



Press and Information

General Court of the European Union  
**PRESS RELEASE No 168/18**  
Luxembourg, 8 November 2018

Judgment in Case T-544/13 RENV  
Dyson Ltd v Commission

## **The General Court annuls the regulation on the energy labelling of vacuum cleaners**

*Tests of a vacuum cleaner's energy efficiency carried out with an empty receptacle do not reflect conditions as close as possible to actual conditions of use*

Since 1 September 2014, all vacuum cleaners sold in the EU have been subject to energy labelling requirements, the detailed rules of which were fixed by the Commission in a regulation<sup>1</sup> ('the regulation') supplementing the Directive on energy labelling ('the directive').<sup>2</sup> The energy labelling is aimed, among other things, at informing consumers of energy efficiency levels and cleaning performances of vacuum cleaners. The regulation does not provide for testing of vacuum cleaners with the dust receptacle loaded.

The company Dyson Ltd ('Dyson') markets bagless vacuum cleaners. Dyson argues that the regulation will mislead consumers as to the energy efficiency of vacuum cleaners, because the performance is not measured 'during use' but only with an empty receptacle. According to Dyson, in adopting the regulation, the Commission, therefore, disregarded an essential element of the directive which requires the method for calculating a vacuum cleaner's energy performance to reflect normal conditions of use.

Dyson brought an action before the General Court for annulment of the regulation. By judgment of 11 November 2015, the General Court dismissed the action.<sup>3</sup> Dyson brought an appeal which the Court of Justice allowed by judgment of 11 May 2017.<sup>4</sup> The Court of Justice held that the General Court had mischaracterised one of Dyson's arguments in finding that Dyson was challenging the exercise of the Commission's competence to adopt the regulation at issue. In the view of the Court of Justice, it was clear beyond dispute that Dyson argued that the Commission was not competent to adopt that regulation. According to Dyson, it was a question of a failure to have regard to an essential element of the directive, not a manifest error of assessment by the Commission. The Court of Justice therefore referred the case back to the General Court for it to rule on Dyson's argument.

In today's judgment, the General Court upholds Dyson's argument and annuls the regulation on the energy labelling of vacuum cleaners.

The General Court notes that the Court of Justice, in its judgment, held that information for consumers on the energy efficiency of products during use was an essential objective of the directive, and reflected a political choice of the EU legislature.

Next, the General Court points out, as the Court of Justice noted, that the directive aims to harmonise national measures on information for end-users on energy consumption 'during use', so that they can choose 'more efficient' products.

<sup>1</sup> Commission Delegated Regulation (EU) No 665/2013 of 3 May 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of vacuum cleaners (OJ 2013 L 192, p. 1).

<sup>2</sup> Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (OJ 2010 L 153, p. 1).

<sup>3</sup> Case: [T-544/13](#) Dyson v Commission, see also Press Release No [133/15](#).

<sup>4</sup> Case: [C-44/16 P](#) Dyson v Commission.

Consequently, the Commission was obliged, in order not to disregard an essential element of the directive, to adopt a method of calculation which makes it possible to measure the energy performance of vacuum cleaners in conditions as close as possible to actual conditions of use. This means that the vacuum cleaner's receptacle must be filled to a certain level, regard being had to the requirements concerning the scientific validity of the results obtained and the accuracy of the information supplied to consumers.

**Since the Commission adopted a method for calculating the energy performance of vacuum cleaners based on an empty receptacle, the General Court holds that that method does not comply with the essential elements of the directive.**

The General Court finds, therefore, that the Commission disregarded an essential element of the directive and annuls the regulation since the method for calculating energy performance is not an element which may be severed from the remainder of the regulation.

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**NOTE:** An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

**NOTE:** An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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