

not challenged within the time-limits laid down in Articles 90 and 91 of the Staff Regulations for lodging a complaint or appeal.

Only the existence of a substantial new fact capable of adversely affecting the person concerned can lead to the

reopening of those time-limits and justify consideration of such an application (see the judgments in Case 28/72 *Tontodonati v Commission* [1973] ECR 779, in Case 173/80 *Blasig v Commission* [1981] ECR 1649, in Case 190/82 *Blomefield v Commission* [1983] ECR 3981, in Case 326/82 *Aschermann v Commission* [1984] ECR 2253 and in Case 231/84 *Valentini v Commission* [1985] ECR 3027).

JUDGMENT OF THE COURT OF FIRST INSTANCE (Third Chamber)

6 December 1990 *

In Case T-6/90,

Alessandro Petrilli, an official of the Commission of the European Communities, residing in Brussels, represented by J. L. Lodomez, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of E. Arendt, 4 avenue Marie-Thérèse,

applicant,

v

Commission of the European Communities, represented by S. van Raepenbusch, a member of its Legal Department, acting as Agent, with an address for service in Luxembourg at the office of G. Berardis, a member of its Legal Department, Wagner Centre, Kirchberg,

defendant,

* Language of the case: French.

APPLICATION for the annulment of the decision of 17 November 1989 rejecting the applicant's complaint lodged following the Commission's failure to reply to his request for review of his classification, submitted on 16 January 1989,

THE COURT OF FIRST INSTANCE (Third Chamber),

composed of: C. Yeraris, President of Chamber, A. Saggio and B. Vesterdorf, Judges,

(The grounds of the judgment are not reproduced.)

hereby:

- (1) Dismisses the application as inadmissible;**
- (2) Orders the parties to bear their own costs.**