



## PRESS RELEASE No 156/23

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Order of the Court in Case C-761/22 | Verband Wirtschaft im Wettbewerb

### **Advertisements for ovens and range hoods must make reference both to the energy efficiency class of those products and to the range of efficiency classes**

The German discount furniture retailer, Roller, advertised a kitchen unit on its website. That advertisement indicated the energy efficiency class of the built-in oven and the extractor hood without, however, mentioning the ranges of energy efficiency classes shown on the label of the appliances concerned.

An association that combats unfair competition brought an action before a German court seeking to prevent such advertising in the future.

The German court asks the Court of Justice whether, under EU law, suppliers and dealers are obliged to indicate the class and range of energy efficiency classes in their advertisements for ovens and range hoods. If so, it wishes to know how they may do this.

In the order made today, the Court finds that **suppliers and dealers of a product must make reference, in their visual advertisements or their technical promotional material, to the energy efficiency class of that product and the range of energy efficiency classes shown on the relevant product group label**<sup>1</sup>. That obligation applies even if the Commission has not yet adopted a delegated act specifying how such a reference should be made.

The Court notes that such a delegated act has so far been lacking concerning domestic ovens and hoods. In those circumstances, it acknowledges that suppliers and dealers have a certain margin of discretion as to how to make reference to the classes and the ranges; that margin, however, is confined by limits.

**Thus, the advertisement must, as far as possible, adopt the same presentation of classes and ranges as that shown on the energy label of the oven or range hood concerned.** In any event, if such a presentation is not feasible, **the class and range must appear in a legible and visible manner and must be configured to meet consumer information requirements.**

The Court provides some examples in that regard, without prejudice to other possible solutions: the advertisement may mention, in a legible and visible manner, the class and range by means of an expression easily understandable to the average consumer who is reasonably well-informed and reasonably observant and circumspect, such as '[t]he energy efficiency class of this model/product is [relevant letter] within a range from [first letter] to [last letter]', or else indicate the letter of the energy efficiency class concerned in an arrow whose background colour must be that of the corresponding letter of the range and specify alongside that arrow the extent of the range by means of an equivalent statement or symbol easily understandable to such a consumer. The positioning, size and font of those

<sup>1</sup> Under Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ 2017 L 198, p. 1).

references must be chosen in such a way that they are legible and visible and thus clearly stand out, for the consumer, in the advertisement.

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the order is published on the CURIA website.

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