

Will it still be permissible to label products with the EMICODE® in the future?

In collaboration with external experts, the GEV has thoroughly examined the requirements of the EmpCo Directive and the planned revision of the Act against Unfair Competition (UWG). Based on the current legal situation, the EMICODE® rules and regulations have been revised and further developed. The goal was to further improve the objectivity and reliability of the environmental claims associated with the EMICODE® seal.

In the GEV's assessment, the updated system of the EMICODE® seal complies with the current requirements of both the UWG and the EmpCo Directive, provided that the respective product has obtained a valid EMICODE® license based on the updated EMICODE® regulations. The GEV will closely monitor further developments in legislation and case law and will continue to adapt the system as needed.

The GEV takes the view that the current certification system also meets the requirements set forth in § 2, par. (2), point (6) of the Act against Unfair Competition (UWG), as amended, for environmental labeling systems. These include, in particular:

- a) Participation is open to all companies under transparent, fair and non-discriminatory conditions.
- b) The criteria are developed in consultation with independent experts and relevant stakeholders.
- c) There are clear procedures handling non-compliance (violations), including the suspension or revocation of the right to use the label.
- d) Compliance with the requirements is monitored by independent third parties based on objective criteria and in accordance with international standards and established procedures.

- It is important to note that it is allowed to use the EMICODE® seal for advertising purposes.
- This also includes the classification “very low emission” designated for EMICODE® classes EC 1 and EC 1^{PLUS}.
- However, the seal does not authorize generic environmental claims such as “environmentally friendly” or comparable statements, unless these are verifiably correct and can be substantiated by EMICODE® testing.
- It is permissible to explain which characteristics and tests are associated with the EMICODE® certification.
- By contrast, generic and more far-reaching environmental claims that go beyond the factual content of the seal are not permitted.

If there are doubts in individual cases regarding the permissibility of planned advertising claims, the GEV recommends seeking legal advice prior to publication.

From the GEV's perspective, there are currently no concerns about labeling products with the EMICODE® seal, provided that the predefined conditions, in particular successful product testing and a valid trademark license, are met.

