1. ------IND- 2017 0291 RO- EN- ------ 20181115 --- --- FINAL

**Emergency Ordinance No 10/2018**

**Amending and supplementing Government Emergency Order No 190/2000 regarding the rules for precious metals and precious stones in Romania**

*Published in the Official Gazette of Romania, Part I, No 203 of 6 March 2018*

*Having regard to the importance in economic terms of operations involving precious metals and precious stones, a sensitive field with a high level of counterfeiting and tax evasion in particular, it is imperative to ensure that there is rigorous market discipline and a high level of consumer protection;*

*taking into account the fact that there is currently no real way of knowing the quantities of precious metals introduced to and/or removed from Romanian territory, as well as the fact that the legislation does not provide for any obligation to present the acts of provenance of precious metal objects when economic operators report to the National Authority for Consumer Protection for marking of the objects;*

*taking into consideration the fact that, although there is a legal requirement that the sale, purchase and removal from the country of ingots and/or melted-down precious metals or their alloys is only permitted if accompanied by a test report issued by the National Authority for Consumer Protection, there are numerous cases of non-compliance with this obligation;*

*having regard to the fact that there are no legal provisions regarding the conditions under which economic operators from other Member States may undertake operations involving precious metals and precious stones on Romanian territory despite ever-increasing demand from such operators to undertake these operations on Romanian territory;*

*taking into account the fact that there are no records pertaining to operations involving precious metals performed on Romanian territory by economic operators from other Member States, even though – at least at the level of distance selling – there is evidence of activity by such operators;*

*through the lack of legal provisions regarding the conditions under which economic operators from other Member States may undertake operations involving precious metals and precious stones on Romanian territory, as well as the impossibility of monitoring their activity on Romanian territory, since their distance selling activities are intensifying and having a serious impact on:*

***-*** *the economic interests of consumers, through the purchase of unmarked precious metal objects and jewellery, the precious metal content of which have not been checked;*

***-*** *the economic interests of Romanian economic operators through unfair competition;*

***-*** *the economic interests of the State through non-payment of related taxes;*

*in the absence of any legal provisions regarding the conditions under which economic operators from other Member States may undertake operations involving precious metals and precious stones on Romanian territory, under the legislation currently in force, only Romanian economic operators established and organised in accordance with national legislation may undertake operations involving precious metals on Romanian territory. This represents a barrier to the free movement of goods and services, such that Romania could at any time find itself facing complaints before the Court of Justice of the European Union from economic operators legally established in other Member States of the European Union who are unable to operate in Romania, as well as triggering the infringement procedure for non-compliance with European legislation;*

*similarly, it should be taken into account that Romanian legislation currently permits a negative tolerance of 4 % when establishing the fineness of precious metals, which means that precious metal objects marked in Romania cannot be accepted for marketing on European Union territory, as this degree of negative tolerance is prohibited in other Member States;*

*taking into consideration the public benefit deriving from market discipline and ensuring the accurate documentation of transactions involving precious metals and precious stones on Romanian territory, as well as from the creation of the necessary legal framework for economic operators from other Member States to be able to undertake operations in a non-discriminatory fashion;*

*in consideration of the fact that these are matters of general public interest constituting an extraordinary situation the resolution of which cannot be delayed;*

*pursuant to the notification procedure provided for in Government Decision* *No 1016/2004* *regarding measures for the organisation and carrying out of information exchange in the field of technical standards and regulations, as well as the rules relating to information society services between Romania and European Member States, as well as the European Commission, as subsequently amended and supplemented;*

*on the grounds of Article 115**(4)* *of the Romanian Constitution, republished,*

*the Romanian Government hereby adopts this emergency order.*

   **Article I.** - Government Emergency Order No 190/2000 on the rules for precious metals and precious stones in Romania, republished in the Official Gazette of Romania, Part I, issue No 77 dated 29 January 2004, as subsequently amended and supplemented, is hereby amended and supplemented as follows:

   1. Article 2(1) is amended to read as follows:

   ‘1.   a) authorisation - the procedure whereby economic operators are authorised to perform operations involving precious metals and precious stones;

   b) authorisation - document issued by the National Authority for Consumer Protection entitling the holder to undertake operations involving precious metals and precious stones;

   c) competent authority - any body or authority in a Member State, as defined in Article 2(h) of Government Emergency Order No 49/2009 on freedom of establishment for service providers and on freedom to provide services in Romania, approved with amendments and additions by Law No 68/2010, as subsequently amended;

   d) investment gold - investment gold, as defined in Article 313(1) of Law No 227/2015 on the Fiscal Code, as subsequently amended and supplemented. Operations involving investment gold shall be undertaken by physical delivery and by operations in precious metal accounts or securities expressed in gold, held at banks;

   e) monetary gold - that part of the investment gold used as an asset, which is held as part of the official reserve of the National Bank of Romania. Monetary gold is generally presented in the form of coins at least 900/1 000 fine, ingots, as well as standard bars at least 995/1 000 fine;

   f) test certificate - the document issued by the National Authority for Consumer Protection confirming the precious metal content of an object;

   g) distance contract - the contract thus defined in Article 2(7) of Government Emergency Order No 34/2014 on consumers’ rights under contracts concluded with traders, and amending certain legislative acts, approved with amendments by Law No 157/2015;

   h) contract outside commercial spaces - contract as defined in Article 2(8) of Government Emergency Order No 34/2014, approved with amendments by Law No 157/2015;

   i) responsibility mark - the mark established and registered with the National Authority for Consumer Protection, which is applied to the precious metal objects by the economic operators placing the product in question on the national market and whereby these operators assume responsibility in connection with any hidden defects in the precious metal object;

   j) state mark - the official mark, protected by law, constituting a unique symbol for the type of precious metal, next to which the fineness is specified in Arabic numerals, which is applied to precious metal objects exclusively by the National Authority for Consumer Protection, as the competent authority, prior to their placement on the national market;

   k) fineness mark - the conventional sign, differing according to the fineness of the precious metal, which is applied by the manufacturer to precious metal objects, expressed in Arabic numerals;

   l) marking - the operation of applying a mark to a precious metal object;

   m) mark - a conventional sign applied to a precious metal object;

   n) equivalent mark - the official mark of other Member States of the European Union, the European Economic Area and Turkey, applied to precious metal objects that have been analysed by a competent authority, in accordance with requirements identical or equivalent to those specified in the provisions of the national legislative acts in force;

   o) false mark - a mark applied to a precious or base metal object, which resembles a state mark/official mark or responsibility mark;

   p) precious metals - gold, silver, platinum and palladium, as well as their alloys, in any form;

   q) silverware and goldware objects - any object manufactured in gold or silver, with the exception of ornamental objects referred to as jewellery;

   r) economic operator - a natural or legal person as defined in Article 2(3) of Government Order No 21/1992 on consumer protection, republished, as subsequently amended and supplemented;

   s) precious stones - natural diamonds, natural rubies, natural sapphires, natural emeralds and natural or cultured pearls;

   ş) placement on the national market - action performed by economic operators whereby precious metal objects are made available on the national market for the first time, for a consideration or free of charge;

   t) test report - document issued by the National Authority for Consumer Protection precious metals test laboratory;

   ţ) fineness - the proportion of precious metal contained in an object, expressed in thousandths;

   u) authorisation holder - the economic operator in whose name the authorisation has been issued;

   v) negative tolerance - any negative deviation from the fineness of the precious metal.’

   2. Article 2(2)(h) is amended to read as follows:

   ‘h) intermediation in operations involving precious metals and precious stones;’.

   3. In Article 2(2)(k), is repealed.

   4. In Article 2, (3), (4) and (7)-(10) are repealed.

   5. After Article 2, a new article is inserted, Article 21, with the following content:

   ‘Article 21. - (1) This emergency Order does not apply to:

   a) objects manufactured in precious metals whose fineness is below the legal minimum;

   b) objects manufactured in base metals, plated with precious metals;

   c) objects manufactured in precious metals, intended for use in industrial, technical, scientific, educational, medical, laboratory and other similar contexts;

   d) objects manufactured in precious metals, temporarily introduced onto Romanian territory for presentation in the context of exhibitions without sale;

   e) precious metal objects that are part of the national cultural heritage;

   f) operations involving investment gold;

   g) operations involving gold, including monetary gold, other precious metals and precious stones, undertaken by the National Bank of Romania;

   h) coins sold for numismatic purposes by the National Bank of Romania.

   (2) Operations with monetary gold shall be performed exclusively with the National Bank of Romania, in accordance with its operating statutes.’

