



LAW 5099/2024: IMPLEMENTING THE DIGITAL SERVICES ACT IN GREECE

I. The Digital Services Act (Regulation 2022/2065)

The rise of information society services has become integral to the daily lives of EU citizens. The swift evolution of digital technologies online has presented numerous challenges for both EU lawmakers and national legal bodies, including issues such as illegal content, disinformation, and harmful activities. To address these challenges, the European Union had adopted Regulation EU 2022/2065, (the “**Digital Services Act**”), which was subsequently integrated into the Greek legal system through the recently enacted Law 5099/2024 that entered into force on 5 April 2024 (the “**Law**”).

The Digital Services Act aims to enhance transparency in the digital sphere and safeguard users’ rights to foster innovation. It imposes obligations on all digital services facilitating connections between consumers and goods, services and content applying to all intermediary services providers (“**ISPs**”).

The Digital Services Act refers to three (3) categories of intermediary service providers, namely:

- (a) “Mere Conduit” Service Providers:** These providers offer services that primarily involve the transmission of information provided by users through a communication network. Notable market players in this category include telecommunications companies like Vodafone, as well as internet service providers (ISPs) such as Nova (previously FORTHnet).
- (b) “Caching” Service Providers:** This category covers services that involve the automatic, intermediate, and temporary storage of user-provided information to optimize the transmission of that information to other users. Major examples of caching service providers include content delivery networks (CDNs) like Cloudflare or Google, which enhance website performance by caching content closer to end-users.
- (c) “Hosting” Service Providers:** Hosting providers offer services that involve the storage of information provided by users. Notable players in this sector include cloud service providers like Amazon Web Services (AWS), Microsoft Azure, Google Cloud or TopHost.

II. Greek Law 5099/2024

Under the Digital Services Act, each Member State was required to enact specific implementing measures. A key provision involves the appointment of the Digital Services Coordinator and competent authorities tasked with enforcing the Act.

In Greece, Law 5099/2024 consolidated these obligations, delegating this competence to the Hellenic Telecommunications and Post Commission (“**HTPC**” – “**EETT**”) that is designated as the Digital Service Coordinator. Furthermore, the Greek National Council for Radio and Television (“**NCRT**”) and the Data Protection Authority (“**DPA**”) have been appointed as the relevant competent authorities (as outlined in Articles 4-5 of the Law).

In particular, the Digital Services Coordinator is entrusted with all responsibilities delegated to it by the Digital Services Act, namely:

- Coordinating the oversight and implementation of the Digital Services Act;
- Engaging the European Board for Digital Services with voting rights;
- Cooperating with other competent authorities designated by the Law and with other public authorities;
- Collaborating with the European Board of Digital Services and the EU Commission;
- Conducting audits and requesting information by providers of intermediary services and other persons;
- Taking necessary measures to ensure intermediary service providers comply with the Digital Services Act;
- Issuing and publicly disclosing an annual report at the end of June of each year.

Furthermore, the Law mandates the establishment of an Advisory Committee on Digital Services under the Ministry of Digital Governance, serving as an advisory body on digital services matters. Additionally, the Cyber Crime Division of the Hellenic Police has been entrusted by virtue of Article 9 of the Law with the competence to receive notifications of suspected criminal offenses, in accordance with Article 18 of the Digital Services Act.

III. Registry of Intermediary Services Providers

Furthermore, the Digital Services Coordinator is tasked with creating a Registry of intermediary service providers operating in Greece within six months from the effective date of the Law, which is October 2024. Within three months of establishing the Registry, the following categories of intermediary service providers are required to register;

- (a) providers established in Greece,
- (b) providers with a legal representative in Greece, and
- (c) providers not established in the EU but providing services in the EU and whose legal representative is established in Greece.



IV. Regulatory Obligations of Intermediary Services Providers

The Digital Services Act places obligations on these newly regulated entities to ensure a safer online environment, including measures related to content moderation, transparency in advertising, and cooperation with competent local authorities to combat illegal activities online.

In addition to these categories, applicable law sets specific rules for intermediaries without undue delay in responding to orders and requests for information issued by national judicial or administrative authorities concerning illegal content. It also defines general obligations for all intermediaries, such as establishing a single point of contact with competent authorities and users, including terms and conditions regarding the use of their services, content monitoring, algorithmic decision-making, and complaint-handling rules.

V. Sanctions

If Internal Service Providers fail to adhere to the regulations outlined in the Digital Services Act and the Law, the primary supervisory authorities (HTPC, DPA, NCRT) are empowered to levy fines and periodic penalty payments. These fines are capped at 6% of the intermediary service provider's annual worldwide turnover or income from the preceding fiscal year. Any decisions regarding the imposition of fines by the Digital Service Coordinator or Competent Authorities can be contested through an appeal process before the Administrative Court of Appeal in Athens.

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