

(English version)

**Priority question for written answer P-003224/25
to the Commission
Raquel García Hermida-Van Der Walle (Renew)
(12 August 2025)**

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

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

1. On 28 July 2025, the Commission adopted a new confirmatory decision C(2025) 5429, implementing the judgment rendered by the General Court in case T-36/23 on 14 May 2025 to which the Honourable Members referred. The Commission would like to refer the Honourable Member to this decision publicly available on the Electronic Access to Commission Documents Portal ⁽¹⁾. This decision explains why the text messages in question did not fulfil the registration criteria set out in the Commission rules for communication to be registered and kept. These rules were established long before the submission of the respective request of access to document.
2. It is not possible to ascertain this, as the records management system of the Commission does not identify whether the form or typology of a registered document was an instant text message.
3. The Commission rules on records management and archives (Decision (EU) 2021/2121 ⁽²⁾) aim at putting in place a complete and effective document management system. In this connection, these rules provide registration criteria which are the necessary tool for the Commission to first identify, then archive and finally retrieve in a fully reliable manner the documents that are held by the Commission, because they have an importance for its functioning and the implementation of its policies, thus ensuring that the overall system remains manageable and under control. The cited judgment of the General Court in case T-36/23 did not put into question the Commission's registration policy for documents including text messages. Therefore, the Commission considers that its rules on records management and archives are fully in line with the requirements of the regulation on public access to documents.

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'.

⁽¹⁾ <https://ec.europa.eu/transparency/documents-request/search/document-details/16708>.

⁽²⁾ <https://eur-lex.europa.eu/eli/dec/2021/2121/oj/eng>.