   6. The heading of Chapter III is amended to read as follows:

‘CHAPTER III
Rights and obligations relating to the acquisition, holding of or performance of operations involving, metal and precious metals and stones’

   7. Article 7 is amended to read as follows:

   ‘Article 7. - (1) Economic operators marketing objects made of precious metals and precious stones are required to inform consumers correctly, fully and precisely of the nature and characteristics of the objects that they market.

   (2) When marketing precious metal objects and precious stones, the label shall include information regarding their nature and characteristics: the fineness of the precious metal and/or its equivalent in carats, where applicable its weight and the type of precious stones, their weight and any other information that the economic operator considers useful for consumers.’

   8. Article 8 is amended to read as follows:

   ‘Article 8. - (1) The operations involving precious metals and precious stones provided for in Article 2(2) may be performed by authorised economic operators solely on the basis of an authorisation issued by the National Authority for Consumer Protection for an indefinite period, which is endorsed annually by the latter. The purpose of the annual endorsement is to check that the authorisation requirements are still being met.

   (2) The economic operators provided for in (1) may request additions to the authorisation and/or to cease performing one or more operations.

   (3) Cessation of one or more operations shall become effective as of 1 January of the year following the year in which the cessation application is registered and may be achieved by entering the appropriate wording on the authorisation.

   (4) In the case of destroyed, lost or stolen authorisations, the National Authority for Consumer Protection shall issue duplicates.

   (5) The procedures for authorisation, annual endorsement, supplementation, cessation and issue of duplicates, as well as the standard forms used shall be approved by order of the president of the National Authority for Consumer Protection.

   (6) The template for the authorisation shall be established by order of the president of the National Authority for Consumer Protection.

   (7) Economic operators from Member States of the European Union, the European Economic Area and Turkey that are registered with the competent authority are not subject to authorisation by the National Authority for Consumer Protection with regard to operations involving precious metals and precious stones.

   (8) The economic operators referred to in paragraph (7) are required to notify the National Authority for Consumer Protection before beginning operations involving precious metals and precious stones in Romania, including in the case of distance contracts and off-premises contracts.

   (9) The notification procedure, the notification form template and the template of the document issued by the National Authority for Consumer Protection following the notification shall be approved by order of the president of the National Authority for Consumer Protection.

   (10) Authorised economic operators, including those provided for in (7), are required, in the event of any changes regarding the name/business name, address/registered head office and other locations where operations involving precious metals and precious stones take place, to notify the National Authority for Consumer Protection in writing within 10 days of the date on which these changes arose.

   (11) The following are exempted from the authorisation provided for in (1):

   a) the National Bank of Romania, for operations with gold, other precious metals and precious stones, and the sale of coins for numismatic purposes;

   b) the Ministry of Public Finance, for operations relating to storage in safes, in treasury vaults, enforcement, capitalisation and related operations;

   c) the Ministry of Internal Affairs, control bodies within the Ministry of Public Finance and the National Fiscal Administration Agency (ANAF), for operations relating to the legal storage in safes of precious metals and precious stones;

   d) the National Authority for Consumer Protection, for operations relating to the legal storage in safes of precious metals and precious stones, the marking of precious metals, as well as any other operations with precious metals and precious stones for which it is authorised in accordance with the law;

   e) natural persons, for the removal from Romania, introduction into Romania and transit through Romanian territory of jewellery, silverware and goldware objects, if these are intended for the personal use of the natural person in question;

   f) natural persons, for operations involving the removal from Romania of goldware and silverware objects, if the individual value thereof does not exceed the equivalent in RON of EUR 500;

   g) the Ministry of Justice - National Agency for the Management of Seized Assets (ANABI), for operations relating to the storage in safes and capitalisation of precious metals and precious stones.’

   9. After Article 8, a new article is inserted, Article 81, with the following content:

   ‘Article 81. - (1) The introduction into and removal from the country of precious metal objects and jewellery with or without precious stones, by authorised economic operators and by other natural and/or legal persons other than those authorised in accordance with the provisions of this emergency order, shall comply with the conditions and limits provided for by the customs legislation in force.

   (2) In the case of operations performed by economic operators authorised to undertake operations involving precious metals and precious stones, a self-declaration must be attached to the customs declaration, attesting that the authorisation has not been withdrawn or suspended on the date on which the customs formalities are performed.’

   10. Article 9 is amended to read as follows:

   ‘Article 9. - Economic operators authorised to perform operations with precious metals and precious stones, as well as those provided for in Article 8(7), are required to provide strict evidence of these operations.’

