AUTOMATION OF ADMINISTRATIVE PROCEEDINGS IN THE CZECH REPUBLIC: CRITICAL REFLECTIONS ON THE DRAFT "ADM AMENDMENT" TO THE ADMINISTRATIVE PROCEDURE CODE

AUTOMATIZACE SPRÁVNÍHO ŘÍZENÍ V ČESKÉ REPUBLICE: KRITICKÁ ANALÝZA NÁVRHU "AUTOMATIZAČNÍ NOVELY" SPRÁVNÍHO ŘÁDU

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ABSTRACT

This article examines the emerging regulation of automated administrative decision-making in the Czech Republic, with a focus on the recent proposal to introduce a new Section 15a into the Administrative Procedure Code. While the initiative reflects broader European efforts to digitalize public administration, it also exposes serious deficiencies in legislative technique, legal safeguards, and compliance with European law. The analysis situates the Czech debate against the background of existing domestic practices, such as algorithmic processing in tax administration and simplified enforcement mechanisms in traffic law, none of which presently authorize fully automated decisions. Using doctrinal analysis, critical regulatory assessment, and a targeted comparative perspective drawing on Sweden, Germany, and France, the article demonstrates that the Czech proposal fails to provide the necessary clarity, safeguards, and systemic preparation. It concludes that a responsible framework must be comprehensive, government-led, and accompanied by explicit criteria, robust safeguards, and institutional adaptation.

ABSTRAKT

Tento článek se věnuje vznikající regulací automatizovaného rozhodování ve správním řízení v České republice, a to se zvláštním zaměřením na recentní návrh novely správního řádu zavádějící nový § 15a. Přestože tato iniciativa odráží širší evropský trend digitalizace veřejné správy, návrh vykazuje zásadní nedostatky v legislativní technice, zakotvení procesních záruk a souladu s evropským právem. Analýza zasazuje českou debatu do kontextu stávajících domácích praktik, jako je algoritmické zpracování informací při správě daní či zjednodušené

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mechanismy v oblasti dopravního práva, z nichž žádná v současnosti neumožňuje plně automatizované rozhodování. Pomocí doktrinální analýzy, kritického hodnocení regulace a cílené komparace se Švédskem, Německem a Francií článek poukazuje na to, že český návrh postrádá jednoznačnost, systémové záruky či komplexní přípravu. Autoři dospívají k závěru, že patřičné legislativní zakotvení automatizace musí být komplexní, vedené vládní iniciativou a doprovázené formulací spolehlivých záruk ochrany procesních práv a promyšlenou institucionální implementací.

I. INTRODUCTION

In recent years, automation has become one of the central themes of administrative reform across Europe. Digital technologies are no longer viewed merely as tools for supporting officials in routine work, but as potential instruments capable of reshaping the very way in which public authority is exercised. The debate has gradually shifted from abstract considerations about efficiency to concrete questions of legality, accountability and safeguards. The Czech Republic has now joined this discussion. At the end of 2024, a parliamentary proposal sought to amend the Administrative Procedure Code[5] by introducing a new Section 15a, which would open the door to the automated performance of certain acts in administrative proceedings.[6] While this initiative is undoubtedly timely and part of a broader European trend, it raises fundamental questions about the limits of automation in public law and thus warrants a much closer examination.

This article explores whether and how such a reform could be responsibly embedded in Czech administrative law and takes as its point of departure a simple but pressing research question: how should a legal provision enabling automated decision-making within Czech administrative proceedings be designed, and does the proposed Section 15a provide a satisfactory framework in terms of legislative technique, fundamental rights and administrative functionality? In order to approach this inquiry, the authors first outline the current state of automation in the Czech Republic, showcasing that although a number of tools have already been deployed, they operate primarily at the margins of decision-making, either as supportive instruments or as mechanisms outside the formal scope of administrative procedure. The article then turns to the amendment itself and subjects it to critical examination, with particular attention to its legislative quality, compatibility with European Union law, and the clarity of its drafting. Given the European dimension of automated administrative decision-making, the analysis further includes a targeted comparison with selected foreign jurisdictions (Sweden, Germany and France) chosen for their differing approaches to the regulation of automation in public law. The comparative perspective serves not as a blueprint for transplantation, but as a means of identifying criteria, safeguards and conceptual choices that can inform the Czech debate.

