



## Digital Services Act in Greece

*The rapid development of digital online technology and its high impact on various sectors, such as information, communication and transactions, are constantly posing important challenges for the EU legislator and national legal orders and authorities. The digital landscape is changing rapidly and is confronted with a variety of issues, such as transmission of illegal content, disinformation and harmful activities. In this constantly evolving digital environment, Internet Service Providers (hereinafter “ISPs”) play a central role, mainly because of the mass distribution of digital content, which is carried out through their services. To address these challenges, the European Union adopted the Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act – hereinafter “DSA”) in October 2022.*

The DSA, which updates the e-commerce Directive, maintains the safe harbors provisions; however, it imposes significant new obligations for ISPs and lays out responsibilities and accountability mechanisms. This article deals with the DSA that came into force in February 2024 and significantly changes the Internet landscape (a) and aims to present the main points of the Greek implementing Law no. 5099/2024 (b), as well as the Opinion no. 2/2024 of the Hellenic Data Protection Authority (hereinafter “DPA”) on the draft text of the Greek implementing Law (c).

### **1. DSA; Key provisions, critical obligations and impacts**

**1.1.** The DSA aims to create a safe and transparent digital environment, to protect users’ rights and to facilitate innovation. One of its main aspects is to provide the framework for the conditional exemption from liability of intermediary

service providers, which consist of mere conduit, caching and hosting service providers, while maintaining the rule of no general monitoring or active fact-finding obligation. At the same time, it seeks to establish numerous obligations tailored to specific categories of ISPs.

**1.2.** In particular, the DSA lays out the following requirements that apply to ISPs: the obligation to take action against illegal content and provide information upon receipt of an order from national authorities, the obligation to provide points of contact for Member States’ authorities, the Commission and the Board, as well as point of contact for direct, rapid, not only automated electronic contact for the users, the obligation to designate a legal or natural person to act as their legal representative in one of the Member States, the obligation to provide terms and conditions in relation to the use of their services that are set out in clear and user-friendly language and that are

publicly available in an easily accessible format, as well as transparency reporting obligations that include the publication of reports on any content moderation at least once a year. Moreover, the DSA includes additional provisions that apply to a wide range of categories of providers, namely providers of hosting services, online platforms, online platforms allowing consumers to conclude distance contracts with traders and very large online platforms (hereinafter “VLOPs”) and very large online search engines (hereinafter “VLOSEs”) that manage systemic risks.

**1.3.** It should be noted that the above requirements are subject to strict controls and that non-compliance is threatened with fines that can reach up to 6% of the annual worldwide turnover of the intermediary service provider concerned.

**1.4.** The DSA will have a significant impact on the digital landscape on reducing harmful effects and addressing risks online, limiting the distribution of online illegal content, protecting the minors and reducing the spread of misinformation, while at the same time, it aims to achieve a fair balance between the conflicting rights of users and ISPs.

## **2. Greek Law no. 5099/2024 concerning measures for the implementation of the DSA**

**2.1.** The DSA applies directly to EU Member States, as it constitutes an EU Regulation; however, specific measures need to be adopted in each Member State with respect to the implementation of the DSA. For this purpose, the Greek Parliament voted the Law no. 5099/2024, which is in force as of April 5<sup>th</sup>, 2024.

**2.2.** One of the main objectives of the Law no. 5099/2024 is the designation of the Digital Services Coordinator and the competent authorities, which are given the powers to supervise the ISPs and the enforcement of the DSA. The Hellenic Telecommunications and Post Commission (hereinafter “HTPC”) is designated as the Digital Service Coordinator in Greece and the Greek National Council for Radio and Television (hereinafter “NCRT”)

and the DPA are designated as the relevant competent authorities. The Law no. 5099/2024 defines their specific responsibilities and the framework for their cooperation. Moreover, it is provided that an Advisory Committee on Digital Services will be established at the Ministry of Digital Governance, which will act as an advisory body on digital services issues and that the Cyber Crime Division of the Hellenic Police is the competent law enforcement authority to receive notifications of suspicions of criminal offenses.

**2.3.** Furthermore, the Law no. 5099/2024 provides that the Digital Service Coordinator will create, within six (6) months from the entry into force of this Law, and operate in electronic form a Registry of Intermediary Service Providers and it specifies the categories of ISPs to be registered in it, as well as the necessary information to be included.

**2.4.** As to the sanctions provided, in case ISPs do not comply with the provisions of the DSA and the Law no. 5099/2024, the HTPC, as the Digital Service Coordinator, and NCRT and DPA, as the competent authorities for the supervision of ISPs, may impose fines and periodic penalty payments that are effective, proportionate and dissuasive. With respect to the amount of the fine, it should not exceed the 6% of the annual worldwide turnover of the intermediary service provider concerned in the preceding fiscal year. With respect to the amount of the periodic penalty payment, it should not exceed the 5% of the average daily worldwide turnover or income of the intermediary service provider concerned in the preceding fiscal year. Issues of legal protection are also regulated, in particular the right to take legal action against the decisions issued by the HTPC and the competent authorities before the Administrative Court of Appeal of Athens and the Hellenic Council of State.

**2.5.** The Law no. 5099/2024 aims to adopt the necessary measures for the effective implementation of the DSA in Greece and to “ensure a safe, predictable and trustworthy online environment in

which the transmission of illegal content online is prevented and addressed”<sup>1</sup>.

### **3. Opinion no. 2/2024 of the DPA on the draft text of the Greek implementing Law**

**3.1.** In February 2024, the DPA issued the Opinion no. 2/2024 on the draft text of the Greek Law regarding the implementation of the DSA upon the relevant request of the Ministry of the Digital Governance. Said Opinion includes comments and remarks on specific provisions of this Law and highlights, *inter alia*, that the citizens of the European Union are exposed to increasing risks online that may have harmful social consequences and that the DSA “introduces important safeguards to allow citizens to express themselves in a free way, while enhancing user empowerment in the online environment, as well as the possibility to exercise other fundamental rights, such as the right to effective remedy, the prohibition to discrimination, children’s rights and the protection of personal data and privacy online”<sup>2</sup>.

**3.2.** It cannot be denied that the DSA will have a significant impact on Internet law, digital services and online platforms and it will inevitably create new challenges for the stakeholders of the relevant market. How these challenges will be addressed and how effective the implementation of the DSA in the Member States will be, remains to be seen in the long term.



**TMT & IT  
M&A  
Arbitration & DR  
Employment & Pensions  
Corporate**  
Chara Daouti  
Partner  
[C.Daouti@lambadarioslaw.gr](mailto:C.Daouti@lambadarioslaw.gr)



**TMT & IP**  
  
Lilian Tsirigoti  
Associate  
[L.Tsirigoti@lambadarioslaw.gr](mailto:L.Tsirigoti@lambadarioslaw.gr)

<sup>1</sup> See Regulatory Impact Assessment on the draft law, available at the following online source:

<http://www.opengov.gr/digitalandbrief/wp-content/uploads/downloads/2024/02/27-2-2024-%CE%94%CE%99%CE%91%CE%92%CE%9F%CE%A5%CE%9B%CE%95%CE%A5%CE%A3%CE%97-%CE%91%CE%A3%CE%A5%CE%A1-%CE%A3%CE%A7%CE%9D-%CE%A5%CE%A8%CE%97%CE%94%CE%99-DSA.pdf>

<sup>2</sup> See Opinion no. 2/2024 of the DPA, available at the following online source:

<https://www.dpa.gr/el/enimerwtiko/prakseisArxis/gnomodotisi-epi-toy-shn-shetika-me-ti-lipsi-metron-gia-tin-efarmogi-toy>