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# EU Digital Economy: general framework (DSA/DMA) and specialised regimes

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## LITHUANIA

*Stasys Drazdauskas\**

### Section 1: National institutional set-up

#### *Question 1*

In Lithuania, the Communications Regulatory Authority (CRA) is the main authority entrusted with supervising the DSA enforcement and appointed as digital service coordinator.

State Consumer Protection Authority, State Data Protection Inspectorate, Office of the Inspector of Journalistic Ethics are responsible for the enforcement of DSA requirements, which remain within the area of competence of these authorities.

The Law of the Republic of Lithuania on Information Society Services<sup>1</sup> specifies that State Data Protection Inspectorate has investigation and enforcement powers in relation to the requirements of detecting the advertisement recipients (DSA Art. 26.1.d), restriction of profiling based advertisements using sensitive data (DSA Art. 26.3), addressing minors (DSA Art. 28.2), and recommender system transparency (DSA Art. 27).

State Consumer Protection Authority has investigation and enforcement powers in relation to the requirements of online interface design and organisation, where the service recipients are natural persons (DSA Art. 25), advertising on online platforms (except for profiling based advertising, which is the competence of the State Data Protection Inspectorate) (DSA Art. 26), traceability of traders (DSA Art. 30), compliance by design (DSA Art. 31), right to information (DSA Art. 32).

Office of the Inspector of Journalistic Ethics has investigation and enforcement powers in relation to the requirements of explaining conditions and restrictions for use of the service by minors (DSA Art. 14.3), and implementation of the measures to ensure a high level of privacy, safety and security of minors at online platforms (DSA Art. 28.1).

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\* PhD, senior lecturer at Private Law Department, Vilnius university, Faculty of Law. His main scientific interests and research areas are contract law, and technology law.

<sup>1</sup> The Law of the Republic of Lithuania on Information Society Services, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.277491/asr>

All institutions are required to notify the digital service coordinator (CRA) about the launched investigations within 5 working days.

CRA may accept all complaints from recipients of the service, including those which fall within the competence of other authorities. If complaints are lodged directly with the other authorities within their competence, these authorities are required to inform the CRA about the complaint received and the decision made within 5 working days after the decision. If complaints relate to the competence of other institutions, they have to be transferred to them as well.

## Question 2

The main rules regarding distribution of competence, investigations and enforcement are established in the Law of the Republic of Lithuania on Information Society Services.

The CRA has also adopted a description of the supervision procedure for the provision of mediation services provided for in Regulation (EU) 2022/2065,<sup>2</sup> which lays out the rules on appointment of legal representatives of intermediaries, certification of entities which may investigate disputes out of court, trusted flagger assignment, investigations of violations. The Description contains forms of application and documentation.

The CRA has an internal department dedicated to DSA supervision – the Digital Services Regulation Group, which has four staff members dedicated specifically to the DSA implementation.<sup>3</sup>

There is no supervision fee currently imposed for the entities within the scope of the DSA.

The annual budget allocated for the supervision functions of the CRA in relation to the digital services is EUR 120,000 for the years 2024–2026.<sup>4</sup>

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<sup>2</sup> Description of the supervision procedure for the provision of mediation services provided for in Regulation (EU) 2022/2065, <https://www.e-tar.lt/portal/lt/legalAct/3Ifd8c603a8b11efbdaea558de59136c>

<sup>3</sup> Structure and contact of the CRA, <https://www.rrt.lt/struktura-ir-kontaktai/struktura-ir-kontaktai/>

<sup>4</sup> Annual activities plan of the CRA, <https://www.rrt.lt/wp-content/uploads/2024/01/2024-2026-m.-RRT-strateginis-veiklos-planas.pdf>

### *Question 3*

There is little information available yet on the CRA activities in the field of DSA supervision.

Currently, the CRA has set up an internal task force for the function and started compiling the information for the users and entities to help understand the content of the obligations under the DSA. The information is published and gradually expanded at the website of the CRA<sup>5</sup> and is also available in the Guidelines on Application of the DSA.<sup>6</sup>

The strategy and plan for 2024 of the CRA<sup>7</sup> provides that the CRA will focus on preparatory activities, that is, planning the implementation (preparing the implementing acts, procedures, principles), adapting the information systems for the new functions.

No information on scoping exercises or enforcement priorities is available yet.