Methodologically, the article combines doctrinal legal analysis of Czech public law with a structured critique grounded in legislative drafting standards and principles of administrative legality, a GDPR-focused data protection analysis, and a limited comparative method directed at functional criteria rather than wholesale borrowing. Building on these strands, the final part adopts a de lege ferenda design approach, sketches the elements of a workable Czech framework that could harness the benefits of automation while preserving legal certainty, accountability and fundamental rights, and that aligns regulatory ambition with institutional

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5 Act No. 500/2004 Coll., the Administrative Procedure Code, as amended.

6 Parliamentary Print No. 845/0: Proposal by Members of Parliament Tomáš Dubský, Milada Voborská, Martina Ochodnická, Jiří Havránek, and Jiří Carbol for the enactment of a law amending Act No. 128/2000 Coll., on Municipalities (Municipal Establishment), as amended, and other laws in connection with supporting cooperation among municipalities.

capacity. At the same time, the article aspires to contribute to the broader scholarly discussion on the digitalization of public administration and its pitfalls. The Czech case serves as a useful case study of the promises and perils of introducing automation into administrative proceedings: it illustrates both the opportunities for efficiency and consistency, and the dangers of insufficiently considered regulation that risks undermining rights and eroding trust.

II. STATUS QUO OF AUTOMATION IN THE CZECH ADMINISTRATIVE PRACTICE

When it comes to the current state of affairs in the field of automation, it must be mentioned that there have already been several initiatives taking advantage of various tools of automation, even before the ADM amendment. Perhaps the most prominent example can be found in the area of tax administration, where the use of automated systems as part of the administrative activities is explicitly stipulated by the Czech Tax Code. A comparable though differently structured example can be found in the field of traffic enforcement, where the mechanisms enabled by the Road Traffic Act allow municipal authorities to resolve minor infractions outside the framework of the administrative proceeding, thus allowing the *praeter legem* automation of such processes. Further use-cases from the Czech administrative practice include the ANAKONDA application, , the ADAM application andthe Jenda application.[7]

In order to provide the reader with a clearer understanding of where the Czech Republic currently stands in terms of the automation efforts, the following passages will serve as a brief introduction to this status quo. The following examples illustrate how public administration in the Czech Republic is already looking for ways to use automated tools and artificial intelligence, despite the absence of explicit legislation. Such analysis offers valuable insight into current trends, possibilities, and limitations, which can serve as a guide for future, higher-quality legal anchoring of automated decision-making.

1. Legislative framework for automation in formal proceedings

As of today, Czech administrative law does not contain any general codification of automation in the Administrative Procedure Code. In other words, there is neither an explicit legal prohibition of administrative authorities relying on automated systems, nor an explicit authorization that would set out the conditions and safeguards for such use. Most importantly, the Administrative Procedure Code does not provide for the possibility of issuing administrative decisions automatically, without the involvement of a human official. Automated tools may therefore be employed in practice to support administrative work (see further) but the ultimate responsibility for decision-making remains with the authority and its officials.

A more explicit legal framework for automation exists in the area of tax administration, which is governed by the Tax Code.[8] Specifically, section 59a of the Tax Code allows tax authorities to carry out certain acts of tax administration solely on the basis of automated processing of personal data, provided that this does not amount to the issuance of a decision.[9] The provision requires that the algorithms and selection criteria used for such processing be described and retained in records of processing activities for at least one year, which constitutes

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[7] The authors of this article drew information about these applications from interviews with representatives of the relevant institutions.

[8] Czech Act No. 280/2009 Coll., the Tax Code, as amended.

[9] Sec. 59a (1) (b) of the Tax Code provides that the tax administration authority "*may carry out the performance of tax administration, provided it does not involve the issuance of decisions, exclusively on the basis of automated processing of personal data; the tax administrator shall include in the records of processing activities a description of the computer algorithms and selection criteria on which such processing is based and shall retain them for at least one year from their last use for the processing of personal data*" (translated by the author).

a safeguard enhancing the auditability of the use of automated systems. The provision, while expressly excluding automated decision-making, enables the financial administration to exploit algorithmic tools in preparatory and operational phases of its activities. For instance, automated systems may be used for risk analysis, for the identification of irregularities or suspicious patterns in tax returns, or for the selection of cases suitable for further inspection.[10] While these processes do not yet amount to automated decision-making in the sense of producing binding determinations, they demonstrate a gradual shift towards reliance on algorithmic tools within administrative practice.[11]

