

Joined Cases T-148/98 and T-162/98

J.G. Evans and Others

v

Commission of the European Communities

(Action for annulment — Lateness — Inadmissibility)

Order of the Court of First Instance (Second Chamber), 29 September
1999 II-2839

Summary of the Order

1. *Procedure — Time-limits for bringing proceedings — Mandatory — Time-barred — Excusable error — Meaning*
(ECSC Treaty, Art. 33)
2. *Procedure — Requirement as to the facts to be adduced — Facts adduced must be specific and detailed*

1. The period prescribed for bringing an action for annulment is mandatory and is not subject to the discretion of the parties or the Court, since it was established in order to ensure that legal

positions are clear and certain and to avoid any discrimination or arbitrary treatment in the administration of justice. The notion of excusable error by virtue of which it may be possible to

obtain an extension of the mandatory time-limit concerns only exceptional circumstances in which, in particular, the conduct of the institution concerned has been, either alone or to a decisive extent, such as to give rise to a pardonable confusion in the mind of the party concerned.

2. A party may only put forward, in support of its claims, facts which are

sufficiently specific and detailed for the Court to regard them, at the very least, as credible and to enable the opposing party to contest them in an effective manner and, if appropriate, to submit evidence in rebuttal. That requirement as to the facts to be adduced, which relates to matters known only to the applicants, ensures that the Court does not come to rule on circumstances which are purely theoretical or are contrived solely for the purposes of the action.