### *Question 4*

The Law of the Republic of Lithuania on Competition<sup>8</sup> authorises the Competition Council of the Republic of Lithuania as supervisory authority the matters listed in DMA Article 1.6.

The local law does not assign the investigative powers in relation to the DMA Articles 5, 6 and 7.

### *Question 5*

The Competition Council declared that it will act only as supporting authority for the Commission enforcement and investigation measures.<sup>9</sup>

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<sup>5</sup> <https://www.rtt.lt/skaitmeniniu-paslaugu-aktas/>

<sup>6</sup> Guidelines on the Application of the DSA, <https://www.rtt.lt/wp-content/uploads/2024/07/SPA-taikymo-gaires-2024.pdf>

<sup>7</sup> Strategy of the CRA for 2024–2026, <https://www.rtt.lt/wp-content/uploads/2024/02/RRT-strategija-2024-2026.pdf>

<sup>8</sup> The Law of the Republic of Lithuania on Competition, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.77016/asr>

<sup>9</sup> <https://kt.gov.lt/lt/naujienos/isigalioja-skaitmeniniu-rinku-akto-reikalavimai>

### ***Question 6***

There were no announcements on enforcement priorities of the Competition Council.

## **Section 2: Use of national legislative leeway under the DMA/DSA**

### ***Question 1***

In Lithuania, the implementation of the E-Commerce Directive – the Law on Information Society Services was amended for compatibility with the DSA. The provisions for liability of intermediaries, implementing the E-Commerce Directive were removed and a generic rule was introduced stating that the liability of mere conduit, caching, and hosting service providers shall be determined in accordance with Articles 4–6 of the DSA.

The secondary legislation for notice and take down mechanisms were revoked – the Government approved Rules on procedure for the withdrawal of access to information acquired, created, modified or used in an unlawful manner, and Rules on the control of sensitive information for public use on computer networks and on the adoption of restricted procedures for the dissemination of public information.

The list of authorities competent to issue orders to hosting service providers and electronic communication services providers to take down the illegal information and the procedure for take down was introduced to the Law on Electronic Communications Article 98.

The list of prohibited public information remains to be defined in the Law on Communication of Information to the Public, the Law on Advertising. The Law on Copyright and Related Rights defines the protections for the content, the public distribution or use of which can be restricted. There were no changes made in relation to DSA implementation.

There were no prior provisions specific to search engines.

### ***Question 2***

The only attempt at mapping is in the Article 98 of the Law on Electronic Communications, where the list of competent authorities to issue take down orders is provided, which indicates the areas in which illegality of information can be defined.

### ***Question 3***

There were no new rules considered at national level on influencers, content creators or content rules.

The marketing requirements for influencers were adopted before the DSA – the Guidelines on Marking Information in Social Media adopted by the State Consumer Rights Protection Authority.<sup>10</sup>

### ***Question 4***

No changes were made to pre existing laws, except for the changes in the Law on Competition, by which the Competition Council was appointed as the supervisory authority in Lithuania for the matters listed in DMA Article 1.6.

### ***Question 5***

No such acts considered or adopted.

## **Section 3: Vertical and horizontal public enforcement-related cooperation under DSA/DMA**

### ***Question 1***

The rule to ensure cooperation between national authorities are limited to the centralisation of the information on the adopted take down orders at the Communications Regulatory Authority as the Digital Services Coordinator (Art. 21 of the Law on Information Society Services), as well as the rules on distributing the complaints between the competent authorities (Art. 34 of the Law on Information Society Services).

The adopted rules can be viewed as exclusive, that is, they assume and always one authority should be competent to investigate the complaint. This may not always be the case, as there may be cases where infringement relates to several supervised areas, that is, misinformation and breach of advertising requirements. The rules do not foresee a possibility to investigate the same complaint by several institutions and do not provide for cooperation rules, for example, exchange of information of the investigation.

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<sup>10</sup> Guidelines on Marking of Advertising in Social Media, <https://vvtat.lrv.lt/media/viesa/saugykla/2024/5/gCy7dVRZRxU.pdf>

### ***Question 2***

The Law on Information Society Services (Art. 19.3) grants the courts a right to provide information on the disputes being solved in relation to information society services to the European Commission and the Communication Regulatory Authority.

There are no specific provisions allowing COM to provide written observations to courts, or requiring the courts to submit their decisions to COM.

