Priority question for written answer P-003224/2025/rev.1
to the Commission
Rule 144
Raquel García Hermida-Van Der Walle (Renew)

Subject: Follow-up to CJEU judgment on access to text messages

On 1 August 2025, over two months after the judgment of the Court of Justice of the European Union (CJEU) annulling the Commission's decision not to give (partial) access to text messages exchanged between Commission President Ursula von der Leyen and Pfizer CEO Albert Bourla[1], it was revealed that the Commission lost the messages only after journalists filed an access to documents request for them[2].

According to the Commission, 'since the content of these text messages was short-lived and did not require any follow-up by the Commission and its services, at that time the cabinet of the President concluded that they do not fulfil the registration criteria set out in [Commission Decision (EU) 2021/2121 on records management and archives[3]]'.

1. Can the Commission say why von der Leyen's cabinet decided to lose or delete the messages, even though an access to documents request had already been filed?

2. Has the Commission ever registered any text messages from Commissioners or Commission staff in its records management and archives system?

3. Does the Commission agree that losing or deleting a document only because of the mere action of declaring a document 'short-lived' fundamentally undermines the principle of transparency and good governance, and that this case may be a dangerous precedent for future handling of access to documents requests? If so, will the Commission update its management of records and archives and bring it in line with the Access to documents Regulation[4]?

Submitted: 12.8.2025

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1 Judgment of the General Court of 14 May 2025, Stevi and The New York Times v Commission, T-36/23, ECLI:EU:T:2025:483.

2 https://www.nytimes.com/interactive/2025/08/01/world/europe/eu-response-doc.html; https://www.ftm.eu/articles/pfizergate-text-messages-deleted-after-access-request.

3 Commission Decision (EU) 2021/2121 of 6 July 2020 on records management and archives (OJ L 430, 2.12.2021, pp. 30, ELI: http://data.europa.eu/eli/dec/2021/2121/oj).

4 Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents explicitly defines a 'document' as 'any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility'.