



Ombudswoman opens inquiry into how Commission handled access request for text message concerning Mercosur negotiations

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After receiving a complaint, European Ombudswoman Teresa Anjinho decided to open an inquiry into how the European Commission handled an access to documents request for a text message its President received from the French President regarding trade negotiations with Mercosur countries.

As a first step in the inquiry, the Ombudsman's Office intends to hold a meeting with Commission representatives to clarify the timeline of events.

The Ombudsman's Office has also asked to review documents that detail the steps taken by the Commission in dealing with this access request and that explain the Commission's policies on corporate mobile phone use and the retention of text and instant messages.

Background

In a reply to the complainant's request, the Commission said it could not identify the text message at issue.

The Commission explained that, shortly after the receipt of the text message, it didn't register



the text message at stake because it had no particular administrative or legal effect for the Commission.

As the 'disappearing messages' feature of the instant-messaging application Signal was activated on the President's mobile phone (in line with the Commission guidelines for acceptable use of public instant messaging applications' of 1 September 2019), the Commission added that this explains why the text message could not be found.

In the complainant's view, the Commission should have retained and given public access to the text message, given that it constituted a 'document' within the meaning of Regulation 1049/2001.

The complainant also takes issue with the fact that the Commission did not retain the message *after* receipt of his access request as well as with the Commission's use of Signal's disappearing messages feature.