### ***Question 3***

Lithuanian Competition Council is only authorised to oversee the competition matters listed in DMA Article 1.6. It is therefore unlikely that the Competition Council would take an active role in alerting the Commission about possible non-compliance with the DMA. Any information received under Article 27 DMA by local authority would likely just be forwarded to the Commission.

## **Section 4: Private enforcement of DMA/DSA**

### ***Question 1***

No information on such actions can be found yet.

### ***Question 2***

Before the DSA taking effect, intellectual property related take down requests were prevalent in the area of private enforcement, so it is to be expected that this trend will continue.

Private collective redress seeking practices are not developed in Lithuania. Although there is a possibility of class actions defined in the civil procedure laws, there were very few cases, where such actions were attempted.

### ***Question 3***

In our view it is unlikely that the private redress under the DMA would be used in Lithuania.

There are almost none attempts to use private redress generally in competition cases. Usually private parties try to initiate (or threaten) supervisory enforcement measures as a strategy in private disputes.

#### *Question 4*

The administrative courts will be competent to decide cases under the decisions of the supervisory institutions adopted in DMA/DSA cases.  
No specific national rules planned for private enforcement.

#### *Question 5*

There is no such possibility for civil society organisations. Class action suits are possible but rarely used.

### **Section 5: General questions**

#### *Question 1*

DSA Article 9 and 10 are implemented in local law by reference, that is, there is no specific implementation.

The Law of the Republic of Lithuania on Information Society Services provides that authorities, which are indicated as having competence to issue orders to act against illegal content, must follow the requirements for issuing such orders, as established in the DSA Article 9 and 10 (Art. 21 of the Law on Information Society Services). Further, the law provides that orders may be issued to intermediary service providers who are established in Lithuania, or who provide services in Lithuania, regardless of their place of establishment.

The Law of the Republic of Lithuania on Electronic Communications Article 98.2 requires all authorities which may issue orders to hosting service providers to obtain approval from the administrative court. However, the competence of the court to issue injunctions in civil proceedings are not restricted by the implementation of the DSA.

We are not aware of legal representatives being appointed in Lithuania under DSA Article 13. Most intermediary service providers have legal presence at least in one Member State.

### Question 3

Article 34 of the Law on Information Society Services adopts the same approach as DSA Article 53 in relation to complaints.

Article 34 also sets out some specific requirements in relation to content of complaints, for example, requires that complainants indicate the institution, to which the complaint is addressed, identifying information of the complainant, as well as date and signature, details of the service provider against whom the complaint is lodged, description of the infringing actions, account names and URLs if they are available, request to the authority.

Procedural requirements regarding evaluation and acceptance of the complaints, reassignment of complaints to competent authorities, grounds for refusal to accept the complaint or terminate the proceedings are also listed.

### Question 4

There was no political controversy during the implementation on the national level.

Google and Internet Media Association provided proposals to the draft implementation, some of which were accepted.

### Question 5

The CRA has adopted implementing regulations (Description of the supervision procedure for the provision of mediation services provided for in Regulation (EU) 2022/2065<sup>11</sup>), which provide procedure and detail regarding application for the certification of dispute resolution bodies, application for trusted flaggers status. The CRA also publishes information on possibility of certification or obtaining trusted flaggers status at its website.<sup>12</sup>

According to the public announcement of the CRA will publish information about research data after the Commission adopts the relevant delegated acts.<sup>13</sup>

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<sup>11</sup> <https://www.e-tar.lt/portal/lt/legalAct/31fd8c603a8b1lefbdadea558de59136c>

<sup>12</sup> <https://www.rtt.lt/skaitmeniniu-paslaugu-aktas/patikimi-pranesejai/>; <https://www.rtt.lt/skaitmeniniu-paslaugu-aktas/neteisminis-gincu-sprendimas/>

<sup>13</sup> <https://www.rtt.lt/skaitmeniniu-paslaugu-aktas/duomenys-moksliniam-tyrimam/>

**Question 6**

Google proposed to limit application of the implementation of the DSA to those providers who are established in Lithuania, and not to adopt national rules on access to data before the Commission adopts the delegated acts. The former proposal was rejected, the later was accepted.

Internet Media Association proposed to clarify that service providers become aware of the infringing information if they receive *credible* data about the infringement, and to allow service providers to request clarifying data, which was accepted in the adopted implementation.