



Notification Number: 2003/441/F

Draft Decree implementing Article 535 of the General Tax Code relating to authorisation agreements between the customs and indirect taxes administration and the approval of approved inspection bodies for the testing and marking of articles of precious metals.

Date received : 02/12/2003
End of Standstill : 03/03/2004 (03/06/2004)
Issue of comments by : Commission
Issue of detailed opinion by : Commission

Message

Message 002

Communication from the Commission - SG(2003) D/52302
Directive 98/34/EC
Translation of the message 001
Notification: 2003/0441/F

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200302302.EN)

1. Structured Information Line

MSG 002 IND 2003 0441 F EN 03-03-2004 02-12-2003 F NOTIF 03-03-2004

2. Member State

France

3. Department Responsible

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3. Originating Department



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4. Notification Number

2003/0441/F - X10M

5. Title

Draft Decree implementing Article 535 of the General Tax Code relating to authorisation agreements between the customs and indirect taxes administration and the approval of approved inspection bodies for the testing and marking of articles of precious metals.

6. Products Concerned

Articles of precious metals with recognised fineness standards marketed on French territory.

7. Notification Under Another Act

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8. Main Content

The notified draft Decree extends the assigning of article markings to professionals and authorises the approval of inspection bodies for the testing and marking of articles.

Articles of precious metals marketed in France are tested and marked:

- by offices of guarantee (public offices which test and mark articles of precious metals);
- or by professionals authorised by an agreement with the administration;
- or by approved inspection bodies. Currently, approved inspection bodies test and mark articles of gold alloy and authorise manufacturers, under their responsibility, to test and mark these articles.

In the notified measure, approved inspection bodies must, before being approved, be accredited beforehand, in accordance with standard NF EN ISO/CEI 17025 or an equivalent standard, by the French Accreditation Committee (COFRAC) or by any other accreditation body, signatory to the European multilateral agreement drawn up within the framework of the European Cooperation for Accreditation (EA), for the inspection of articles of precious metals.

Considering the sensitivity of the products and the specific nature of national legislation in the area, approved inspection bodies must be approved by the administration. This approval shall be largely based on accreditation but shall also take account of a specification sheet introduced into law by an Order which is the subject of a simultaneous notification.

The application for approval must be submitted to the Directorate-General of Customs and Indirect Taxes. Approval shall be issued by joint Order of the Minister responsible for the Budget and the Minister responsible for Industry.

Approved inspection bodies shall be approved, for testing and marking any type of articles of precious metals, regardless of the type and fineness of the metal. They may also assay articles on behalf of professionals.

Approved inspection bodies established in another Member State of the European Union may only be approved



by the French administration for determining the fineness of articles. As is the case in other Member States, the national guarantee hallmark may not be given to a body located outside national territory. Within the framework of modernisation of the guarantee and the new organisation of offices of guarantee, the approval of approved inspection bodies is decisive. Approved inspection bodies must be accredited and approved by 1 July 2004. Before being able to affix their guarantee hallmark, professionals who do not have their own laboratory must have their articles tested by these bodies in accordance with a sampling plan cited in the specification sheet.

9. Brief Statement of Grounds

Enlarging the scope of intervention of approved inspection bodies to all fineness standards of precious metals and extending the delegation of hallmarks to professionals are an essential element in reforming the guarantee.

10. Reference Documents - Basic Texts

- a) General Tax Code - Collecting indirect contributions: Articles 535, 275(a)(B) to 275(b)(P) of Annex II to the General Tax Code.
- b)
- c)
- d)
- e) Basic texts: Decree No 95-342 of 27 March 1995 (Official Gazette of the French Republic of 1 April 1995), Decree No 98-979 of 1 November 1998 (Official Gazette of the French Republic of 3 November 1998)
- f)

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT aspects

- a) No
- b)
- iii) The draft does not have any notable impact on international trade.

SPS Aspect



a) No

i) The draft is not a sanitary or phytosanitary measure pursuant to Annex A to the SPS Agreement.

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EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers