

Regulation of advertising with Empa test reports

Based on the Empa Management Manual MHB 4.2.3 Section 3, Empa Legal issues the following implementing regulation:

Empa test reports can be used by the customer as effective advertising media. Empa shall, however, require the client to comply with certain requirements in order to maintain its independence and to avoid any infringement of competition law or damage to Empa's reputation. It is recommended that you make known to Empa your intention to use and publish the relevant Empa test report when you place your order.

1. Principles

In particular, the following points must be observed:

- Any mention of an Empa audit shall include the number and date of the relevant Empa audit report (e.g. "See Empa Audit Report No. 123'456 dated December 31, 2019").
- Extracts from the Empa test report shall be reproduced in full and with any illustrations and explanations reproduced true to the original. Correct referencing must be ensured.
- References, extracts and conclusions are to be reproduced faithfully and may not be inserted into or attached to the text in a misleading manner. In particular, the impression must not be created that:
 - Empa has inspected a representative number of objects if in reality only one or a few objects have been inspected;
 - Empa carries out a continuous inspection of a product (in reality only a few samples have been tested);
 - Empa has tested other properties which it has not actually tested; or
 - Empa has drawn conclusions based on advertising technology - but in reality formulated by the client.
- The use of the Empa logo for commercial purposes in connection with the use of the Empa test report and the publication of its contents is not permitted. The right to use the Empa logo is subject to separate authorisation and is only granted for non-profit purposes.

2. Authorisation requirement

The use of the corresponding Empa test report for advertising purposes in written or other form, in particular the reference to an investigation carried out at Empa serving an advertising purpose, is only permitted with the express written consent of Empa.

If the publication and submission of the Empa test report by the client to interested third parties is not associated with an advertising text, no approval is required.

3. Application

The application for use and publication of the corresponding Empa test report for advertising purposes can be sent to Empa Legal via the form "Application for advertising authorisation".

(legal@empa.ch) to address.

In the case of printed matter, in order to check compliance with this regulation, the desired advertising text must be submitted to Empa Legal in its entirety and with all illustrations before the "good for printing" is issued.

4. Granting of a permit

Empa Legal examines the application with the involvement of the relevant specialist department that wrote the Empa test report.

As a rule, licences are only issued for an Empa test report that is **no older than two years** when the licence application is filed for the first time. The authorisation is granted **for a maximum of three years**. A one-off extension **of a maximum of two years** can be applied for before the first authorisation expires.

The final decision on the application for authorisation will be taken by Empa Legal. There is no legal entitlement to the granting or extension of a licence, nor is there any possibility of appeal. If the application is rejected, Empa is under no obligation to state reasons.

5. Obligation to disclose

By mentioning an Empa test report for advertising purposes, the Client undertakes to make the entire results of the Empa test report in question available to any interested party in full text, with all illustrations and any explanations.

6. Fees

The fee is a lump sum of CHF 300 per advertising permit issued plus any VAT. The fee for the extension of an existing advertising permit is an additional flat rate of CHF 200 plus any VAT. The provisions of the ETH Domain Fees Ordinance of 31 May 1995 (SR 414.131.7) shall apply on a higher level.

7. Consequences of infringements

Failure to comply with this regulation will result in the immediate withdrawal of the advertising authorisation without refund of the fee already paid. Empa also reserves the right to take further measures, in particular corrective counterstatements (e.g. to wrongly informed interested parties) and legal action, in the event of violations of the regulation.

Empa also disclaims any liability arising from misuse or unauthorized use of the test report.

Empa Legal

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