

Case T-175/94 (92)

International Procurement Services SA
v
Commission of the European Communities
(Taxation of costs)

Order of the Court of First Instance (Fifth Chamber), 24 March 1998 II - 603

Summary of the Order

1. *Procedure — Costs — Recoverable costs — Meaning — Expenses necessarily incurred by the parties — Lawyer's fees incurred by European institutions*
(EC Statute of the Court of Justice, Art. 17, first para., and Art. 46, first para.; Rules of Procedure of the Court of First Instance, Art. 91(b))
 2. *Procedure — Costs — Taxation — Recoverable costs — Meaning — Matters to be taken into account*
(Rules of Procedure of the Court of First Instance, Arts 91(b) and 92(1))
1. It is clear from the first paragraph of Article 17 and the first paragraph of Article 46 of the Statute of the Court of Justice that, in proceedings before the Court of First Instance, the Community institutions are free to have recourse to

the assistance of a lawyer and that the latter's remuneration comes within the concept of expenses necessarily incurred for the purpose of the proceedings, and that, under Article 91(b) of the Rules of Procedure, those costs are regarded as recoverable.

2. The Community judicature is not empowered to tax the fees payable by the parties to their own lawyers but it may

determine the amount of those fees which may be recovered from the party ordered to pay the costs. Since Community law does not contain any provisions laying down a scale of fees, the Court of First Instance must freely consider the facts of the case, taking into account the purpose and nature of the proceedings and their significance from the point of view of Community law, as well as the difficulties presented by the case, the amount of work generated by the dispute for the agents and advisers involved and the financial interest which the parties had in the proceedings.