained in articles and scrap;
- e) collection and processing of scrap and waste containing precious metals;
- f) operation of pawnshops with pawning of articles of precious metals and precious stones.

(3) Conditions of licensing:

- a) the disposition in ownership or lease of the real property on which the licensed activity is carried out, with the exception of e-commerce;

[Art.16 para. (3), letter a) amended by LP60 of 17.03.23, MO113-116/05.04.23 art.184; in force 05.04.23]

- b) sale of articles of precious metals and precious stones only in specialized jewellery shops and sections, with an area of at least 12 square meters, where conditions for the evidence and integrity of the values are ensured. The condition of trading in articles of precious metals and precious stones in shops and sections with an area of at least 12 m² does not apply to the practice of e-commerce in such articles carried out in accordance with the legislation on e-commerce;

[Art.16 para. (3), letter b) amended by LP60 of 17.03.23, MO113-116/05.04.23 art.184; in force 05.04.23]

- c) the manufacture of articles of precious metals and precious stones, the processing of scrap and waste containing precious metals only in rooms that meet technical, sanitary and environmental requirements;

- d) observance of the manner of trading, receiving, storing and keeping records of articles made of precious metals and precious stones, of the rules of purchasing precious metals and precious stones contained in articles and scrap from the general public, of the manner of introducing, dispatching and removing precious metals and precious stones and articles made of them into/from the Republic of Moldova, of the conditions of operation of pawnshops;

e) the provision of the necessary conditions and materials for testing precious metals and establishing the characteristics of precious stones, for determining their quality and quantity (analytical or electronic scales, chemical reagents, and the respective instruments);

f) annual metrological verification of analytical or electronic scales;

g) efficient processing of scrap and waste containing precious metals, with mandatory recovery of precious metals with a minimum grade of 995° for gold and silver and 950° for platinum and palladium;

h) ensuring the integrity and proper safekeeping of articles made of precious metals and precious stones by equipping the rooms with safes, interior and exterior signage, connected to the centralized security point;

i) obligatory marking of articles made of precious metals, manufactured on the territory of the Republic of Moldova and those introduced into the country for trade, with the state marking sign, applied by the organizational structure responsible for the supervision of state marking.

(4) The documents provided for by Law no. 160/2011 on the regulation of entrepreneurial activity by authorization shall be attached to the declaration for the issuance of the license, as well as:

a) a copy of the legal document attesting the ownership or lease of the real estate intended for the licensed activity;

b) copies of documents confirming the minimum share capital (for the operation of pawnshops):

- for municipalities - 250000 MDL;

- for rural localities - 1500000 MDL;

(5) On the day of registration of the declaration and the documents established by this Article for obtaining/renewing the licence, the licensing authority shall notify the Environmental Protection Inspectorate in order to ascertain (with or without requesting a control visit from the body concerned) the compliance of the applicant's conditions of activity with the environmental protection requirements (for the activity of manufacturing and repairing articles of precious metals and precious stones, processing of scrap and waste containing precious metals). Not later than 7 working days from the date of the notification, the Environmental Protection Inspectorate shall send a notification or a control report on the results of the performed check.

(6) If the Environmental Protection Inspectorate did not initiate a control following the notification and/or did not issue the control report within 7 working days from the date of notification, the principle of tacit approval shall apply.

Article 17. Temporary suspension and/or withdrawal of licence

(1) The manner of suspension and withdrawal of the license provided for by this Law for economic agents shall be established by the Law no.160/2011 on the regulation of entrepreneurial activity by authorization in the part that is not regulated by this Law.

(2) The license shall be withdrawn on the grounds stipulated by the Law no.160/2011 on the regulation of entrepreneurial activity by authorization, the Law on the basic principles of regulation of entrepreneurial activity, as well as in cases where it is found:

a) manufacture of articles made of precious metals and precious stones, sale of articles made of precious metals without the state marking sign applied by the State Chamber for Supervision of Marking or with forged marking sign;

b) lack of documents of provenance or accompanying documents for precious metals, articles of precious metals and precious stones, or preparation of such documents in violation of the requirements established by the legislation in force.

