



EUROPEAN COMMISSION

Brussels, 28.7.2025

C(2025) 5430 final

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 11 OF THE DETAILED RULES FOR THE APPLICATION OF REGULATION (EC) NO 1049/2001, ANNEXED TO THE RULES OF PROCEDURE OF THE COMMISSION<sup>1</sup>**

**Subject: Your confirmatory application for access to documents under Regulation (EC) No 1049/2001 – EASE 2024/0618**

Dear [REDACTED],

I refer to your confirmatory application of 14 May 2025 in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>2</sup> (hereafter ‘Regulation (EC) No 1049/2001’), by which you have requested ‘*access to the text message sent by French President Emmanuel Macron to President Ursula von der Leyen last week regarding the Mercosur trade deal, according to a report by Politico on January 30 [2024]*’.

1. You have shared with us a report by the website Politico. In that report, the author claims as follows: “*With one private text message to European Commission President Ursula von der Leyen, Emmanuel Macron attempted to blow up a trade deal with the Mercosur group of Latin American countries that has been two decades in the making. [...] Macron, the EU leader who most strongly opposes the Mercosur pact, wants to shield French agriculture from an influx of Brazilian and Argentinian beef. He put his concerns to her in a text message last week.*”
2. According to the case-law of the General Court, the institutions are obliged, in so far as possible and in a non-arbitrary and predictable manner, to draw up and retain documentation relating to their activities. To comply with that requirement, the Commission has adopted Detailed Rules for the application of Regulation (EC) No 1049/2001, annexed to the Rules of Procedure of the Commission (hereafter ‘Detailed Rules for the application of Regulation (EC) No 1049/2001’)<sup>3</sup>, and Commission Decision

<sup>1</sup> 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, ELI: <http://data.europa.eu/eli/dec/2024/3080/oj>).

<sup>2</sup> OJ L145, 31.05.2001, p. 43.

<sup>3</sup> See footnote 1.

2021/2121 of 6 July 2020 on records management and archives (hereafter ‘Decision 2021/2121’)<sup>4</sup>.

3. According to Article 2(5) of the Detailed Rules for the application of Regulation (EC) No 1049/2001<sup>5</sup>, ‘*document held by the Commission*’ means:
  - (a) any document registered pursuant to Article 7 of Decision 2021/2121 and
  - (b) any other document created in an information technology application controlled and owned by the Commission and stored on a corporate device or on a corporate cloud service, except for documents stored in personal folders for purely personal use outside professional activity.
4. According to Article 7(1) of Decision 2021/2121: ‘*Documents shall be registered if they contain important information which is not short-lived or if they may involve action or follow-up by the Commission or one of its departments*’.
5. Article 5 of the Detailed Rules for the application of Regulation (EC) No 1049/2001 provides more precise rules for the registration of documents; in particular its paragraph 2 contains a non-exhaustive list of contents, which do not meet the requirements of the registration obligation pursuant to Article 7(1) of Decision 2021/2121. Paragraph 2a) mentions as example content that, if not kept, would have no administrative or legal effect for the European Commission.<sup>6</sup>
6. The Commission has carried out an exhaustive search for the text message corresponding to the description given in your request. In particular, the Secretariat-General cooperated very closely with the cabinet of the President of the Commission, but despite these efforts no document corresponding to the description given in your request could be found neither in the records management system of the Commission, nor in any other storage locations under the control of the cabinet.
7. In addition, the head of cabinet of the President looked up the corporate mobile phone currently in use by the President of the Commission. This included the messaging application ‘*Signal*’, which the President of the Commission uses in line with the recommendation in the ‘*Commission guidelines for acceptable use of public instant messaging applications*’ of 1 September 2019<sup>7</sup>. The head of cabinet of the President of the Commission did not find any document corresponding to the description given in your request.
8. The ‘*Commission guidelines for acceptable use of public instant messaging applications*’ stress that for work-related exchanges, ‘*Signal*’ may be used only for communication of publicly available information and in any event not for sensitive or confidential information.

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<sup>4</sup> OJ L 430, 2.12.2021, p. 30.

<sup>5</sup> This provision corresponds to an identical provision in the ‘Guidelines on document registration’ of 16 November 2018.

<sup>6</sup> This provision corresponds to an identical provision in the ‘Guidelines on document registration’ of 16 November 2018.

<sup>7</sup> Those guidelines are attached as Annex 1 to this decision, with personal data redacted.

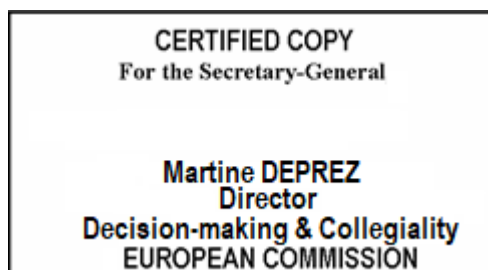


14. Let me also note that, since the text message originates from the President of the French Republic, its possible access in France is governed by the applicable legislation of the French Republic.<sup>12</sup> You might therefore consider addressing your request to the competent authorities of the French Republic.
15. Finally, I draw your attention to the options available for challenging this decision. You may institute proceedings against the Commission before the General Court<sup>13</sup> or submit a complaint to the Ombudsman<sup>14</sup>. The conditions for doing so are laid down in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,

*For the Commission*  
*Ilze JUHANSONE*  
*Secretary-General*

Annexes : 2



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<sup>12</sup> In particular book III, Articles L-300 and following of the *Code des relations entre le public et l'administration*.

<sup>13</sup> For deadlines and other procedural requirements concerning the institution of proceedings at the General Court, please refer to the following page: [http://curia.europa.eu/jcms/jcms/Jo2\\_7040/en/](http://curia.europa.eu/jcms/jcms/Jo2_7040/en/).

<sup>14</sup> Any complaint to the Ombudsman must be made within two years of receiving the Commission's final position on the matter. The Ombudsman's online complaint form is available at: <https://secure.ombudsman.europa.eu/en/atyourservice/secured/complaintform.faces>.