

Notice concerning the annulment of Commission Delegated Regulation (EU) No 665/2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of vacuum cleaners

(2019/C 96/08)

In October 2013, Dyson Ltd applied to the General Court of the European Union seeking annulment of 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 (Case T-544/13). In November 2015, the General Court dismissed Dyson's action.

Dyson appealed against this judgment to the Court of Justice. In May 2017, the Court of Justice set aside the General Court's judgment and referred the case back to it for a new assessment (case C-44/16). On 8 November 2018, the General Court annulled Commission Delegated Regulation (EU) No 665/2013 in its entirety (Case T-544/13 RENV).

The Commission did not appeal and the annulment of Commission Delegated Regulation (EU) No 665/2013 took effect on 18 January 2019, with retroactive effect as if the regulation had never existed. The judgment of the General Court does not provide for transitional measures.

This has the following consequences from 19 January 2019 onwards:

- Suppliers may no longer place vacuum cleaners on the Union market accompanied by the energy label as was provided for by Commission Delegated Regulation (EU) No 665/2013.
- Dealers may no longer display, including for distance selling and selling online, the energy label with vacuum cleaners or make available to customers the product information sheet. Suppliers and dealers may no longer make reference to the energy efficiency class of the vacuum cleaners and the range of the efficiency classes available on the label in visual advertisements or technical promotional material.
- Suppliers may no longer enter in the public and compliance parts of the product database the information set out in Article 4 and Annex I of Regulation (EU) 2017/1369 of the European Parliament and of the Council ⁽¹⁾ pertaining to their vacuum cleaners.

The Court ruling has no impact on the ecodesign requirements for vacuum cleaners or energy labelling requirements for other products.

⁽¹⁾ OJ L 198, 28.7.2017, p. 1.