   11. Article 10 is amended to read as follows:

   ‘Article 10. - The economic operators provided for in Article 9 are required to make available to the authorised bodies all such documents and evidence as they may request.’

   12. Article 12 is amended to read as follows:

   ‘Article 12. - (1) The marking serves to certify the fact that the precious metal content of the precious metal objects corresponds to the fineness mark applied and to identify the economic operators who have applied the responsibility marks.

   (2) In Romania, the minimum legal fineness, provided for in Article 21(1)(a), is:

   a) 333 for gold;

   b) 750 for silver;

   c) 950 for platinum;

   d) 950 for palladium.

   (3) The legal finenesses in Romania, expressed in thousandths, applicable to precious metal objects are as follows:

   a) for gold: 333; 375; 500; 585; 750; 833; 900; 916; 986 and 999;

   b) for silver: 750; 800; 875; 916; 925 and 999;

   c) for platinum: 950;

   d) for palladium: 950.

   (4) On Romanian territory, only precious metal objects bearing the fineness mark, the responsibility mark and the state mark may be placed on the market.

   (5) In the case of precious metal objects originating from confiscations or which have been transferred to private state property by any other legal means, and which have not been appropriately marked to be placed on the market, the state mark shall be applied by the National Authority for Consumer Protection.

   (6) By way of an exception to the provisions of (4), precious metal objects may be marketed on Romanian territory if they bear a mark equivalent to the state mark, applied by a competent authority in another Member State of the European Union, the European Economic Area and Turkey, provided that the indications provided contain equivalent and intelligible information for Romanian consumers.

   (7) By way of an exception to the provisions of (2) and (3), precious metal objects may be marketed on Romanian territory if they bear a fineness mark representing the legal fineness in accordance with the legislation in another Member State of the European Union, the European Economic Area and Turkey, if they bear a mark equivalent to the state mark applied by a competent authority in that state and provided that the indications provided contain equivalent and intelligible information for Romanian consumers.

   (8) The responsibility marks of economic operators from other Member State of the European Union, the European Economic Area and Turkey, registered with the competent authority in the state of establishment, are recognised on Romanian territory.

   (9) By way of an exception to the provisions of (4), precious metals objects to which, due to their construction, the fineness mark, the responsibility mark and the state mark cannot be applied, may be marketed if they bear the state mark or are accompanied by the test certificate, as applicable.

   (10) The following shall be exempt from marking:

   a) silver objects weighing up to 2.00 grams;

   b) palladium objects weighing up to 2.00 grams;

   c) gold objects weighing up to 1.00 gram;

   d) platinum objects weighing up to 1.00 grams;

   e) fragments of precious metal objects;

   f) coins, medals and plaques made of precious metals;

   g) ingots of precious metals;

   h) precious metals in the form of raw materials;

   i) objects crafted in precious metals intended for export.

   (11) In the case of the objects provided for in paragraph 10(a) to (d) and (f) to (g), the National Authority for Consumer Protection shall issue test certificates or test reports.

   (12) Precious metal objects that are to be placed on the national market shall be presented to one of the territorial structures of the National Authority for Consumer Protection to be marked, within seven days of the date of their registration on the system, together with the documents of origin, with the exception of those provided for in (6).’

   13. Article 13 is amended to read as follows:

   ‘Article 13. - (1) Prior to application of the state mark, precious metals must undergo physical or chemical testing in order to establish their fineness.

   (2) When establishing the fineness of precious metals, negative tolerances are not permitted.

   (3) Precious metal objects shall be analysed and marked within 15 days of their receipt.

   (4) If physical or chemical analyses reveal points of non-compliance such as non-uniform alloys, non-permitted solder and fillings, the economic operator shall be notified of the fact so that the objects can be withdrawn for the points of non-compliance to be remedied.

   (5) The analysis and marking procedures shall be established by order of the president of the National Authority for Consumer Protection.

   (6) The templates for the State mark shall be established by order of the president of the National Authority for Consumer Protection.

   (7) The procedure for establishing and registering the responsibility mark shall be approved by order of the president of the National Authority for Consumer Protection.

   (8) When submitting precious metal objects to the National Authority for Consumer Protection to be marked with the state mark, they must already have been marked with the fineness mark and the responsibility mark, in the locations established by order of the president of the National Authority for Consumer Protection.

