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PRESS RELEASE

[Legal decisions]

Provisional enforcement of an ineligibility sentence: Marine Le Pen's appeal to the Conseil d'Etat against legislative provisions rejected

After a refusal from the Prime Minister, Mrs Le Pen brought the matter before the Conseil d'Etat, petitioning it to repeal the regulatory provisions of the French Electoral Code and to challenge the legislative provisions on the provisional enforcement of an ineligibility sentence using a priority question on constitutionality (QPC). The Conseil d'Etat today rejected this appeal because it did not seek the repeal of regulatory provisions, but rather the amendment of the law itself, which exceeds the powers of the Prime Minister, who could, therefore, only reject Mrs Le Pen's petition.

Challenging the legislative provisions relating to the provisional enforcement of an additional ineligibility sentence and the system of ineligibility for presidential, legislative and senatorial elections, Mrs Le Pen lodged an appeal and a QPC with the Conseil d'Etat. As part of this, the applicant requested the repeal or amendment of a series of regulatory articles in the French Electoral Code and the Decree of 8 March 2001 relating to the presidential election, which the Prime Minister had initially refused to proceed with.

The Conseil d'Etat found that the regulatory provisions challenged by the appeal either did not exist or were irrelevant to the provisional enforcement of the additional ineligibility sentence. The matter does not fall within the scope of the regulations, but rather within the remit of the law or organic law. The Conseil d'Etat ruled that the aim of the appeal was the repeal or amendment of regulatory provisions, but rather the amendment of the law and the organic law. As the Prime Minister did not have the power to do this, he could only reject the petition and the Conseil d'État could only reject Mrs Le Pen's appeal and, consequently, not pass her QPC on to the Conseil Constitutionnel.

Decision No. 506106 - Mrs Le Pen, 15 October 2025