

Case T-38/95 DEP

Groupe Origny SA

v

Commission of the European Communities

(Taxation of costs)

Order of the Court of First Instance (Third Chamber, Extended Composition), 24 January 2002 II - 219

Summary of the Order

1. *Procedure — Costs — Taxation — Recoverable costs — Costs incurred during administrative proceedings relating to competition — Costs incurred after the oral procedure — Excluded*
(Rules of Procedure of the Court of First Instance, Art. 91(b))
2. *Procedure — Costs — Taxation — Factors to be taken into account*
(Rules of Procedure of the Court of First Instance, Art. 91(b))

1. Recoverable costs are limited, first, to those incurred for the purpose of the proceedings before the Community Court and, second, to those which are necessary for that purpose.
2. 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. When ruling on an application for taxation of costs, the Community Court is not obliged to take account of any national scales of lawyers' fees or any agreement in that regard between the party concerned and his agents or advisers. Since there are no Community provisions laying down fee-scales, the Community 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 which the dispute has caused the agents and advisers involved and the financial interests which the parties had in the proceedings.

Article 91 of the Rules of Procedure of the Court of First Instance refers only to proceedings before that Court, to the exclusion of any prior stage. It follows that a claim for taxation of costs, seeking payment of costs relating to the administrative proceedings before the Commission in relation to competition, must be rejected.

Likewise, recovery must be refused of costs relating to the period after the day of the oral procedure since no procedural step was taken after that date. The costs incurred after that date do not appear to be directly connected to the defence before the Community Court and cannot, therefore, be regarded as costs necessary for the purpose of the proceedings, within the meaning of Article 91 of the Rules of Procedure.

The significance of a case from the point of view of Community law by reason of the new questions of law and the complex questions of fact which it raises may justify high fees and a party's being represented by a number of lawyers.

(see paras 28–31)

(see paras 32–33, 37)