

List of national authorities protecting fundamental rights

Article 77 of the Regulation on Artificial Intelligence (AI)

On 12 November, the Department for Digital Governance in Greece published the list of four national authorities to oversee and enforce compliance with the obligations under EU law to protect fundamental rights in relation to the use of high-risk AI systems in Annex III of the AI Act. These powers include, under preamble 157 of the AI Act, both high-risk AI systems, prohibited systems that have been placed on the market or put into service.

The designated authorities retain their existing powers, responsibilities and independence under national law with regard to the protection of fundamental rights in Greece. In addition, and in consultation with the market surveillance authority, they will be able, from 2 August 2026 onwards, to request or have access to any documentation resulting from compliance with the AI Regulation, when required for the exercise of their mandate.

Homo Digitalis, in its analysis of **the provisions of the AI Regulation concerning the fundamental rights impact assessment**, had already highlighted three (the DPAA, the NCA and the CoR) out of the four appointed authorities as the most appropriate to shoulder this responsibility.

More specifically, at Homo Digitalis we believe that the Hellenic Authority for Communication Security and Privacy (ADAE) and the Greek Data Protection Authority (DPA) have extensive experience in the area of supervision with their auditing, advisory and sanctioning powers, both in the private and public sector. On the other hand, The Greek National Commission for Human Rights (GNCHR) and the Greek Ombudsman (Ombudsman) have a deep knowledge of fundamental rights protection issues, albeit to the public sector [1].

As important as the expertise, scientific training and experience of each authority may be, it is equally important to see how the appointed national authorities will work together to provide effective protection for citizens. As we have already suggested, it is essential to put in place a detailed governance structure that includes clear procedures for handling complaints and appeals, i.e. adopting specific procedures to ensure appropriate and timely enforcement against AI systems that present a risk to health, safety and fundamental rights.

Characteristics	The Greek Ombudsman	The Greek National Commission for Human Rights	The Greek Data Protection Authority	The Hellenic Authority for Communication Security & Privacy
Public Sector	✓	✓	✓	✓
Private Sector	★	✗	✓	✓
All Fundamental Rights	✓	✓	✗	✗
Recommendations	✓	✓	✓	✓
Sanctions	✗	✗	✓	✓

[1] Exceptionally, the Ombudsman can also control the conduct of private individuals when a child's rights are violated or when there is unequal treatment between men and women in employment matters.

Greece has taken an important step towards complying with the provisions of the AI Regulation. It is one of six countries that have managed, either with little or no delay, to meet the first official deadline of this complex piece of legislation; with a slight delay (deadline 02/11/2024). Currently the other countries are Ireland, Malta, Poland, Portugal and Spain.

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