



PRESS RELEASE No 1/24

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Judgment of the Court in Case C-122/22 P | Dyson and Others v Commission

Energy labelling of vacuum cleaners: the Court of Justice definitively dismisses the action for compensation brought by Dyson

In choosing a test using an empty reservoir, the Commission did not commit a sufficiently serious breach of EU law such as to give rise to an entitlement to compensation

In 2013, the Commission adopted a delegated regulation ¹, by which it introduced a testing method for measuring the energy efficiency of vacuum cleaners that was carried out with an empty receptacle rather than one that was filled. Dyson considered that its 'cyclonic' vacuum cleaners were placed at a disadvantage by that test in relation to bagged vacuum cleaners, whose performance decreases as the bag fills up. It therefore successfully contested that regulation: by a judgment of 2018 ², the General Court annulled it on the ground that the test carried out with an empty receptacle did not reflect conditions as close as possible to actual conditions of use, as required by the directive on energy labelling ³.

Dyson subsequently brought an action for compensation, seeking damages of €176.1 million for the loss it had allegedly suffered. By a judgment of 2021 ⁴, the General Court dismissed that action. It found that the breach of the directive committed by the Commission was not sufficiently serious to give rise to an entitlement to compensation. Dyson thus lodged an appeal with the Court of Justice against that judgment of the General Court.

The Court of Justice rejects all the arguments put forward by Dyson and thus upholds the judgment of the General Court. Consequently, the action for compensation brought by Dyson is dismissed definitively.

Accordingly, the Court of Justice confirms that the Commission did not commit a sufficiently serious breach of EU law, a necessary condition for the European Union to incur non-contractual liability.

The Court of Justice states, inter alia, that the fact that a rule of law, such as in the present case the relevant provision of the directive, does not leave any discretion to the EU authority concerned (namely the Commission) does not necessarily mean that breach of that provision is automatically sufficiently serious.

The breach of the rule may not appear to be manifest, and thus sufficiently serious, in particular if it arises from an error of law that may be excused by having regard to difficulties interpreting the rule and the technical complexity of the problems to be resolved. According to the Court of Justice, the General Court was right to find that the Commission was faced with such difficulties and such complexity.

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Pictures of the delivery of the judgment are available from '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹ [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.

² Judgment of the General Court of 8 November 2018, *Dyson v Commission*, [T-544/13 RENV](#) (see also Press Release [No 168/18](#)).

³ [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.

⁴ Judgment of the General Court of 8 December 2021, *Dyson and Others v Commission*, [T-127/19](#) (see also Press Release [No 218/21](#)).