

**Case T-6/90**  
(Summary publication)

**Alessandro Petrilli**

v

**Commission of the European Communities**

(Staff Regulations of Officials, Arts 90 and 91)  
(Official — Objection of inadmissibility —  
Out of time — Bar — Reopening of time-limits —  
Conditions — New fact)

Summary of the Judgment

1. *Officials — Actions — Prior complaint through official channels — Time-limits — Public policy*  
(*Staff Regulations, Arts 90 and 91*)
2. *Officials — Actions — Prior complaint through official channels — Time-limits — Bar — Reopening — Conditions — New fact*  
(*Staff Regulations, Arts 90 and 91*)

1. The time-limits laid down in Articles 90 and 91 of the Staff Regulations for lodging complaints and appeals are intended to ensure legal certainty. They are therefore a matter of public policy and cannot be left to the discretion of the parties or the Court.

therefore inadmissible cannot have the effect of derogating from the system of mandatory time-limits laid down in Articles 90 and 91 of the Staff Regulations (see the judgment in Case 227/83 *Moussis v Commission* [1984] ECR 3133) or deprive the administration of its right at the stage of court proceedings to raise an objection of inadmissibility on the ground that the complaint was out of time.

The fact that an institution, for reasons related to its staff policy, deals with the substance of an administrative complaint which is submitted out of time and is

2. An official cannot by lodging a request challenge a previous decision which was

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.