

**CONSEIL D'ÉTAT**  
ruling as the  
Supreme  
Administrative Court

**Nos 512694, 512695, 512981, 512983**

**FRENCH REPUBLIC**

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**ON BEHALF OF THE FRENCH PEOPLE**

THE ASSOCIATION LA FRANCE  
INSOUMISE  
THE ASSOCIATION UNION DES  
DROITES POUR LA REPUBLIQUE and  
Mr B...

The Conseil d'État, ruling as the Supreme Administrative  
Court  
(Litigation Section, 2nd and 7th Chambers combined)

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Mr Alexandre Trémolière  
Reporting Judge (Rapporteur)

Based on the report of the 2nd Chamber  
of the Litigation Section

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Mr Clément Malverti  
Consultant Judge (Rapporteur public)

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Session of 25 February 2026  
Decision of 27 February 2026

Having regard to the following proceedings:

(1) Under no 512694, by an application and a memorandum in reply, registered on 13 and 23 February 2026 with the Litigation Secretariat of the Conseil d'État, the association La France Insoumise (LFI), requested that the Conseil d'État:

1) quash as ultra vires Circular INTP2602966C of the French Minister of the Interior on 2 February 2026 on the assignment of political classifications to candidates standing in the municipal, intermunicipal, Lyon Metropolitan and district (arrondissement) elections on 15 and 22 March 2026;

2) order the State to pay the sum of €5,000 under Article L. 761-1 of the French Code of Administrative Justice.

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(2) Under no 512695, by an application, registered on 13 February 2026 with the litigation secretariat of the Conseil d'État, the association La France Insoumise requested that the Conseil d'État, ruling under the provisions of Article L. 521-1 of the French Code of Administrative Justice:

- 1) suspend the implementation of the circular in question;
- 2) order the French Minister of the Interior to include it in the “left-wing” political bloc in that circular;
- 3) order the State to pay the sum of €5,000 under Article L. 761-1 of the French Code of Administrative Justice.

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(3) Under no 512981, by an application and a new statement of case, registered on 20 and 24 February 2026 with the Litigation Secretariat of the Conseil d'État, the association Union des droites pour la République (UDR) and Mr A... B... requested that the Conseil d'État:

- 1) quash as ultra vires Circular INTP2602966C of the French Minister of the Interior on 2 February 2026 on the assignment of political classifications to candidates standing in the municipal, intermunicipal, Lyon Metropolitan and district elections on 15 and 22 March 2026;
- 2) order the State to pay the sum of €8,000 under Article L. 761-1 of the French Code of Administrative Justice.

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(4) Under no 512983, by an application and a new statement of case, registered on 20 and 24 February 2026 with the Litigation Secretariat of the Conseil d'État, the association Union des droites pour la République (UDR) and Mr A... B... requested that the Conseil d'État, ruling under the provisions of Article L. 521-1 of the French Code of Administrative Justice:

- 1) suspend the implementation of the circular in question;
- 2) order the State to pay the sum of €8,000 under Article L. 761-1 of the French Code of Administrative Justice.

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Having regard to the other evidence adduced;

Having regard to:

- the French Constitution;
- the French Electoral Code;
- the French Code Governing the Relationship between Citizens and the Administrative Authorities;
- French Decree no 2014-1479 of 9 December 2014;
- the French Code of Administrative Justice;

Having heard, in open court:

- the report by Mr Alexandre Trémolière, Master of Petitions in extraordinary service,
- the legal opinion of Mr Clément Malverti, Consultant Judge,

SCP Lyon-Caen, Thiriez, counsel for the association La France Insoumise, having addressed the court after the legal opinions;

Having regard to the post-hearing memorandum, registered on 25 February 2026, submitted by the association La France Insoumise;

Having regard to the post-hearing memorandum, filed on 26 February 2026, submitted by the association Union des droites pour la République and Mr A... B...;

Whereas:

1. The applications of the association La France Insoumise (LFI), the association Union des droites pour la République (UDR) and Mr B... are directed against the same circular. There are grounds for joining them together in order to hand down a ruling in a single decision.

Concerning the application to quash:

2. By virtue of his power to organise the departments under his authority, the French Minister of the Interior may, for the preparation and conduct of electoral operations, and with a view to implementing the two automated personal data processing systems known as “Application élection” (Election Application) and “Répertoire national des élus” (National Register of Elected Representatives), governed by the provisions of the Decree of 9 December 2014 referred to above, establish a political classification system designed to enable the

aggregation of election results necessary for the provision of information to public authorities and citizens.

