Request for the waiver of the immunity of Jean-Marie Le Pen

2018/2247(IMM) - 12/03/2019 - Text adopted by Parliament, single reading

The European Parliament decided to waive the immunity of Jean-Marie LE PEN (NI, FR).

To recall, the request for waiver of the immunity of Jean-Marie Le Pen was forwarded on 5 September 2018 by the Ministry of Justice of the French Republic on the basis of a request made by the Prosecutor-General at the Paris Court of Appeal, in connection with a case pending before the Examining Magistrates pertaining to alleged offences of breach of trust, concealment of breach of trust, fraud by an organised group, forgery and the use of forged documents, and concealed work by concealment of employees, in relation to the employment conditions of parliamentary assistants.

The Examining Magistrates at the Paris Regional Court have requested the waiver of the parliamentary immunity of Jean-Marie Le Pen in order to hear him in connection with alleged offences.

Parliament noted the following points:

- during a search conducted at the headquarters of the Front National in February 2016, a number of documents were seized in the office of the treasurer of the Front National, which bore witness to the party' s desire to make 'savings' through the European Parliament's defrayal of the remuneration of employees of the party by virtue of their capacity as parliamentary assistants;

- the Front National's establishment plan, published in February 2015, listed only 15 Members of the European Parliament (of a total of 23), 21 local parliamentary assistants and 5 accredited parliamentary assistants (of a total of 54 assistants). The investigations also revealed circumstances, particularly the accumulation of employment contracts of European parliamentary assistants, that made it seem unlikely that the parliamentary assistants concerned were genuinely performing duties connected with the European Parliament;

- the investigation revealed that in his capacity as Member of the European Parliament, Jean-Marie Le Pen employed a parliamentary assistant in 2011, but the parliamentary assistant in question told investigators that he had worked on the election campaign of another Member during the period concerned, and that Jean-Marie Le Pen arranged for the payment of parliamentary assistants' salaries to three other people, although they had done virtually no work whatsoever in that capacity;

- the investigation also revealed that in his capacity as President of the Front National at the time of the alleged offences, Jean-Marie Le Pen established a system, brought to light by the European Parliament, of using EU funds to pay for some of the Front National's employees through parliamentary contracts with people who, in reality, had worked for the party, thereby infringing the EU rules in force'.

Parliament found that there is no evidence of or any reason to suspect *fumus persecutionis*, i.e. a sufficiently serious and precise suspicion that the proceedings have been brought with the intention of causing the Member political damage.