



Press and Information

General Court of the European Union

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Orders of the President of the General Court for interim measures in Cases
T-140/16 R II Jean-Marie Le Pen v European Parliament,
T-624/16 R Bruno Gollnisch v European Parliament, and
T-626/16 R Mylène Troszczynski v European Parliament

The President of the General Court of the EU does not suspend the operation of the decisions of the European Parliament to recover from Mr Jean-Marie Le Pen, Mr Bruno Gollnisch and Ms Mylène Troszczynski sums paid in respect of salaries for local parliamentary assistants

The Members concerned have not proved that those decisions affect their ability to exercise their mandate effectively in such a way that any urgency has been established

Mr Jean-Marie Le Pen has been a Member of the European Parliament since 1984. In January 2016, the Parliament decided that the sum of **€320 026.23** had been unduly paid in respect of parliamentary assistance and should be recovered from him.¹ That amount represents payments made by the Parliament in respect of a member of staff engaged by Mr Le Pen as a local parliamentary assistant, and relates to the whole of the 7th legislative term. Shortly after notification of the first order for interim measures, the Parliament started the process of recovery by offsetting, by way of a monthly levy of 50% of Mr Le Pen's parliamentary allowance, 100% of his general expenditure allowance and 50% of his subsistence allowance.

Mr Bruno Gollnisch has been a Member of the European Parliament since 1989. In July 2016, the Parliament decided that the sum of **€275 984.23** had been unduly paid in respect of parliamentary assistance and should be recovered from him. That amount represents payments made by the Parliament in respect of a member of staff engaged by Mr Gollnisch as a local parliamentary assistant, and covers the period from July 2011 to June 2015. The Parliament subsequently started the process of recovery by offsetting, by way of a monthly levy of 50% of Mr Gollnisch's parliamentary allowance, 100% of his general expenditure allowance and 50% of his subsistence allowance.

Ms Mylène Troszczynski has been a Member of the European Parliament since 2014. In June 2016, the Parliament decided that the sum of **€56 554** had been unduly paid in respect of parliamentary assistance and should be recovered from her. The Parliament subsequently started the process of recovery by offsetting, by way of a monthly levy of 50% of Ms Troszczynski's parliamentary allowance.

These three Members of the European Parliament brought an action before the General Court for annulment of the European Parliament's decisions to recover the sums allegedly unduly paid. At the same time, each of the three Members also made an application for interim measures to the President of the General Court with a view to suspending the operation of those decisions, arguing, in essence, that recovery of the sums claimed would prevent them from being able to exercise their parliamentary mandate effectively and independently. Today's orders relate to those applications for interim measures, not to the actions for annulment as such.

¹ In 2016, Mr Le Pen had already lodged a first application for interim measures seeking suspension of the operation of that decision of the Parliament. By [order](#) of 22 April 2016 (available only in French), the President of the General Court of the EU refused the application for interim measures for lack of urgency. Not only had Mr Le Pen failed to provide information about his financial situation, but the President of the General Court established, inter alia, that, in any event, the adoption of an offsetting measure did not appear to be imminent.

By these orders, the President of the General Court has refused the three applications for interim measures.

In all three cases, the President of the General Court finds that according to both the rules that apply to Members of the European Parliament, and to the Parliament's actual practice, recovery by offsetting must always involve a weighing-up, on the one hand, of the institution's obligation to recover sums unduly paid and, on the other, of the obligation to safeguard the relevant Member's ability to exercise his or her mandate effectively. Accordingly, **the fact that the Parliament is taking steps to recover money by offsetting cannot be regarded, in itself, as an act capable of affecting the relevant Members' ability to exercise their mandate as Members of the European Parliament effectively** and entirely independently.

The President of the General Court notes, moreover, that, as regards the monthly levy of 50% of their parliamentary allowance, **the three Members have not explained how that reduction would have the effect of preventing them from performing their full parliamentary duties**. As regards the monthly levy of 100% of the general expenditure allowance and 50% of the subsistence allowance, the President of the General Court notes that **the two Members concerned (Mr Le Pen and Mr Gollnisch) are allowed to claim reimbursement of expenses actually incurred**, which thus ensures that there is no impediment to their exercising their mandate effectively.

The President of the General Court concludes that, in the absence of urgency, it is not necessary to suspend the operation of the contested decisions pending delivery of the judgments that will determine the main actions brought against those decisions and seeking their annulment.

NOTE: The General Court will deliver final judgment on the substance of this case at a later date. An order as to interim measures is without prejudice to the outcome of the main proceedings. An appeal, limited to points of law only, may be brought before the President of the Court of Justice against the decision of the President of the General Court within two months of notification of the decision.

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The [full text](#) of the order is published on the CURIA website.

Press contact: Holly Gallagher ☎ (+352) 4303 3355