

# Case T-337/94 (92)

Enso-Gutzeit Oy

v

Commission of the European Communities

(Taxation of Costs)

Order of the Court of First Instance (First Chamber, Extended Composition), 15 March 2000 . . . . . II - 481

## Summary of the Order

1. *Procedure — Costs — Taxation — Recoverable costs — Definition — Expenses necessarily incurred by the parties — Factors to be taken into consideration (Rules of Procedure of the Court of First Instance, Art. 91(b))*
2. *Procedure — Costs — Taxation — Recoverable costs — Definition — Involvement of many lawyers (Rules of Procedure of the Court of First Instance, Art. 91(b))*

1. It follows from Article 91(b) of the Rules of Procedure of the Court of First Instance that recoverable costs are limited, first, to those incurred for the

purpose of the proceedings before the Court of First Instance and, second, those which are necessary for that purpose.

As there are no 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 agents and advisers involved and financial interests which the parties had in the proceedings. In doing so, the Court is not obliged to take account of any national scales of lawyers' fees or any agreements in relation to fees concluded between the party concerned and his agents or advisers.

(see paras 14-15)

regarded as falling within the concept of 'expenses necessarily incurred' within the meaning of Article 91(b) of the Rules of Procedure, 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.

The costs of the involvement of a new lawyer during the proceedings before the Court cannot be borne by the party ordered to pay costs except in so far as they correspond to time which that new lawyer spent on the file, other than time necessarily required in familiarising himself with that file.

2. Although in principle only the remuneration of a single lawyer may be

(see paras 20-21)