

Case T-65/96 DEP

Kish Glass & Co. Ltd

v

Commission of the European Communities

(Taxation of costs — Indispensable expenses incurred
for the purposes of the proceedings — Lawyer's fees)

Order of the Court of First Instance (Fourth Chamber), 8 November 2001 II-3263

Summary of the Order

*Procedure — Costs — Taxation — Recoverable costs — Matters to be taken into
consideration — Intervener*

(Rules of Procedure of the Court of First Instance, Art. 91(b))

II - 3261

The Community judicature is not empowered to tax the fees payable by the parties to their own lawyers but to determine the part of that remuneration which may be recovered from the party ordered to pay the costs. In that regard, as Community law does not lay down any provisions on scales of costs, the Community judicature must freely assess the circumstances of the case, taking into account the subject-matter and nature of the dispute, its importance in terms of Community law and the difficulties of the case, the extent of the work which the proceedings before the Court could have caused to the agents or advisers acting in the case and the economic interests which the dispute represented for the parties. To this end, it does not have to take account of a national scale of costs fixing lawyers' fees or any agreement concluded in this respect between the party concerned and its agents or advisers.

by the work of the main party in support of which it has intervened. As an intervention is, by its nature, subordinate to the main action, it cannot therefore present as many difficulties as that action, save in exceptional cases.

Finally, although in principle the remuneration of a single lawyer may be regarded as falling within the concept of 'expenses necessarily incurred' within the meaning of Article 91(b) of the Rules of Procedure of the Court of First Instance, the primary consideration is none the less the total number of hours of work which may appear to be objectively necessary for the purpose of the proceedings before the Court, irrespective of the number of lawyers who may have provided the services in question.

As regards taxation of the costs of an intervener, account must be taken of the fact that, as a general rule, the procedural task of an intervener is significantly aided

(see paras 18-20, 28)