

Mr Prabhat Agarwal
Head of Unit for Digital Services (CNECT.F.2)
European Commission

Mr Radek Maly
Head of Unit for Notification of Regulatory Barriers (GROW.E.3)
European Commission

20 November 2023

Re: Lack of TRIS Notification of a Lithuanian Bill Contradicting the DSA

Dear Mr Agarwal, Dear Mr Maly,

I am writing to you on behalf of the Computer & Communications Industry Association (CCIA Europe), a trade association representing a broad cross-section of computer, communications, and internet industry firms.

CCIA Europe would like to draw your attention to a [bill](#) under legislative scrutiny in Lithuania named “Law on public information no. I-1418 Draft Law amending Article 2, Annex and supplementing the Law with Article 52(1)” (2 March 2023; XIVP-2468 - from now on referred as the “bill”). The bill has passed the first reading - out of three - in the Lithuanian Parliament.

The bill introduces several obligations on online platforms which overlap and deviate from European law, especially the Digital Services Act (DSA). The bill contains provisions which aim to fight against the “Manipulation of the Internet platform”, which require providers of online platforms to:

- remove 'inauthentic' accounts in an extremely short timeline of eight hours;
- regularly assess the influence of intentional manipulation (such as inauthentic use, automated exploitation, amplification and potentially rapid and wide dissemination of illegal content), on so-called systemic risks, including the risk of dissemination of illegal content, and risk to public security; and
- put in place necessary mitigation measures to address those risks.

CCIA Europe considers that these provisions are a deviation from the DSA and potentially breach the country-of-origin principle. The DSA aims to give a harmonised framework, as stated in its Recital 2. The Lithuanian bill constitutes unnecessary duplications of DSA provisions (e.g. Articles 34 to 36) and contradictions to the EU-wide rules established by the DSA. While Recital 9 of the DSA allows for additional national legislation applicable to providers of intermediary services, certain conditions such as the country-of-origin principle have to be respected as stated in Article 2 of the DSA and Article 3 of the e-Commerce Directive. In this case, the bill does not respect these conditions as it applies to all online platforms. The Court of Justice of the EU recently confirmed that a similar national approach was contrary to EU law “which ensures the free movement of information society services through the principle of control in the Member State of origin of the service concerned”.¹

¹ CJEU, Press Release No 167/23, Luxembourg, 9 November 2023, Judgment of the Court in Case C-376/22 | Google Ireland and Others, Combating illegal content on the Internet: a Member State may not subject a

CCIA Europe calls the European Commission to ask for the notification of the bill to the Technical Regulations Information System (TRIS). As the bill enters the definition of rules on services, and therefore a technical regulation, Lithuania should immediately communicate the draft to the European Commission, as foreseen by articles 1 and 5 of Directive 2015/1535.² A TRIS notification will empower the European Commission to assess the bill's compatibility with EU Law, as described above, and to empower affected stakeholders to contribute.

We hope this information proves helpful, and remain at your disposal to discuss these elements if useful to your services.

Sincerely,

Mathilde Adjutor
Senior Policy Manager, CCIA Europe

communication platform provider established in another Member State to general and abstract obligations, available [here](#).

² Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification), available [here](#).

About CCIA Europe

The Computer & Communications Industry Association (CCIA) is an international, not-for-profit association representing a broad cross section of computer, communications, and internet industry firms.

As an advocate for a thriving European digital economy, CCIA Europe has been actively contributing to EU policy making since 2009.

CCIA's Brussels-based team seeks to improve understanding of our industry and share the tech sector's collective expertise, with a view to fostering balanced and well-informed policy making in Europe.

Visit ccianet.org/hub/europe/ or x.com/CCIAEurope to learn more.