

JUDGMENT OF THE COURT (FIRST CHAMBER)

16 JUNE 1971¹

Maurice Prelle
v Commission of the European Communities

Case 77/70

S u m m a r y

1. *Procedure — Closure of the oral procedure — Request to the Court by one party for a measure of inquiry — Conditions for admissibility*
(Rules of Procedure, Article 59 (2))

2. *Officials — Upgrading of post — Carrying out the duties of a superior career bracket — No grounds for reclassification*

1. The application for a measure of enquiry made by one party after the closure of the oral procedure may only be granted if it relates to facts which are capable of having a decisive influence and which the party concerned was not able to put forward before the closure of the oral procedure.

2. The carrying out by an official of tasks which also belong to a post in

a career bracket higher than his own may be one factor to be taken into account for the purposes of his promotion but is not in itself enough to justify the reclassification of his post.

This is particularly so in departments where the duties assigned to servants in different grades are of a comparable nature and are for this reason interchangeable.

In Case 77/70

MAURICE PRELLE, an official of the Commission of the European Communities, residing at 18, Square Ambiorix, Brussels, assisted by Ernest Arendt, Advocate of the Cour supérieure de Justice of the Grand Duchy of Luxembourg at the Chambers of the said Ernest Arendt, 34/B rue Phillippe-II,

applicant,

v

COMMISSION OF THE EUROPEAN COMMUNITIES, represented by its Legal Adviser, Peter Gilsdorf, acting as Agent, with an address for service in Luxembourg at the offices of Émile Reuter, Legal Adviser to the Commission, 4 boulevard Royal,

defendant,

¹ — Language of the Case: French.