3. On that basis, the French Minister of the Interior sent prefects and high commissioners the challenged circular of 2 February 2026 on the assignment of political classifications to candidates standing in the municipal, intermunicipal, Lyon Metropolitan and district elections on 15 and 22 March 2026. These political classifications, which differ from the political label freely chosen by each candidate, are determined on the basis of two tables of political categories: one for candidates and the other for party lists. These two tables are supplemented by two further tables grouping political classifications into blocs based on ideological divides, known as “far-left-wing”, “left-wing”, “other”, “centre”, “right-wing” and “far-right-wing”.

4. Annex 1 of the challenged circular thus sets out a table of twenty-six individual designations, including, in particular, the classification “FI/La France insoumise”, assigned to candidates endorsed by LFI, and the classification “UDR/Union des Droites pour la République”, assigned to candidates endorsed by the UDR. Annex 2 of the circular sets out a table of twenty-five list classifications, including, in particular, the classification “LFI/La France insoumise”, assigned to lists endorsed by LFI, and the classification “LUDR/Union des droites pour la République”, assigned to lists endorsed by the UDR. Annex 3 of the circular sets out the tables grouping the individual and list political classifications into blocs based on ideological divides. In particular, the LFI classification is assigned to the “far-left-wing” bloc, and the UDR classification is assigned to the “far-right-wing” bloc.

5. Firstly, the individual decision by which a prefect assigns a classification to a candidate constitutes neither a measure taken with regard to the individual concerned nor a decision that must be justified in accordance with Article L. 211-2 of the French Code governing the Relationship between Citizens and the Administrative Authorities. Consequently, point 4 of the challenged circular, in so far as it does not provide for adversarial proceedings to precede the adoption of such a decision, does not contravene Article L. 121-1 of that Code, nor does it contravene the general principle of the right of defence. Furthermore, the intervention of the challenged circular, which has the character of a regulatory instrument – including insofar as it categorises a classification within a bloc based on ideological divides – did not itself need to be preceded by adversarial proceedings.

6. Secondly, although the applicants submit that the circular they are challenging contravenes the provisions of Articles 5, 6, 9 and 16 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, on the ground that the assignment of a political classification would disregard, respectively, the principles of fairness, purpose limitation and data minimisation, the lawfulness of processing in the absence of a public-interest remit, the necessity of processing personal data revealing political opinions, and the right to rectification of data processed, those grounds are ineffective, since the purpose of the circular at issue is not to create any data-processing operation. Nor can they be validly relied upon to challenge, by way of exception, the legality of the Decree of 9 December 2014, given that the challenged circular was not adopted for the implementation of, or on the basis of, that Decree, but on the basis of the regulatory power vested in the French Minister of the Interior to organise the departments under his authority.

7. Thirdly, while the applicants dispute that the circular restricted the assignment of political classifications to candidates and candidate lists in municipalities with

more than 3,500 inhabitants, as well as in the chief towns of districts (arrondissements), the evidence shows that this threshold of 3,500 inhabitants has been adopted by every circular concerning the assignment of classifications for municipal elections since 1982, with the exception of those for 2014, for which it had been lowered to 1,000 inhabitants, and that taking account of the results in municipalities with a population below the 3,500-inhabitant threshold would lead to an irrelevant over-representation of the “other” category, given the predominantly local nature of the issues at stake in the poll in those municipalities. Consequently, the applicants are not justified in arguing that the setting of this threshold is, in view of the objective of providing information to public authorities and citizens, vitiated by a manifest error of judgement.

8. Fourthly, it does not follow from the provisions of Article 4 of the French Constitution, under which “*Political parties and groups (...) shall be formed and carry out their activities freely*”, that the challenged circular could not have been issued without the consent of the political groupings concerned.

9. Fifthly, with regard to the assignment to blocs based on ideological divides resulting from the circular and challenged by the applicants, the evidence shows that, as stated in point 3, the challenged circular grouped, with a view to enabling the aggregation of results necessary to inform the public authorities and citizens, the individual and list classifications for the municipal elections of 15 and 22 March 2026 into six blocs based on ideological divides designated as “far-left-wing”, “left-wing”, “other”, “centre”, “right-wing” and “far-right-wing”. These blocs group political classifications by reference to their respective positioning, classifying them in relation to one another across the entire political spectrum. By dividing the political landscape in this way and adopting names for each of these blocs based on ideological divides, for which it is not disputed that these names present, in summary form, the divides along the left-right axis, nor is it alleged that they manifestly fail to reflect the main political divides, the French Minister of the Interior did not commit a manifest error in its assessment.

