

Recommendations

THE FOLLOWING RECOMMENDATIONS HAVE BEEN IDENTIFIED AFTER CONSULTING THE ORGANIZATIONS OF THE RETE PER DIRITTI UMANI DIGITALI (RDUD) [ITALIAN NETWORK FOR DIGITAL RIGHTS] DURING A WORKSHOP HELD IN MILAN ON 14 OCTOBER 2025.

1 Definition of procedural timeframes pursuant to Article 85

Timeframes for the ACN [Italy's National Cybersecurity Agency] should be laid down: 5 to 10 days for formal registration and assignment to the competent office, 30 days for preliminary assessment (admissibility), 60 days for decision on the matter or adoption of provisional measures.

If no response is received by the deadline, an internal mechanism should be provided to allow lodging an appeal with the Transparency Officer within 15 days to define or justify an extension.

If the Transparency Officer fails to respond within the 15-day time limit, the possibility should be provided to lodge an appeal with the administrative courts on grounds of administrative silence or failure to act, as well as a mechanism for submitting a complaint to the ombudsman or competent supervisory authority, where applicable.

2 Alternative between complaint with the ACN and appeal to court (Article 85 of the AI Act): clarification and coordination

It should be clarified in which cases it is possible to lodge a complaint pursuant to Article 85 of the AI Act and in which cases it is possible to appeal directly to the court; coordination mechanisms should be established to avoid procedural conflicts or duplications.

3 Mandatory and 'enhanced' reasoning of the measures imposed by the ACN

The reasoning for imposed measures should be made mandatory and include: (a) the technical-organizational reconstruction of the sociotechnical chain (models, datasets, internal controls); (b) the legal framework (AI Act, GDPR, sector-specific *lex specialis*).

Implementation proposal: the public decision-maker should define a standard template with fixed sections and technical annexes.

4 Public register of closed cases: anonymized, publicly accessible, interoperable

A centralized, publicly accessible archive of closed proceedings in anonymized form should be established and updated at least quarterly.

5 Forwarding to the competent authority

If a complaint pursuant to Article 85 of the AI Act is submitted to an authority lacking the necessary competence, the receiving authority shall transmit it *ex officio* to the competent authority within 5 working days and notify the complainant about the transmission.

6 Procedure for automated decision-making pursuant to Article 86 (in line with Article 22 of the GDPR and Article 11 of the LED)

It should be clarified that, in the event of a decision based solely on automated decision-making or producing relevant legal or similar significant effects, the complainant may pursue different avenues: (i) lodge a complaint pursuant to Article 85 of the AI Act; (ii) exercise the rights set out in Article 22 of the GDPR and Article 11 of the LED (human intervention).

7 Exceptions to Article 86: classification, assessment and guarantees

The exceptions provided for in Article 86(2) of the AI Act (legal obligations, public security, purposes of investigation) should be codified into binding

guidelines, subject to necessity and proportionality tests, impact assessment, and compensatory safeguards (ex-post audit, time limits).

8 Compensation for damage caused by AI systems: coordinated procedure

A procedure should be laid down for claiming compensation for damages caused by AI systems, providing where possible for extrajudicial mechanisms.

9 Specialized sector-specific units within the ACN

Specialized units for high risk sectors (healthcare, insurance/finance, public administration/ administrative services, labour/human resources, education, critical infrastructures) should be established, staffed by interdisciplinary teams of legal experts, data scientists, security engineers, ethicists, etc.

10 Definition of the list of the Authorities pursuant to Article 77 of the AI ACT

The following institutions should be identified among the authorities protecting fundamental rights referred to in Article 77 of the AI ACT:

- Garante per la protezione dei dati personali (GDPD) [Italian Data Protection Authority]
- Garante nazionale dei diritti delle persone private della libertà personale (GNPL) [Italian National Authority for the Rights of Persons Deprived of Liberty]
- Autorità per le garanzie nelle comunicazioni (AGCOM) [Italian Communications Authority]
- Commissione di garanzia per l'attuazione della legge sullo sciopero nei servizi pubblici essenziali (CGS) [Italian Guarantee Commission for the Implementation of the Law on Strikes in Essential Public Services]
- Istituto per la vigilanza sulle assicurazioni private e di interesse collettivo (IVASS) [Italian Institut for the Supervision of Private Insurance], formerly ISVAP, [Italian Institute for the Supervision of Private and Collective Interest Insurance]
- Autorità garante per l'infanzia e l'adolescenza (AGIA) [Italian Ombudsman for Childhood and Adolescence]

- Autorità Garante nazionale dei diritti delle persone con disabilità (AGDPD [Italian National Ombudsman for the Rights of Persons with Disabilities])
- Ufficio Nazionale Antidiscriminazioni Razziali (UNAR) [Italian National Office against Racial Discrimination]
- Ispettorato Nazionale del Lavoro (INL) [Italian National Labour Inspectorate]

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Definition of the redress procedure pursuant to Article 85 of the AI Act

Complaint submission phase

Complainant's data

First name, family name, place of residence/domicile, representative, if any

Description of the facts

Sequence of events: type of AI system, entity that deployed it, context and mode of use

Infringed provision

Indicate the articles of the Regulation (EU) 2024/1689 alleged to have been violated (for example: articles 5, 9, 13, 26)

Supporting documents

Screenshots, notifications, information received, and evidence of damage incurred, if any

Requested measures

Interruption of processing, determination of infringement, imposition of sanctions, etc.

Complaints should be lodged by telematic means, using a standardized model transmitted via PEC (certified email) or through a dedicated platform.

Preparatory phase (investigation by the ACN)

After the complaint has been received and formally registered (5-10 days), the ACN within 30 days should:

- assess the formal admissibility of the complaint (i.e. fulfilment of necessary requirements and standing before competent authority);
- initiate the preparatory phase and, where appropriate, request explanations to the involved AI operator (supplier or deployer);
- acquire technical expertise, where appropriate, on the involved systems (also with the support of the European Committee on Artificial Intelligence)

Outcome of the assessment and adoption of measures

If a violation is established, the ACN may:

- order the interruption of the system's use;
- impose technical modifications or temporary interruption;
- impose pecuniary sanctions;
- the measure shall be reasoned.

It should be clarified whether the complainant may, in any case, exercise a judicial remedy before the competent court against a decision of the ACN (whether the complaint is partially accepted or rejected).

In the most serious or cross-border cases, the ACN should inform the European Board for Artificial Intelligence (EBAI) and, where necessary, the Commission.