

Case 191/84

Jean-Pierre Barcella and Others

v

Commission of the European Communities

(Reclassification of officials)

Summary

1. *Officials — Actions — Prior complaint through official channels — Time-limits — Mandatory — Expiry — Re-opening — Request under Article 90 (1) of the Staff Regulations — Not permissible*
(*Staff Regulations of Officials, Arts 90 and 91*)
2. *Officials — Actions — Prior complaint through official channels — Time-limits — Starting point — Request for reclassification — Late — Expiry of time-limit — Re-opening — Conditions — New fact*
(*Staff Regulations of Officials, Arts 90 and 91*)

1. The time-limits laid down in Articles 90 and 91 of the Staff Regulations are mandatory and are not subject to the discretion of the parties or of the Court, since they were laid down with a view to ensuring clarity and legal certainty. Consequently, an official cannot escape the consequences of his failure to act in good time and contrive to re-open the limitation periods by submitting a request to the appointing authority under Article 90 (1) of the Staff Regulations rather than a complaint against the decision adversely affecting him.

2. Once the time-limits for the commencement of proceedings against an act adversely affecting an official have expired, he cannot call in question his classification on recruitment unless a new circumstance arises which makes it necessary to reconsider the situation.

Where classification is concerned, the measure adversely affecting the official is the decision appointing him as a probationary official.