2. Automation of quasi-procedural acts of public administration

A somewhat different, but equally illustrative, example of automation in Czech administrative practice is provided by the field of traffic enforcement. Here, the relevant legal framework is not found in the Administrative Procedure Code, but in the Road Traffic Act,[12] which introduced a specific mechanism, colloquially referred to as "legal indulgences", which allows municipal authorities to deal with minor infractions in a simplified and highly standardized manner. [13] Under this arrangement, when an offence is detected (typically by automated monitoring devices such as speed or red-light cameras) the authority does not immediately initiate standard administrative proceedings pursuant to chapters II. and III. of the Administrative Procedure Code. Instead, the registered owner of the vehicle is invited to pay a fixed amount within the set deadline. If the payment is made, the authority defers the case without ever initiating formal proceedings. If the payment is not made, the authority then proceeds to investigate and prosecute the offence under the ordinary procedural framework.[14]

Although the notification issued to the vehicle owner does not constitute an administrative decision in the formal sense, this mechanism has the practical effect of resolving a large number of infractions outside the scope of ordinary proceedings. The entire process is standardized and can be (and already is[15]) largely automated. The detection of the violation by camera, the identification of the vehicle owner from the register, and the issuance of the invitation to pay may all be handled with minimal human involvement. In this sense, the Road Traffic Act enables a form of automation *praeter legem* (outside the framework of the Administrative Procedure Code), because the matter is concluded without the issuance of a formal decision. Hence, traffic enforcement demonstrates another pathway through which automation has

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[10] See e.g. MATRIANO, Maria Teresa, JABRI, Mariya Ahmed Al, JAHWARI, Maha Salim Al and KHAYARI, Samira Aamir Al. Artificial intelligence and impact on customs and taxation. In: HUSSAINEY, Khaled, ALBAIMANI, Nasser Salim and QAMASHOUI, Aziza Abdallah Al. *Digital transformation in customs and taxation: A Catalyst for Economic Resilience*, CRC Press, *2025*, pp. 239–254. See also TSIKALO, Yevhen, ZINEVYCH, Oleksandr, OSIPENKO, Denys, KULYK, Viktoriya, and LAGOVSKA, Olena. Using artificial intelligence to improve tax security and control over tax avoidance schemes. *Journal of Theoretical and Applied Information Technology*, 2024, vol. 102, no. 23, pp. 8530–8542.

[11] Such trend, especially when it comes to revenue administration, seems to be present in all European countries. See OECD. *Governing with Artificial Intelligence: The State of Play and Way Forward in Core Government Functions*. Paris: OECD Publishing, 2025. DOI: 10.1787/795de142-en.

[12] Sec. 125h of Act No. 361/2000 Coll., on Road Traffic and Amendments to Certain Acts (Road Traffic Act).

[13] This issue has been described in detail in SHARP, Vladimír. Smart Administrative Punishment: a Slippery Slope of Automated Decision-Making and its Economic Incentives in Public Law. In: *CERIDAP: Rivista interdisciplinare sul diritto delle amministrazioni pubbliche*, 2025, No. 4, pp. 156-178.

[14] The authors refer to this instrument as quasi-procedural act, since these acts cannot be considered decisions issued within the framework of a standard administrative proceedings, as no such proceedings precede the issuance of the notice under Sec. 125h of the Road Traffic Act. The very nature of these notices dictates that the process of their issuance be informal otherwise they would offer no flexibility as opposed to a standard, rather rigid administrative proceedings.

[15] The number of use cases among different administrative authorities withing the last years has been rising dramatically. Such cases are usually fairly easy to spot, since official documents in the Czech Republic are traditionally structured in a way allowing to detect the concrete official in charge of the agenda. In case of automation, it is often disclosed that it was prepared by a "Robot" bearing a certain identifier.

entered Czech administrative practice. It has not been introduced through the formal recognition of automated decision-making, but rather through legislative shortcuts that allow authorities to process large numbers of cases automatically while formally avoiding the issuance of automated decisions.

