



Press and Information

General Court of the European Union  
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Judgment in Case T-544/13  
Dyson Ltd v Commission

## **Dyson's action for annulment of the regulation on energy labelling of vacuum cleaners is unsuccessful**

*The British company has failed to demonstrate that there were more reliable, accurate and reproducible tests than the one endorsed by the Commission*

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

Dyson designs and manufactures bagless vacuum cleaners based on 'cyclonic' technology. Considering, in essence, that the test used by the Commission to measure energy efficiency levels of vacuum cleaners places its products at a disadvantage in relation to bagged vacuum cleaners, Dyson asks the General Court of the European Union to annul the Commission's regulation.

By its judgment delivered today, **the General Court dismisses Dyson's action in its entirety, thereby upholding the rules put in place by the Commission in the contested regulation.**

Dyson states that the regulation misleads consumers because the cleaning performance is tested only when the vacuum cleaner's receptacle is empty and not during use. The Court acknowledges that the suction performance and energy efficiency of a vacuum cleaner with a dust-loaded receptacle will be reduced due to dust accumulation. It observes, however, that **the Commission could not use tests conducted on the basis of a dust-loaded receptacle, as they are not reliable, accurate and reproducible**, as required by the regulation. The Court finds in that regard that **Dyson has not made out proof of the reproducibility of tests conducted with dust-loaded vacuum cleaners**, since it has not shown that the same results could be obtained in different laboratories using a single sample.

According to Dyson, the regulation discriminates in favour of bagged vacuum cleaners to the disadvantage of bagless vacuum cleaners or vacuum cleaners based on 'cyclonic' technology as loss of suction due to clogging cannot be detected by pristine state testing. The Court answers that **the regulation does not infringe the principle of equal treatment**. Although, as the Commission itself acknowledges, there are objective differences between bagless vacuum cleaners and bagged vacuum cleaners, **the Commission could treat those different situations in the same way, as there are objective and appropriate grounds for doing so**. In that regard the Court observes that, due to the very absence of reproducible tests conducted with a loaded receptacle, it was objective and appropriate to treat bagged vacuum cleaners and bagless vacuum cleaners in the same manner. The Commission thus based its choice on the test most suited for achieving the objective pursued by the directive (providing reliable, standard information to consumers, thereby enabling them to choose more efficient products).

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<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).

Lastly, Dyson considers that the regulation does not explain why there was insufficient technological progress to facilitate the testing of the energy efficiency and the cleaning performance of the vacuum cleaner when the receptacle is filled with dust or why the Commission put the examination of this technique back five years in the contested regulation. The Court considers that the Commission did provide a sufficient statement of reasons for the choice of test, as it explained that, having regard to the state of technological knowledge, there were no reliable, accurate and reproducible tests conducted with a dust-loaded receptacle.

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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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The [full text](#) of the judgment is published on the CURIA website on the day of delivery

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