

(English version)

**Question for written answer E-002617/26
to the Commission
Fabio De Masi (NI)
(24 June 2026)**

Subject: Transparency regarding the use of instant messaging services

The European Ombudsman is currently conducting an inquiry into the Commission's handling of requests for access to text messages ⁽¹⁾. This concerns, *inter alia*, a group chat between Commission President Ursula von der Leyen ('Washington Group') with a number of Heads of State or Government. In this connection, the question arises as to how the rights to access documents under Regulation (EC) No 1049/2001 are effectively safeguarded also with regard to informal communication channels.

1. How does the Commission ensure that text messages and other forms of electronic communication containing information related to the institution's activities, competences or decisions are identified, registered and, where appropriate, stored, so that the right of access to documents enshrined in Regulation (EC) No 1049/2001 is not undermined by the use of informal or ephemeral means of communication?
2. Can the Commission confirm that text messages or other electronic messages between the President of the Commission and Heads of State or Government of Member States or of third countries — in so far as they serve the purposes of policy coordination, the preparation of decisions or the performance of institutional tasks — are as a rule subject to an assessment regarding registration and record-keeping obligations and are not automatically excluded from the documentation and transparency requirements from the outset solely as a result of the means of communication used or of any automatic deletion functions activated?

Submitted: 24.6.2026

**Answer given by Mr Šefčovič on behalf of the European Commission
(21 August 2026)**

1. Commission Decision (EU) 2021/2121 ⁽¹⁾ and internal guidelines set out the criteria for registering documents. Article 5(1) of the Detailed rules for the application of Regulation (EC) No 1049/2001 establishes that 'any content that constitutes important information that is not short-lived shall be registered pursuant to Article 7 of Commission Decision 2021/2121' ⁽²⁾.

On 20 January 2026, the President of the General Court confirmed that the Detailed Rules, adopted by the Commission to comply with the duty to keep documentation of its work in a comprehensive and non-arbitrary manner, comply with that duty ⁽³⁾.

2. The Commission confirms that text and instant messages are not automatically excluded from the rules mentioned by the Honourable Member.

¹ <https://www.ftm.eu/articles/european-ombudsman-opens-investigation-into-text-messages-von-der-leyen>.

⁽¹⁾ Commission Decision (EU) 2021/2121 of 6 July 2020 on records management and archives, <https://eur-lex.europa.eu/eli/dec/2021/2121/oj/eng>.

⁽²⁾ Commission Decision (EU) 2024/3080 of 4 December 2024 establishing the Rules of Procedure of the Commission and amending Decision C(2000) 3614, <https://eur-lex.europa.eu/eli/dec/2024/3080/oj>.

⁽³⁾ See points 21 to 30 of the Order in T-784/25 R, <https://juris.curia.europa.eu/juris/document/document.jsf?text=&docid=307870&pageIndex=0&doclang=FR&mode=lst&dir=&occ=first&part=1&cid=3279581>.