

Cases T-85/94 (92) and T-85/94 (122) (92)

Eugénio Branco, Ld<sup>a</sup>

v

Commission of the European Communities

(Taxation of costs)

Order of the Court of First Instance (Third Chamber), 8 July 1998 ..... II - 2669

Summary of the Order

*Procedure — Costs — Taxation — Recoverable costs — Concept — Factors to be taken into consideration — Travel and subsistence expenses of persons other than the parties' lawyers — Fees of an economist — Conditions for reimbursement*

*(Rules of Procedure of the Court of First Instance, Arts 91(b) and 92(1))*

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

Community judicature must assess, in its discretion, the relevant features 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 or advisers involved and the financial interest which the parties had in the proceedings.

necessary expenses only if the involvement of the economist was necessary.

Travel and subsistence expenses incurred by persons other than the lawyer of the applicant in question are recoverable only if the presence of those persons was necessary for the purpose of the proceedings. So far as the fees of an economist engaged by an applicant are concerned, such fees can be regarded as

In view of the fact that, in fixing the recoverable costs, the Community judicature takes into account all the circumstances of a case up to the date on which it makes its ruling, it is unnecessary to make a separate ruling on the expenses incurred by the parties for the purpose of the proceedings on taxation of costs.