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PRESS RELEASE

[Legal decision]

Ineligibility with provisional enforcement: only a definitive conviction can end an MEP's term of office

The Conseil d'État today ruled that Nicolas Bay and Catherine Griset should retain their MEP mandates, despite their provisional ineligibility sentences handed down by the judicial court of Paris on 31 March. **The case was brought before the Conseil d'État by a private individual in their role as voter. The Conseil d'État noted that, under national and European Union law, the disqualification of a representative to the European Parliament by an ineligibility sentence can only result from a definitive conviction. This was not the case for Mr Bay and Ms Griset, who have appealed their convictions.**

On 31 March 2025, Nicolas Bay and Catherine Griset, Members of the European Parliament, were sentenced by the judicial court of Paris to three years' and two years' ineligibility respectively, with provisional enforcement, i.e. with immediate effect. A private individual, in their role as voter, petitioned the Conseil d'État to order the Prime Minister to issue a decree stating that the ineligibility of Mr Bay and Ms Griset ended their mandates as representatives at the European Parliament.

The Conseil d'État ruled that the disqualification of a representative to the European Parliament by an ineligibility ruling can only result from a definitive conviction. However, Mr Bay and Ms Griset have lodged an appeal against the judgement returned by the judicial court of Paris on 31 March 2025, which is not, therefore, definitive.

The Conseil d'État noted that the law on the election of representatives to the European Parliament is intended to apply the same system of ineligibility to representatives at the European Parliament as that applicable to French members of parliament. However, as the Constitutional Council has consistently ruled, the provisional execution of an ineligibility sentence has no effect on a current French parliamentary mandate and only a definitive conviction can strip such an elected official of their mandate. The Conseil d'État considered that the application of this rule to representatives at the European Parliament was justified by their duties, which include participating in the process of adopting texts of European Union law, which the Constitution provides must be incorporated into national law. They also have extensive powers of scrutiny over the European Commission, especially when they are sworn in or when a motion of censure is adopted, and enjoy the immunities granted to Members of the European Parliament and Senators in France during European Parliament sessions.

On these grounds, the Conseil d'État ruled that the Prime Minister could not lawfully issue a decree declaring ineligibility following a conviction which, even if executed immediately, is not final.

Decision No. 505689 of 17 October 2025