

Case T-447/93 (92)

Associazione Italiana Tecnico Economica del Cemento (AITEC)

v

Commission of the European Communities

(Taxation of costs)

Order of the Court of First Instance (Second Chamber, Extended Composition),
28 November 1996 II - 1633

Summary of the Order

1. *Procedure — Costs — Taxation — Factors to be taken into account*
(*Rules of Procedure of the Court of First Instance, Arts 91(b) and 92(1)*)
2. *Procedure — Costs — Taxation — Recoverable costs — Meaning — Involvement of more than one lawyer*
(*Rules of Procedure of the Court of First Instance, Arts 91(b) and 92(1)*)

1. The Community judicature is not empowered to tax the fees payable by the parties to their own lawyers but may determine the amount of those fees which may be recovered from the party ordered

to pay the costs. It follows that the Court is not obliged to take account of any national scales of lawyers' fees or any agreement concluded in that regard.

In the absence of Community provisions laying down fee scales, the Court must make an unfettered assessment of the facts of the case, taking into account the purpose and nature of the proceedings, 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 lawyer involved and the financial interest which the parties had in the proceedings.

2. Where a dispute presents particular difficulties, the remuneration of more than one lawyer may be regarded as falling within the ambit of 'expenses necessarily incurred', within the meaning of Article 91(b) of the Rules of Procedure of the Court of First Instance.