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Answer given by Mr Šefčovič
on behalf of the European Commission
(20.5.2026)

In its judgment of 14 May 2025 in Case T-36/23¹, the General Court concluded that the Commission had failed to provide a sufficiently detailed explanation in its decision on a public access request as to why it did not hold the documents requested. The General Court did not, however, put into question the Commission's registration policy regarding access to documents, nor did it determine any breach of transparency obligations that would be attributable to the President of the Commission.

On 28 July 2025, the Commission adopted a new confirmatory decision², which provided a more detailed explanation on the search process, thereby implementing the judgment of the General Court.

In order to ensure greater certainty for the Commission in the application of Regulation (EC) No 1049/2001³ and record management rules, the Commission has issued internal guidance on the existing rules governing the use of text messaging applications and document registration.

These rules are laid down in Article 7 of Commission Decision (EU) 2021/2121 on records management and archives⁴, and in Article 5 of the detailed rules for the application of Regulation (EC) No 1049/2001, annexed to the Rules of Procedure of the Commission⁵. The guidelines on document registration complement these legal acts.

The Commission stands for the highest standards of transparency across its activities and decision-making processes. Commission staff consistently apply the rules on records management and archives as well as the institution's information technology security recommendations for the acceptable use of public instant messaging applications and any other corporate communication tool.

¹ Judgment of the General Court (Grand Chamber) of 14 May 2025, *Matina Stevi and The New York Times Company v European Commission*, T-36/23, EU:T:2025:483.

² Decision C(2025) 5429: <https://ec.europa.eu/transparency/documents-request/search/document-details/16708>, and its Annex: <https://ec.europa.eu/transparency/documents-request/search/document-details/16710>.

³ 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, 31.5.2001, pp. 43–48.

⁴ Commission Decision (EU) 2021/2121 of 6 July 2020 on records management and archives, OJ L 430, 2.12.2021, pp. 30–41.

⁵ 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.