



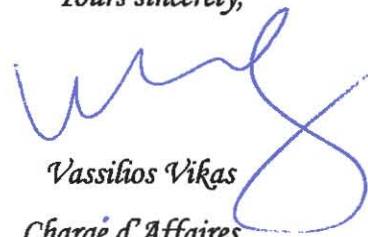
PERMANENT REPRESENTATION OF GREECE
TO THE COUNCIL OF EUROPE

Strasbourg, March 30th, 2016
F. 6686/27 /AS 357

Dear Secretary General,

Further to your letter dated February 10th 2016, concerning the Comparative Study on blocking, filtering and take-down of illegal Internet content in the 47 member states of the Council of Europe and more specifically your relative report on Greece, I have the honour to forward herewith the comments of the competent Greek Authorities.

Yours sincerely,



Vassilios Vikas
Chargé d'Affaires

To: H.E. Mr. Thorbjorn Jagland
Secretary General
Council of Europe

Comments on the “Comparative Study on Blocking, Filtering and take-down of illegal internet content” (excerpt, pages 279-294).

Please find attached comments regarding the “Comparative Study on Blocking, Filtering and take-down of illegal internet content” (excerpt, pages 279-294), following contributions received from consultation:

-Par. 1.1.2: the second part of the paragraph (an attempt was made...without success) should be rephrased as follows: “In order for the ratification of the aforementioned Convention as well as the transposition of the Directive 2013/40/EU on attacks against information systems, the Hellenic Ministry of Justice, Transparency and Human Rights launches a public consultation with stakeholders on the appropriate draft law, beginning in the afternoon of March 18th and expiring on March 28,”.

It is also suggested that the phrase “an attempt was madewithout success” become a footnote to the abovementioned new phrasing.

-[addition at the end of paragraph 2.1.6] In December 2015 the Court of First Instance issued its judgment No 10452/2015 by which it reaffirmed judgment No 13487/2014 (of the same court). In fact it ruled that the previous judgment constituted a temporarily binding decision which could not be overruled by an injunction.

--[addition at the end of paragraph 2.2.1] A Greek draft law implementing the EU directive on collective management includes among other provisions on a notice and take down procedure for copyright infringements on the Internet. A special Committee will be set up to deal with the relevant queries. The draft law also includes an amendment to the law on the secrecy of communications. According to it will be possible to reveal the identity of the holder of an IP address used for copyright infringements on a commercial scale. The draft law is currently in the Parliament.

-Par. 2.2.3, it is suggested that this paragraph be rephrased as follows: Another method that could lead to removal of content would be to activate the data protection legislation. The legal basis for an individual would be to exercise the right of objection to the processing of his/her data, under the Greek Data Protection Law. Only individuals may apply this objection, which is submitted to the controller and includes the request for a specific act, such as correction, temporary non-use, locking, non-transfer or deletion¹. If the controller does not respond within 15 days, then the individual may refer the matter to the Data Protection Authority, who may impose a provisional suspension of the processing (of data) until reaching its final decision²

-[addition at the end of paragraph 2.2.4] In March 2013 a memorandum of cooperation was signed between a large number of Greek collecting societies and two major national internet

¹ Art. 13, of Law 2472/1997

² Art.13, par.2 of Law 2472/1997

service providers with the aim to raise awareness on the impact of digital piracy and to underline the need for respecting copyright and related rights (available in Greek at http://opi.gr/images/press_releases/29.03.2013_el.pdf).

-p.288, (2.1.7, par.2), we note that regarding the phrase (reveal data ... (not internet content), there are different approaches regarding the interpretation of Guidelines 12/2009 and 9/2011, as regards its implementation on internet content.

-p.292 , par.4, it is suggested that this paragraph be rephrased as follows:

The Greek Police Division of Electronic Crime, as the competent service for the prosecution of ICT or internet -related crimes as stipulated in Article 31 of Presidential Decree 78/2014, monitors