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What was Marine Le Pen found "guilty" of?

To bar Marine Le Pen from running for the French presidency, a court of first instance convicted her of "misappropriation of public funds," not the other way around. It wasn't the offense she was charged with that led to her being stripped of her right to be ineligible, but it was invented to justify this sentence.

Strangely, no one in the political class saw fit to point out that the Presidency of the European Parliament has changed its conception of the role of MEPs and now considers those who persist in practicing their original role as MEPs to be criminals.

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A guest on TF1's 8 p.m. news, Marine Le Pen once again pleaded not to have committed a crime, but the journalist didn't understand what she was talking about.

Marine Le Pen was sentenced on March 31, 2025, for "embezzlement of public funds" to four years' imprisonment, two of which were suspended, a €100,000 fine, and five years of ineligibility with provisional execution, that is, even before any possible appeal. Twenty-four other officials of the National Rally and the party itself were sentenced.

The French political class was immediately divided between those who welcomed the presidential favorite's elimination from the race and those who deplored it. Naturally, no one dared to speak out directly, but all affirmed that they supported "the rule of law" or denounced the "tyranny of judges."

Behind this reaction to a historic decision by three judges independent of political power, but who clearly understood the prosecution's demands, no one dares to address the underlying issue of the dispute between France and the presidency of the European Parliament. The facts being prosecuted all predate 2015. Yet, it is impossible to understand why the elected members of the National Rally were convicted, even though they were convinced they had not violated the law, without being aware of this dispute. Here is the explanation:

At the end of the Second World War, British Prime Minister Winston Churchill developed a plan to pacify European differences through the creation of common institutions between states. This was not yet a European Union, but rather a body allowing European governments to meet and negotiate on a permanent basis, or an organization bringing together parliamentarians from European states to debate together. Ultimately, ten states merged the two projects and created the Council of Europe. Today, there are 46 of them. The headquarters of this political institution was established in Strasbourg.

In practice, the Council of Europe was conceived as the civilian component of NATO. Strasbourg was chosen as its headquarters because it is, culturally, a Franco-German city.

Independently of the Council of Europe, another project, this time an economic one, was born with the European Coal and Steel Community (ECSC), which became the European Economic Community and today, the European Union. Naturally, the seat of the European Parliament was also located in Strasbourg, which housed the Parliamentary Assembly of the Council of Europe. However, given the rivalries between member states, various institutions of this economic union were located in Brussels and Luxembourg (the Parliament's General Secretariat is located in the Robert Schumann building). MEPs came to Strasbourg for one week a month and then returned to their countries. Since they were elected not in their own name, but in the name of their party, in a single national constituency (except between 2003

and 2018, when there were eight regional constituencies), they devoted the rest of their time to their political training.

In 1993, the European Parliament acquired a chamber in Brussels, the Paul-Henri Spaak building. Six years later, it opened its own chamber in Strasbourg, the Louise Weiss building. At that time, parliamentary sessions were split between the two cities. A gigantic caravan of trucks moved all the parliamentarians' offices twice a month. Now with a private office in Brussels, the European parliamentarians were invited to reside there and only travel to Strasbourg for sessions held there. They returned to their countries only to meet their constituents and for party meetings.—

The administration of the European Economic Community, which is primarily based in Brussels, intended both to distance itself from the Council of Europe and to move closer to the European Parliament. It therefore did everything it could to ensure that the latter stopped its back-and-forth operations and sat permanently in Brussels. This was also the wish of NATO, whose main offices were also in Brussels (or more precisely, in Mons). NATO issued the standards that the Commission proposed to the Parliament, which it approved. However, over time, the Parliament played an increasingly independent role, and NATO needed to constantly monitor it to ensure that none of its standards were overruled.

This was when the dispute began: the French refused to leave Strasbourg so as not to fall too visibly under the influence of the Anglo-Saxons. The Presidency of the Parliament therefore demanded that, from now on, elected representatives devote themselves exclusively to their activities in Brussels and no longer concern themselves with their parties in their countries.

Délibéré dossier dit des assistants fictifs du RN- 31 mars 2025.

I- Sur les exceptions soulevées

1. Sur la QPC :

- Déclare recevable QPC présentée
- Dit n'y avoir lieu à transmission.

La formulation et l'interprétation par la jurisprudence des dispositions de l'article 432-15 du code pénal définissent les infractions en termes suffisamment clairs et précis pour permettre au tribunal d'exercer son office et apprécier les faits qui lui sont soumis ainsi que leur qualification au regard notamment de la qualité de député européen et de la nature des fonds confiés.

Dans ces conditions, les moyens tirés de l'atteinte aux principes constitutionnels et notamment celui de légalité des délits et des peines doivent être regardés comme non sérieux.

Il n'y a dès lors pas lieu de renvoyer à la Cour de cassation en vue de sa transmission au Conseil constitutionnel la question prioritaire de constitutionnalité présentée.

2. Sur la question préjudicielle

En l'espèce, la question préjudicielle porte sur un acte pris par le Parlement européen et tend à contester la validité des règles MAS/CODEX.

Le tribunal relève que les FID/CODEX.MAS ne constituent pas le fondement des poursuites pénales qui reposent sur l'article 432-15 du code pénal, selon la prévention.

C'est la discordance entre les emplois prétendument (assistant parlementaire) et effectivement exercés qui fonde les poursuites.

A supposer qu'elles soient utiles à la solution du litige, une décision de la CJUE sur la validité de ces actes n'apparaît nécessaire, ni au regard de la violation alléguée du mandat impératif, ni au regard d'une imprévisibilité des poursuites.

La réponse à la question soulevée ne laisse aucun doute raisonnable au regard des décisions rendues par les juridictions européennes et l'arrêt de la cour d'appel de Paris rendu le 30 septembre 2021, quant à l'absence d'atteinte au mandat impératif ni au regard de l'imprévisibilité des poursuites.

Le tribunal constate notamment qu'aucune mesure citée de ces dispositions réglementaires n'est de nature à entraver la liberté de vote du député européen ni à lui imposer des prises de position

To download the verdict, click on the illustration.

Since then, all French political parties committed to their country's independence—not just the National Rally—have been at odds with the presidency of the European Parliament. The court that convicted Marine Le Pen therefore chose the EP presidency's theory, while the National Rally insisted that not a single cent of public money had been misappropriated and on having acted like many other political parties.

During her trial, Marine Le Pen chose to defend herself by arguing that she had no choice, that she was forced to choose the old concept of the work of MEPs over the new one, because her colleagues refused to allow her to be a full-fledged MEP (the "cordon sanitaire" policy). Since she had no place in Brussels, she chose to do so in her own country.

"This system of defense constitutes, according to the court, a theoretical construct that disregards the rules of the European Parliament, the laws of the Republic, and the court decisions rendered, in particular, during the current judicial investigation, by focusing only on its own principles," the magistrates wrote.

It is important to understand that there are no rules for the European Parliament; the only reference text is the Consolidated Treaty of the EU, which still sets the seat of the European Parliament in Strasbourg and not in Brussels.—

It is important to understand that the only reference text, the Consolidated Treaty of the EU, still sets the seat of the European Parliament in Strasbourg and not in Brussels. The position of the French MEPs is therefore the only one consistent with the texts. On the merits, the judges did not rule in law, and, regarding the presidential favorite, they could not take interim measures because Marine Le Pen is no longer an MEP and therefore cannot "repeat the offense," according to their interpretation of the facts.

By convicting Marine Le Pen, the court not only deprived her of her right to run for president, it also deprived French elected officials of the right to challenge Parliament's subjugation to NATO.

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Translation

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