Chapter IV

PRODUCTION, PROCESSING, USE AND CIRCULATION OF PRECIOUS METALS AND PRECIOUS STONES

Article 18. Production, processing and refining of precious metals

Production, processing and refining of precious metals may be subject to the activity of legal or natural persons engaged in entrepreneurial activity and have obtained a license in the manner established by law, with mandatory compliance with national standards and technical regulations, environmental safety and sanitary rules, other normative acts regulating this activity.

Article 19. Use and circulation of precious metals and precious stones

(1) Use and circulation of precious metals and precious stones shall be performed in accordance with this Law and other relevant normative acts.

(2) In carrying out activities with precious metals and precious stones, legal and natural persons engaged in entrepreneurial activity shall be obliged to keep the accounting records of precious metals and precious stones in accordance with the legislation.

(3) Scrap and waste containing precious metals shall be subject to strict record keeping and mandatory collection in the manner prescribed by law by legal and natural persons engaged in entrepreneurial activity who, in the process of production and/or use, have accumulated scrap and waste.

(4) Legal and natural persons, including institutions financed from the budget, shall sell precious metals obtained from scrap and waste exclusively on the domestic market, under the conditions of the law.

(5) Collected scrap and waste containing precious metals may be processed either by the owner or by the person who otherwise legally possesses them, or at other processing enterprises. Precious metals obtained from their processing and refining shall be sold on the basis of contracts concluded between the parties at market prices.

(6) The commercialization of jewellery and other articles made of precious metals and precious stones on the territory of the Republic of Moldova shall be carried out by legal entities and individuals who practice entrepreneurial activity and have obtained the respective license in the manner established by the legislation. The marking and sale of articles of precious metals shall be carried out only if there are payment documents confirming the payment of excise duty. The rules of retail trade, reception, storage and record-keeping of articles of precious metals and precious stones shall be approved by law.

(6¹) Commercialization of articles made of precious metals and precious stones, received on the basis of civil contracts (commission contract, pawn ticket, receipt for the purchased values), shall be carried out by legal entities and individuals engaged in entrepreneurial activity after the articles have been appraised and marked at the State Chamber for Marking Supervision.

(7) The purchase from the public of precious metals and precious stones contained in articles and scrap shall be carried out by license holders, under the conditions of the law, at contractual prices.

(71) Confiscated or seized precious metals and precious stones, articles thereof and their waste, found treasures, found articles, as well as precious metals and precious stones, articles thereof and their waste, registered and/or passed into State ownership with right of inheritance, shall be handed over to the State Tax Service for valorisation.

(72) Guarding in the process of storage, transportation, production, processing, use and circulation of precious metals and precious stones and articles thereof shall be carried out on a contractual basis by the bodies of the Ministry of Internal Affairs or by private security organizations which have obtained, in the manner established by the legislation, a license for this kind of activity.

Chapter V

RESPONSIBILITIES AND DISPUTE SETTLEMENT

Article 20. Responsibilities and dispute settlement

(1) Infringement of this Law shall give rise to civil, administrative or criminal liability in accordance with the law.

(2) Disputes relating to the manufacture, import, export, purchase, sale, trade, storage and use of precious metals and precious stones shall be settled by the competent courts in the manner prescribed by law.

Chapter VI

TRANSITIONAL AND FINAL PROVISIONS

Article 21

(1) Until the legislation is brought in line with the provisions of this Law, the normative acts in the field of activities with precious metals and precious stones shall apply to the extent that they do not contradict this Law, unless otherwise provided by law.

(2) The Government shall, within 6 months from the date of coming into force of this Law:

- a) submits to the Parliament proposals for bringing the legislation in line with this Law;
- b) drafts and approves the normative acts necessary for the realization of this law;
- c) brings its normative acts in line with this law;
- d) shall ensure that departmental normative acts are brought into conformity with this Law.

PRESIDENT OF THE PARLIAMENT

EUGENIA OSTAPCIUC

No.282-XV. Chisinau, July 22, 2004.

Annex No. 1- *repealed*;

Annex No.2- *repealed*.

Subsemnata, Foltea Inesa, traducător autorizat din limba română în engleză, certific exactitatea traducerii cu textul înscrisului în original, care a fost vizat de mine, la data de 28.06.2024 /semnatura/

I, the undersigned, Foltea Inesa , authorized translator from Romanian into English, certify the authenticity of the translation with the contents of the original document, which was signed by me, on 20.06.2024/signature/