   (9) Precious metal objects presented by the Ministry of Public Finance shall be exempt from the provisions of (8).’

   14. Article 14 is amended to read as follows:

   ‘Article 14. - The National Authority for Consumer Protection shall be the only competent authority at national level that:

   a) analyses precious metal objects and marks them with the state mark;

   b) performs expert assessments of precious metals and precious stones: ordered by the courts and public notaries; requested by criminal prosecution authorities, customs and excise authorities or bodies capitalising goods that have been confiscated or become private state property in accordance with the law; at the request of natural and legal persons;

   c) performs tests of the precious metals;

   d) establishes and registers the marks used for marking the precious metals;

   e) establishes the tariffs for testing, analysis, marking, expert assessment and registration of the responsibility marks; the entirety of the sums thus received constitutes income to the state budget."

   15. Article 15 is amended to read as follows:

   ‘Article 15. - The National Authority for Consumer Protection exercises its rights and assumes its obligations specific to the activities of testing, analysis, marking, expert assessment, registration, endorsement and authorisation, in its capacity as competent authority on Romanian territory.’

   16. Article 18 is amended to read as follows:

   ‘Article 18. - The following constitute contraventions:

   a) breach of the provisions of Article 8(1) by undertaking operations involving precious metals and precious stones without an authorisation constitutes a contravention and will be sanctioned with a fine of RON 5 000 to 10 000, as well as with confiscation of the goods to which the contravention relates and, where applicable, the sums received;

   b) breach of the provisions of Article 8(8) by the economic operators provided for in Article 8(7) undertaking operations involving precious metals and precious stones without notifying the National Authority for Consumer Protection constitutes a contravention and will be sanctioned with a fine of RON 5 000 to 10 000, as well as with confiscation of the goods to which the contravention relates and, where applicable, the sums received;

   c) breach of the provisions of Article 9 by economic operators authorised to undertake operations involving precious metals and precious stones, including those provided for in Article 8(7), failing to comply with the requirement to provide strict evidence of operations involving precious metals and precious stones, constitutes a contravention and shall be sanctioned with a fine of RON 5 000 to RON 10 000, as well as with confiscation of the goods to which the contravention relates and, where applicable, the sums received;

   d) breach of the provisions of Article 12(12) by authorised economic operators failing to comply with the obligation to present precious metal objects that are to be placed on the national market to one of the regional structures of the National Authority for Consumer Protection within a maximum of seven days of the date of their registration on the system, to be marked, together with the documents of origin, constitutes a contravention and shall be sanctioned with a fine of RON 5 000 to RON 10 000, as well as with confiscation of the goods to which the contravention relates and, where applicable, the sums received;

   e) breach of the provisions of Article 8(10) by authorised economic operators, including those provided for in Article 8(7), failing to comply with the requirement, in the event of any changes regarding the name/business name, address/registered head office and other locations where operations involving precious metals and precious stones take place, to notify the National Authority for Consumer Protection in writing within 10 days of the date on which these changes arose, constitutes a contravention and shall be sanctioned with a fine of RON 6 000 to RON 12 000;

   f) breach of the provisions of Article 10 by authorised economic operators, including those provided for in Article 8(7), failing to comply with the requirement to make available to the authorised bodies all such documents and evidence as they may request, constitutes a contravention and shall be sanctioned with a fine of RON 6 000 to RON 12 000;

   g) breach of the provisions of Article 7 by economic operators marketing objects made of precious metals and precious stones and failing to comply with the requirement to inform consumers correctly, fully and precisely of the nature and characteristics of the objects that they market, including the accuracy of the information on the label, constitutes a contravention and shall be sanctioned with a fine of RON 10 000 to RON 15 000.’

   17. Article 19 is amended to read as follows:

   ‘Article 19. - The marketing or exhibition for marketing purposes of precious metals that have not been marked in accordance with the legal provisions in force, constitutes a contravention and shall be sanctioned with a fine of RON 10 000 to RON 20 000, as well as with confiscation of the goods to which the contravention relates.’

