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Claudio Tomassini was born in Rome on 11 December 1959.

After his law degree and initial experience in the legal offices of a fashion couture company, in 1982 he joined Confedorafi, becoming Director from 1989 until 2005. From 1984 to 1988 he was also General Secretary of the National Federation for precious metals, Banchi Metalli Preziosi.

In the period 2006 to 2011 he was in charge of legislation, technical standards and copyright for Assicor – Unioncamere and since 2011, he has held the same position at Unionfiliere – Unioncamere.

He coordinates the work group for “Precious metals and gemmology” of UNI, the Italian standards agency, and is also a member of the Gold Design Jury.

In 2014 he became a partner at the De Carolis legal firm in Rome.

He has been a member of numerous work groups for gold and jewellery legislation, representing Italy in different international groups (CIBJO, Precious Metals Convention, IAAO, etc.) Tomassini has also taught at IED, the University of Macerata and the Guglielmo Tagliacarne institute. He speaks at national and international conventions as well as writing articles and books on Italian and international standards regulating precious metals.

This intervention will deal with the new additions introduced by current Italian standards regulating fineness and hallmarks for precious metals (Lgs. Decree no. 251, 22 May 1999, and D.P.R. no. 150, 30 May 2002, and D.P.R. no. 208, 26 September 2012, and D.P.R. no. 195, 26 November 2014, and D.M. 17 April 2015

There will be a specific, thorough look at the possibility for businesses to place a hallmark on precious metal items together with the fineness, using laser technology.

The innovations to be introduced in a further Presidential Decree, already approved at first reading by the Council of Ministers on 27 March 2015 will be illustrated. This is currently being examined by the Council of State (which, it is hoped will have been definitively approved at the time of the conference).

Specifically, for this latter provision, the subject under examination will be the repercussions on exchanges within the EU, in the light of community law concerning free circulation of goods and the sentences of the Court of Justice concerning the specific precious metals industry.

“New aspects in Italian law concerning the regulation of fineness and hallmarks for precious metals”

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The current Italian standards regulating fineness and hallmarks for precious metals (Lgs. Decree no. 251, 22 May 1999, and D.P.R. no. 150, 30 May 2002) was unfortunately already outdated at its creation.

This is due to the very nature of the delegate legislative measure (ex art. 76 Cost.). In this case in fact, the new regulation cannot exceed the limits of the parliamentary delegation (the result would be a declaration of anti-constitutionality “through excess power” on the part of the Constitutional Court).

In the case in hand, proxy was granted by Art. 42 of law no. 128, 24 April 1998, containing “Provisions for the fulfilment of obligations arising from Italy’s membership of the European Community - Community Law 1995 - 1997”.

There are essentially three motives at the basis of the proxy (which, although with the limits already mentioned, allows a speedier procedure for the provision):

- 1) to give practical implementation to articles 20 and 50 of Lgs. D. no. 112 of 31 March 1998, containing “Granting of functions and administrative tasks to the state, regions and local bodies, for the implementation of section I of law no. 59, 15 March 1997”, which while removing the provincial precious metal assay offices, allocated these functions to the Chamber of Commerce, Industry, Crafts and Agriculture;
- 2) to adapt our regulations to the principles of community law, specifically as far as concerns the free circulation of goods and resulting in the elimination of barriers to obstruct it, also in view of the motivated opinion expressed by the European Commission on 8 March 1998, following the infringement proceedings, no. 92/2116, brought against Italy;
- 3) to bring national legislation into line with the hoped-for “harmonization” at community level, through a specific “directive” (which, as we all know, never saw the light).

As a result, the directives set by Parliament were:

- a) to change and extend the range of legal fineness for precious metals and their alloys, taking into account the ones officially recognised within other EU member states;
 - b) to recognise the validity of the hallmarks containing information equivalent to national hallmarks placed in compliance with the regulations of other EU member states;
 - c) to amend and integrate the regulation of hallmarks, including assessment processes for conformity in line with those envisaged by the EU, so as to guarantee a high degree of protection for consumers and transparency in commercial dealings.
- As a result, for the rest, Lgs. Decree 251 substantially re-traces the regulation of the ceased law no. 46 of 30 January 1968, and subsequent, D.P.R. 150 and in D.P.R. no. 1496, 30 December 1970.

In consideration of this and pending the arrival of a more general, organic revision of the current regulations concerning hallmarks and fineness of precious metals, work has commenced on amending and updating the regulation for application as far as possible.

For this purpose, the following have been issued:

- D.P.R. no. 208, 26 September 2012: “Regulation containing amendments to the Presidential Decree no. 150, 30 May 2002, concerning the regulations for applying legislative decree no. 251, 22 May 1999 with regard to the fineness and hallmarks of precious metals” (published in the Official Gazette no. 283 of 4 December 2012 and in force from 19 December 2012);
- D.P.R. no. 195, 24 November 2014: “Regulation containing further amendments to the Presidential Decree no. 150, 30 May 2002, concerning the regulations for applying legislative decree no. 251, 22 May 1999 with regard to the fineness and hallmarks of precious metals” (published in the Official Gazette no. 6 of 9 December 2015 and in force from 24 January 2015);
- D.P.R. no. 168, 4 August 2015: “Regulation containing amendments to the Presidential Decree no. 150, 30 May 2002, concerning the regulations for applying legislative decree no. 251, 22 May 1999 with regard to the fineness and hallmarks of precious metals” (published in the Official Gazette no. 246 of 22 October 2015 and in force from 7 November 2015);

- Ministerial Decree 17 April 2015, “Detailed technical provisions for the application of hallmarks and legal fineness of precious metal items, pursuant to Article 12, comma 5-ter, of Presidential Decree no. 150, 30 May 2002, as amended by Presidential Decree no. 208, 26 September 2012, (published in the Official Gazette no. 123 of 29 May 2015);
- Ministerial Decree 4 September 2015, containing “Operating instructions for laser marking” (published on the website of the Ministry for Economic Development).

Irrespective of a series of more or less formal corrections to the previous text, the provisions mentioned above have introduced the following important new points to Italian law with regard to fineness and hallmarks on precious metals:

- 1) better regulation concerning clad, gold- or silver-plated, reinforced or mixed manufacture items, thereby guaranteeing more correct information and greater consumer protection, avoiding any repeats in the future extended interpretation of the regulation, as occurred, for example, in the case of the so-called PVD;
- 2) the possibility, for businesses to place a hallmark on precious metal items together with the fineness, using laser technology;
- 3) a procedure to allow retailers to sell second-hand items that are not classed as antiques, and which they have acquired in the period subsequent to the entry into force of the discontinued law no. 46, 30 January 1968, which may be without any hallmarking;
- 4) an adaptation of the provisions concerning a test period which, by bringing into line the requirements with those accepted internationally, will allow free circulation of our gold, silver and jewellery products in the so-called “hallmarking” countries.