(English version)

Question for written answer E-000179/25
to the Commission
Moritz Körner (Renew)
(16 January 2025)

Subject: Exchanges of messages

The Commission suspects fragrance giant International Flavors & Fragrances Inc. of price fixing. Because one of its employees deleted exchanges of messages, the company must now pay an eight-figure fine.

1. Does the Commission forbid its staff, President and Commissioners from deleting potentially relevant WhatsApp and text messages?

2. If the Commission does have such a rule, when was it introduced?

3. If the Commission does not have such a rule, why not?

Submitted: 16.1.2025

Answer given by Mr Šefčovič on behalf of the European Commission
(14 April 2025)

1. In accordance with Article 5(1) of the Detailed Rules for the application of Regulation (EC) No 1049/2001 ([1]), annexed to the Rules of Procedure of the Commission ([2]) (hereinafter, the Detailed Rules), 'Any content that constitutes important information that is not short-lived shall be registered pursuant to Article 7 of Commission Decision (EU) 2021/2121' ([3]). On this basis, the President of the Commission, the Commissioners and the Commission staff are not expected to keep and register text messages unless they satisfy the criteria of Article 7(1) of Commission Decision (EU) 2021/2121. It must also be noted that, pursuant to Article 5(4) of the Detailed Rules, text messaging applications on corporate mobile phones shall not be used for important information that is not short-lived, unless where this is strictly required in the interest of the service. The same provision states that text messaging applications shall comply with the Commission's information technology security recommendations for the automatic disappearance of messages. Commission guidelines for acceptable use of public instant messaging applications recommend to have recourse to Signal as the preferred instant messaging application.

2. and 3. The most recent rules have been introduced by the Detailed Rules, which apply as from 6 December 2024. They provide in Article 5 rules for the registration of documents and the deletion of unregistered content. Any content that constitutes important information that is not short-lived shall be registered pursuant to Article 7 of Commission Decision (EU) 2021/2121; if not, it does not need to be registered and kept.

([1]) 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, OJ L 145, 31/05/2001, p. 43-48, https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32001R1049

([2]) Commission Decision (EU) 2024/3080 of 4 December 2024 establishing the Rules of Procedure of the Commission and amending Decision C(2000) 3614, OJ L, 2024/3080, 5.12.2024, http://data.europa.eu/eli/dec/2024/3080/oj

([3]) Commission Decision (EU) 2021/2121 of 6 July 2020 on records management and archives, OJ L 430, 2.12.2021, p. 30-41, https://eur-lex.europa.eu/eli/dec/2021/2121/oj/eng