10. While the association La France Insoumise maintains that the assignment of the candidates and lists it has endorsed to the “far-left-wing” bloc does not reflect its political stance, the evidence does not show that, given the purpose of categorisation into blocs based on ideological divides – which is to position political groupings across the entire political spectrum – the assignment set out in the challenged circular is manifestly incorrect in the light of its political positioning in relation to the political groupings falling within the “left-wing” political bloc. Furthermore, it is well established that, for the local elections held on 15 and 22 March 2026, this political grouping endorsed – especially in the more populous municipalities – candidates and lists under the “FI/La France insoumise” and “LFI/La France insoumise” classifications, separately from the candidates and lists endorsed or supported by the political groupings whose classifications are grouped within the “left-wing” bloc. In the circumstances prevailing at the time of the challenged circular relating to the March 2026 local elections, the French Minister of the Interior, who was not required, in determining the blocs based on ideological divides to which these sub-categories are linked, to refer to the alliances formed by La France insoumise during previous elections, did not vitiate his assessment with any manifest error of assessment, since the purpose of the political classifications and blocs, as has been stated, is to enable the aggregation of results from a specific election and not primarily to make comparisons between different elections.

11. While, for their part, the association Union des droites pour la République and Mr B... dispute the assignment of the classification of the candidates and lists endorsed by that political grouping to the “far-right-wing” bloc, the evidence does not show that, having

regard to the purpose of that assignment, the name of this bloc is manifestly unrelated to that grouping's political positioning. The evidence also shows that, for the elections on 15 and 22 March 2026, the UDR was allied with the Rassemblement National, whose lists and candidates are classified, under the challenged circular, within the "far-right-wing" bloc.

12. It follows from the foregoing that the association La France insoumise, the association Union des droites pour la République and Mr B... are not entitled to submit that the assignment of the classification adopted for the candidates and lists which they have endorsed to the "far-left-wing" bloc, for the classification corresponding to LFI, and "far-right-wing" bloc, for the classification corresponding to the UDR, respectively, is vitiated by a manifest error of assessment, nor that it could be regarded, in the circumstances of this case, as likely to affect the fairness of the poll.

13. Lastly, the fact that the "far-right-wing" label is challenged by the UDR and Mr B..., who argue that it carries negative connotations, is not in itself sufficient to establish that this political classification was assigned for reasons unrelated to the circular's purpose of informing the public authorities and citizens, or that the circular is vitiated by bias, partisan favouritism, a breach of the obligation of neutrality or a misuse of power.

14. It follows from all of the foregoing that the submissions of the association La France insoumise, on the one hand, and of the association Union des droites pour la République and Mr B..., on the other, seeking the quashing as ultra vires of the circular they are challenging, must be dismissed.

Concerning the submissions seeking suspension:

15. Since this decision rules on the submissions seeking the quashing of the circular of the French Minister of the Interior of 2 February 2026, the applications seeking the interim suspension of the implementation of that circular under the provisions of Article L. 521-1 of the French Code of Administrative Justice have become devoid of purpose. There is therefore no longer any reason to rule on them.

Concerning the costs of the proceedings:

16. The provisions of Article L. 761-1 of the French Code of Administrative Justice preclude the State, which is not the losing party in these proceedings, from being ordered to pay any sum in this respect.

OPERATIVE PROVISIONS:

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Article 1: Application no 512694 brought by the association La France Insoumise, together with its submissions under Article L. 761-1 of the French Code of Administrative Justice set out in its application no 512695, are dismissed.

Article 2: Application no 512981 brought by the association Union des droites pour la République and Mr B..., together with their submissions under Article L. 761-1 of the French Code of Administrative Justice set out in their application no 512983, are dismissed.

Article 3: There is no need to rule on the submissions of the association La France Insoumise in its application no 512695, and of the association Union des droites pour la République and Mr B... in their application no 512983, seeking the suspension of the implementation of the circular of the French Minister of the Interior on 2 February 2026.

Article 4: This decision shall be notified to the association La France insoumise, the association Union des droites pour la République, Mr A... B... and the French Minister of the Interior.