   18. Article 20 is amended to read as follows:

   ‘Article 20. - The contraventions shall be determined and the sanctions applied by:

   a) the authorised staff of the National Authority for Consumer Protection regarding the contraventions provided for in Articles 18 and 19, as per their duties in accordance with the legal provisions in force;

   b) the authorised staff of the National Fiscal Administration Authority regarding the contraventions provided for in Article 18(a) to (d) and (f),as well as Article 19, as per their duties in accordance with the legal provisions in force;

   c) police agents and officers in the Romanian police force, concerning the contraventions provided for in Article 18(a), (c), (d),

   (f) and (g), as well as the contravention provided for in Article 19;

   d) non-commissioned officers and officers in the Romanian *Jandarmerie* (military police force) concerning the contravention provided for in Article 19.’

   19. Article 22 is amended to read as follows:

   ‘Article 22. - (1) On the justified proposal of the person provided for in Article 20, one of the following administrative sanctions may be applied:

   a) suspension of the authorisation to undertake operations involving precious metals and precious stones for a period of six months where:

   - records are not kept of the operations involving precious metals and precious stones, in accordance with the legal provisions in force;

   - jewellery and objects made of precious metal, with or without precious stones, are marketed in any form, without having been marked in accordance with legal requirements;

   - there is a failure to notify the National Authority for Consumer Protection regarding any changes to the identification data of the authorisation holder;

   b) withdrawal of the authorisation to undertake operations involving precious metals and precious stones where:

   - steps have not been taken to remedy the underlying causes of suspension of the authorisation to perform operations involving precious metals and precious stones for a period of six months as the result of a breach of the legal provisions in force regarding the rules applicable to precious metals and precious stones;

   - the authorised economic operator has not fulfilled one or more of the necessary conditions for authorisation;

   - the authorised economic operator or an employee of the economic operator has a definitive conviction for offences relating to precious metals and precious stones;

   c) the prohibition of operations involving precious metals and precious stones in Romania performed by economic operators, provided for in Article 8(7), in compliance with the provisions of Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC, when:

   - there has been a breach of the legal provisions in force concerning the rules applicable to precious metals and precious stones and steps have not been taken to remedy the situation;

   - the economic operator or an employee of the economic operator has a definitive conviction for offences relating to precious metals and precious stones.

   (2) By derogation from the provisions of Article 21(1) and (2) of Government Order No 2/2001 regarding the legal regime of contraventions, approved as amended and supplemented by Law No 180/2002, as subsequently amended and supplemented, suspension or withdrawal of the authorisation to perform operations involving precious metals and precious stones, as well as prohibiting operations with precious metals and precious stones, shall be ruled on by order of the president of the National Authority for Consumer Protection, which will be communicated to the authorisation holder.

   (3) The order suspending or, as applicable, withdrawing the authorisation, as well as the order prohibiting operations to be performed with precious metals and precious stones shall become effective on the date of communication. The suspension period shall also be calculated based on this date.

   (4) It is possible to challenge the order suspension or withdrawal of the authorisation or, as applicable, the order prohibiting operations involving precious metals and precious stones, by submitting an appeal to the administrative dispute authority, within the time limits and under the conditions provided for in administrative dispute Law No 554/2004, as subsequently amended and supplemented.

   (5) The procedure regarding the measures provided for in (1), as well as the reauthorisation procedure for operations with precious metals and precious stones shall be established by order of the president of the National Authority for Consumer Protection.’

   20. Article 23 is amended to read as follows:

   ‘Article 23. - In the event of suspension of the authorisation, the economic operator holding it shall no longer be entitled to perform the operations involving precious metals and precious stones for which they were authorised, until such time as it is found that the causes of the suspension have been eliminated.’

   21. Article 25(3) is amended to read as follows:

   ‘(3) Objects made of precious metals and precious stones originating from confiscations or which have passed into private state ownership shall be capitalised according to the legal provisions in force.’

   22. In Article 25, a new paragraph is inserted after paragraph (3), paragraph (4), with the following content:

   ‘(4) The deadline for depositing objects made of precious metals or precious stones with the state treasury shall be 48 hours from the date on which the document is drawn up that has been the basis for seizure of the goods deemed not to have an owner, as well as those seized with a view to confiscation or confiscated under the conditions provided for in law.’

   23. After Article 25, a new article is inserted, Article 251, with the following content:

   ‘Article 251. - (1) The procedures regarding expert assessments of precious metals and precious stones ordered by the courts and public notaries shall be approved by order of the president of the National Authority for Consumer Protection.

   (2) The procedures regarding expert assessments of precious metals and precious stones performed at the request of: criminal prosecution authorities; customs and excise authorities or bodies capitalising these goods originating from confiscations or which have been transferred to private state property by any other legal means; natural and legal persons, shall be approved by order of the National Authority for Consumer Protection.’

