

## ELEMENTS OF THE STATUTE

PRESIDENTIAL DECREE 131/2003

Official Gazette: A 116 20030516

TITLE: Adjustment to Directive 2000/31 of the European Parliament and Council regarding certain legal aspects of the services of the information society, especially of electronic trade, to the internal market. (Directive on electronic trade).

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### ARTICLE 2: INTERNAL MARKET

1. The information society services provided in Greece or any other Member State by a service provider established in Greece, shall comply with relevant provisions of national legislation which fall within the coordinated field. 2. The free circulation of information society services from another Member State should not be restricted, for reasons falling within the coordinated field.

3. Paragraphs 1 and 2 of the present article shall not apply to the fields referred below: copyright, neighboring rights, rights referred to in Directive 87/54/EEC on the legal protection of topographic products of semiconductors and Directive 96/9/EC on the legal protection of databases as well as industrial property rights [...]

### ARTICLE 11: MERE CONDUIT

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, the service provider is not liable for the information transmitted, on condition that the provider:

- (a) does not initiate the transmission;
- (b) does not select the receiver of the transmission; and
- (c) does not select or modify the information contained in the transmission.

2. The acts of transmission and of provision of access referred to in paragraph 1 include the automatic, intermediate and transient storage of the information transmitted in so far as this takes place for the sole purpose of carrying out the transmission in the communication network,

and provided that the information is not stored for any period longer than is reasonably necessary for the transmission.

3. This Article shall not affect the possibility for a court or administrative authority of requiring the service provider to terminate or prevent an infringement.

#### ARTICLE 12: CACHING

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, the service provider is not liable for the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service upon their request, on condition that:

- (a) the provider does not modify the information;
- (b) the provider complies with conditions on access to the information;
- (c) the provider complies with rules regarding the updating of the information, specified in a manner widely recognised and used by industry;
- (d) the provider does not interfere with the lawful use of technology, widely recognised and used by industry, to obtain data on the use of the information; and
- (e) the provider acts expeditiously to remove or to disable access to the information it has stored upon obtaining actual knowledge of the fact that the information at the initial source of the transmission has been removed from the network, or access to it has been disabled, or that a court or an administrative authority has ordered such removal or disablement.

2. This Article shall not affect the possibility for a court or administrative authority of requiring the service provider to terminate or prevent an infringement.

#### ARTICLE 13: HOSTING

1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service, the service provider is not liable for the information stored at the request of a recipient of the service, on condition that:

- (a) the provider does not have actual knowledge of illegal activity or information and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or information is apparent; or
- (b) the provider, upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the information.

2. Paragraph 1 shall not apply when the recipient of the service is acting under the authority or the control of the provider.

3. This Article shall not affect the possibility for a court or administrative authority, of requiring the service provider to terminate or prevent an infringement.

#### ARTICLE 14: NO GENERAL OBLIGATION TO MONITOR

1. Member States shall not impose a general obligation on providers, when providing the services covered by Articles 10, 11 and 12, to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity.

2. Without infringing provisions regarding the secrecy of communications and data protection, information society service providers shall promptly inform the competent public authorities of alleged illegal activities undertaken or information provided by recipients of their service or obligations to communicate to the competent authorities, at their request, information enabling the identification of recipients of their service with whom they have storage agreements.