

**CFI (Court of First Instance) Judgement of 10 April 2003,
Le Pen v. European Parliament, case T-353/00, (excerpts)**

(...)

§ 95. The applicant's arguments, first, that Article 5 of the 1977 Law compromises parliamentary independence and constitutes an intolerable interference in its functions and, second, that there is a general principle that 'the disqualification must be declared by the parliamentary assembly concerned', are unfounded. As has already been pointed out in paragraph 83 above, it is plain from the express wording of the first subparagraph of Article 12(2) of the 1976 Act that a seat of a Member of the European Parliament may become vacant pursuant to the 'national provisions in force in a Member State'. Since no uniform electoral procedure had been adopted at the material time, that provision, and therefore the 1977 Law, were fully applicable. Whatever the development of the Parliament's powers, new powers cannot render inapplicable provisions of primary law, such as the 1976 Act, in the absence of express repeal by a text of equal rank.

(...)