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Answer given by Vice-President Jourová
on behalf of the European Commission
(18.1.2022)

The Commission confirms that its document management policy with regard to instant messaging is in line with Regulation (EC) No 1049/2001¹ on access to documents. Under Article 7(1) of Commission Decision C(2020)4482², '[d]ocuments 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'.

The three key registration criteria are therefore whether:

1. the information relates to the policies, activities or decisions falling within the institution's sphere of responsibility;
2. the information concerned is important and not short-lived;
3. the information concerned has been drawn up or received by the Commission.

Due to their short-lived and ephemeral nature, text and instant messages are not meant to contain important information relating to policies, activities and decisions of the Commission; they therefore neither qualify as a document subject to the Commission record-keeping policy nor are they falling within the scope of Regulation 1049/2001 on access to documents.

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, 31.5.2001.

² https://ec.europa.eu/info/sites/default/files/c_2020_4482_en.pdf