   24. In Article 26, (2) and (21) are repealed.

   25. Article 27 is amended to read as follows:

   ‘Article 27. - (1) Objects made of precious metals and precious stones abusively seized by the State, under specialist management at the Bucharest Regional Branch of the National Bank of Romania, shall be returned by the latter only at the request of entitled persons, based on the presentation of documents of ownership or of definitive judicial decisions, as applicable.

   (2) In order to implement the definitive judicial decisions, the entitled person needs to submit a request to the Bucharest Regional Branch of the National Bank of Romania, seeking enforcement of the title. The complainant must annex the following documents to the restitution request:

   a) the definitive judicial decision, in original;

   b) a copy of the identity document;

   c) for beneficiaries other than the damaged party, as applicable: authorisation in original, certificate of succession or other document establishing their capacity as owner.

   (3) In the case of objects and jewellery made of precious metals and precious stones abusively seized by the State, deposited at the National Bank of Romania, these will only be physically returned to the extent that they can still be found under the specialist management of the Bucharest Regional Branch of the National Bank of Romania.

   (4) If the assets provided for in (1) have been capitalised for the use of the State and are no longer physically under the bank’s management, the entitled persons shall be paid the equivalent value, calculated at the updated market rate, based on ownership documents or definitive judicial decisions, as applicable.

   (5) In the case of precious stones that are loose or mounted in jewellery, abusively seized by the State, which are no longer physically under specialist management at the Bucharest Regional Branch of the National Bank of Romania, the entitled persons shall be paid the equivalent value, calculated at the updated market rate, based on ownership documents or definitive judicial decisions, as applicable.

   (6) The equivalent value of the objects made of precious metals and precious stones returned in kind, as well as the sums paid by the National Bank of Romania in respect of damages, court costs and implementation costs shall be recovered from the Ministry of Public Finance. The Ministry of Public Finance shall return these sums quarterly, after receiving the evidential documents from the National Bank of Romania, in the chapter on civil damages, as well as the judicial and extrajudicial costs derived from actions representing the interests of the State, in accordance with the legal provisions’

   **Article II.** - In the contents of Government Emergency Order No 190/2000 on the rules for precious metals and precious stones in Romania, as subsequently amended and supplemented, the expression ‘financial gold’ is replaced by the expression ‘investment gold’.

**Article III.** - (1) Precious metal objects which, on the date of entry into force of this emergency order, are marked only with their own guarantee mark, established and registered with the National Authority for Consumer Protection, alongside the fineness mark, may be marketed until 30 June 2018.

   (2) Until 30 June 2018, the state mark may also be applied to precious metal objects alongside the own guarantee mark and/or the fineness mark.

   (3) Precious metal objects that already bear a mark applied by a Romanian public authority since 1906 shall be deemed legally marked and may be marketed.

   **Article IV**. - (1) Punches with the own guarantee mark shall be surrendered to the National Authority for Consumer Protection to be destroyed, within 30 days of the day on which this emergency order came into force.

   (2) Failure to comply with the provisions of (1) or apply the own guarantee mark after 30 June 2018 constitutes a contravention and shall be sanctioned with a fine of from RON 6 000 to RON 12 000.

   (3) Identification of the contravention and application of the sanction provided for in (2) shall be the responsibility of authorised staff of the National Authority for Consumer Protection.

   (4) The contravention provided for in (2) shall be subject to the provisions of Government Order No 2/2001, approved as amended and supplemented by Law No 180/2002, as subsequently amended and supplemented.

**Article V.** - This emergency ordinance shall come into force 10 days after its publication in the Official Gazette of Romania, Part I.

**Article VI.** - On the date of entry into force of this emergency order, Government Decision No 1344/2003 approving the methodological norms for applying the provisions of Government Emergency Order No 190/2000 on the rules for precious metals and precious stones in Romania, as subsequently amended and supplemented, published in the Official Gazette of Romania, Part I, No 838 of 25 November 2003, as subsequently amended.

   **Article VII.** - Government Emergency Order No 190/2000 on the rules for precious metals and precious stones in Romania, republished in the Official Gazette of Romania, Part I, No 77 of 29 January 2004, as subsequently amended and supplemented, as well as those added by this emergency order, shall be republished once approved by law, giving its texts a new numbering scheme.