

Case T-78/89 DEP

PPG Industries Glass SpA, formerly PPG Vernante Pennitalia SpA

v

Commission of the European Communities

(Competition — Taxation of costs)

Order of the Court of First Instance (First Chamber), 9 June 1993 ..... II - 574

Summary of the Order

1. *Procedure — Costs — Taxation — Recoverable costs — Concept — Interest on sums paid to lawyers prior to the order on taxation — Excluded*  
(Rules of Procedure of the Court of First Instance, Art. 91(b))
2. *Procedure — Costs — Taxation — Factors to be taken into consideration*  
(Rules of Procedure of the Court of First Instance, Art. 91(b))
3. *Procedure — Costs — Taxation — Recoverable costs — Concept — Involvement of more than one lawyer*  
(Rules of Procedure of the Court of First Instance, Art. 91(b))

1. The parties' entitlement to reimbursement of costs has its legal basis in the order fixing the amount thereof. It is therefore not open to a party to claim, as recoverable costs, interest on the sums paid by it to its lawyers prior to that order.
  2. 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.
  3. In principle, only 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.
- Since Community law does not contain any provisions laying down a scale of fees, the Court must freely consider all 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 lawyer involved and the financial interest which the parties had in the proceedings.

ORDER OF THE COURT OF FIRST INSTANCE (First Chamber)  
9 June 1993 <sup>\*</sup>

In Case T-78/89 DEP,

**PPG Industries Glass SpA**, formerly PPG Vernante Pennitalia SpA, a company incorporated under Italian law, having its registered office in Genoa (Italy), represented by Gianni Manca and Antonio J. Manca Graziadei, of the Rome Bar, and by Michel Waelbroeck and Alexandre Vandencastele, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Ernest Arendt, 8-10 Rue Mathias Hardt,

applicant,

<sup>\*</sup> Language of the case: English.