

Case T-29/89

Heinz-Jörg Moritz

v

Commission of the European Communities

(Officials — Admissibility — Periodic report —
Delay — Damage)

Judgment of the Court of First Instance (Fifth Chamber), 13 December 1990 788

Summary of the Judgment

1. *Officials — Actions — Time-limits — Absolute bar — Examination of Court's own motion (Staff Regulations, Art. 91)*
2. *Officials — Action — Periodic report — Prior administrative complaint — Optional (Staff Regulations, Arts 90 and 91)*
3. *Officials — Assessment — Periodic report — Drawing up of report — Lateness — Delay partly attributable to the official (Staff Regulations, Art. 43)*

1. Since time-limits for bringing actions are mandatory and form an absolute bar, it is for the Court to examine, even of its own motion, whether they have been complied with.

action laid down in Article 91(3) of the Staff Regulations begins to run from the day on which the periodic report that may be considered final was notified to the official concerned.
2. The making of a formal complaint, within the meaning of Article 90 of the Staff Regulations, is not a necessary pre-condition for the bringing of an action if the action concerns a periodic report. In the absence of a complaint, the period of three months for bringing an
3. An official cannot complain of delay in the drawing up of his periodic report and claim non-material damage in that regard if the delay was attributable to him, at least in part, or if he contributed considerably to the delay.