3. The ANACONDA project

The ANAKONDA (Application for Data Control) project, developed at the Centre for Regional Development of the Czech Republic, is a unique example of the use of artificial intelligence for the partial automation of public administration activities. It is used to check payment requests in subsidy programs. Its aim is to automate part of the formal and routine tasks involved in checking payment requests within various subsidy programs. In 2023, the Centre for Regional Development developed an internal AI concept that defined the main pillars of the introduction of new technologies: from communication and marketing to employee training and the key area of subsidy checks. ANAKONDA was selected as a pilot application because payment request processes are highly standardized. They contain similar types of attachments (invoices, contracts, account statements, lists of documents) that can be algorithmically classified, analyzed and compared with each other. This approach is in line with recommendations for the implementation of generative AI in public financial management, where the emphasis is on selecting processes with a high degree of routine and clearly structured data.[16]

The application works on the principle of automatic sorting and matching of documents, extraction of key data and cross-verification. Standard inputs (received from grant recipients) are identified, matched and analyzed by the system. ANAKONDA then compares the consistency of data across documents and generates an output checklist for staff, who can quickly determine whether the application meets the required criteria. The result is an automatically completed checklist with highlighting any discrepancies, which is then assessed by a human worker. In practice, this shortens a process that previously required four to eight hours of work to a few minutes. Currently, the system only covers some of the control items. Complete automation of controls is not realistic in the foreseeable future, as many tasks require human judgement, interpretation of purpose and assessment of context. With this approach, ANAKONDA ranks among projects reflecting the trend of so-called augmentative use of AI, where technology takes over routine and formally standardized tasks, while employees can focus on more analytically and value-demanding activities.[17] This is not an example of pure automation, where AI performs the entire task on its own, without human intervention (AI as a tool for complete human replacement), but rather a process of augmentation that is based on supporting and expanding human capabilities. AI does not take over the entire task, but helps humans make decisions or do their work better and faster. The human factor remains

[16] OECD. *Using Artificial Intelligence in Public Financial Management*. Paris: Public Governance Directorate, Committee of Senior Budget Officials, 2024. See also JANSSEN, Marijn; BROUS, Paul; ESTEVEZ, Elsa; BARBOSA, Luciano S.; JANOWSKI, Tomasz. Data governance: Organising data for trustworthy artificial intelligence. *Government Information Quarterly*, 2020, vol. 37, no. 3, article 10149.

[17] BULLOCK, Justin; YOUNG, Mary M.; WANG, Y. F. Artificial intelligence, bureaucratic form, and discretion in public service. *Information Polity*. 2020, vol. 25, no. 4, pp. 491–506. See also MIKALEF, P.; FJORTOFT, S. O.; TORVATN, H. Y. Artificial intelligence in the public sector: A study of challenges and opportunities for Norwegian municipalities. In: PAPPAS, I. O.; MIKALEF, P.; DWIVEDI, Y. K.; JACCHERI, L.; KROGSTIE, J.; MANTYMAKI, M. (eds.). *Digital Transformation for a Sustainable Society in the 21st Century*. Cham: Springer, 2019. (Lecture Notes in Computer Science; vol. 11701). pp. 267–277. Further see BULLOCK, Justin B. Artificial Intelligence, Discretion, and Bureaucracy. *The American Review of Public Administration*. 2019, vol. 49, no. 7, pp. 751–761.

responsible for comprehensive assessment and final decisions.[18] Both the AI Act and the OECD recommendations[19] emphasize that AI systems in the public sector should be deployed with clearly defined human oversight, comprehensible explanations of outputs, and clear assignment of responsibility. In the case of ANAKONDA, this means that the results of the algorithm serve only as a basis and the final decision remains with the employee.

Investments in human capacity development, organizational culture and trust in innovation adoption have also contributed significantly to the successful implementation of the above-mentioned projects. According to available studies, the acceptance of artificial intelligence depends not only on the technological readiness of organizations, but also on the willingness of employees to learn new procedures and adapt to organizational changes.[20] The main barriers to AI adoption in public administration therefore include a lack of trust and fears of potential errors.[21] The Centre for Regional Development responded to these issues by launching an internal AI academy, which uses webinars, tutorials and workshops to increase employees' digital literacy and support them in learning new tools. The academy also explains the possibilities and limitations of individual solutions, and its goal is not only to expand knowledge but also to strengthen employees' confidence in new technologies. Building on these capacity-building efforts, the Centre for Regional Development has also initiated the development of an internal chatbot named DORA, aimed at helping employees navigate internal procedures and administrative guidelines more efficiently. This practice is in line with the European trend: in addition to improving services to citizens, AI is most often used in public administration to strengthen internal management.[22] This approach also reflects the insight that the successful adoption of AI in the public sector depends not only on the availability of technologies but also on the ability of employees to understand these technologies and actively integrate them into their daily practice.[23]

4. The ADAM

The ADAM (Audit Data Management Assistant) application is another example of the gradual introduction of artificial intelligence tools into public administration in the Czech Republic. The project was launched in 2023 by the Audit Authority of the Czech Ministry of Finance as a proof-of-concept solution, reflecting the growing interest of the state administration in the use of tools based on large language models. ADAM was designed as an internal chatbot that provides quick access to the documentation of managing authorities (ministries responsible for the management of operational programs and the allocation of European funds). The purpose of the application is to facilitate the search for information in extensive sets of manuals and methodological guides, which form the basic support for the performance of audit activities. This functionality is of fundamental importance, particularly in the context of so-called operational audits and system audits, which require rapid orientation in

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[18] MADAN, Rohit; ASHOK, Mona. AI adoption and diffusion in public administration: A systematic literature review and future research agenda. *Government Information Quarterly* [online]. 2023, vol. 40, no. 1, article 101774.

[19] OECD. *Governing with Artificial Intelligence: The State of Play and Way Forward in Core Government Functions* [online]. Paris: OECD Publishing, 2025 [cit. 2025-10-12]. DOI: 10.1787/795de142-en.

[20] SCHEDLER, Kuno; GUENDUEZ, Ali A.; FRISCHKNECHT, Reto. How smart can government be? Exploring barriers to the adoption of smart government. *Information Polity*. 2019, vol. 24, no. 1, pp. 3–20.

[21] Ibidem. See also GESK, T. S.; LEYER, M. Artificial intelligence in public services: When and why citizens accept its usage. *Government Information Quarterly*. 2022, article 101704.

[22] VAN NOORDT, Colin; MISURACA, Gianluca. Artificial intelligence for the public sector: results of landscaping the use of AI in government across the European Union. *Government Information Quarterly*. 2022, vol. 39, no. 3, article 101714.

[23] MARAGNO, Giulia; TANGI, Luca; GASTALDI, Luca; BENEDETTI, Michele. Exploring the factors, affordances and constraints outlining the implementation of Artificial Intelligence in public sector organisations. *International Journal of Information Management*. 2023, vol. 73, article 102686.

complex and usually very extensive documentation. Experience to date shows that ADAM can deliver measurable organizational benefits. It reduces the time needed to search for specific information and allows employees to devote themselves to more complex professional tasks, reducing the problem of information fragmentation and complexity of decision-making processes, which are among the known barriers to effective management.[24] An expansion of functionalities towards the automation of selected processes (e.g. filling in checklists) is also being considered, which could further support the rationalization of audit activities. Even in this case, however, it is necessary to keep in mind that the growing use of artificial intelligence in government may bring governance, ethical and institutional challenges that require careful management to avoid unintended consequences.[25]

Several interesting aspects of the ADAM application can be highlighted. The first interesting aspect of the ADAM application is its governance dimension, in the sense of a mechanism for management and cooperation between actors, institutions and their data. On the one hand, the implementation of ADAM was conditional on voluntary inter-ministerial cooperation (supplying the necessary data and information), as the audit body does not have its own extensive documentation base. At the same time, ADAM reflects the principles of inter-institutional coordination and sharing of information and knowledge, which are key to innovation in the public sector.[26] From the outset, the project was intended not as a proprietary tool of a single body, but as a shared service for the entire implementation structure. Access to the application was also provided to the managing authorities themselves, which supports the horizontal transfer of innovation across the state administration. This brings ADAM closer to the need for shared digital tools and data platforms that can be used across institutions.[27] Secondly, due to strict cybersecurity requirements, ADAM was initially limited to working with publicly available data, with the integration of internal data expected in the future. Thirdly, the tool was not perceived as a final product from the outset, but as a feasibility study to test technical possibilities and institutional readiness. A strategy of gradual testing and presentation as a feasibility study was applied, which minimized resistance within organizations, in line with recommendations on innovation management in the public sector, according to which it is necessary to build legitimacy and trust step by step.[28]

5. JENDA

Another example of AI use in Czech public administration is the JENDA application, developed by the Ministry of Labor and Social Affairs of the Czech Republic, which represents an innovative step towards the digitization of public services in the area of social benefits and employment. It is a client zone accessible via a web interface and mobile application that allows citizens to submit selected applications online and track their status in real time. Users can submit online applications for parental allowance, state social assistance benefits, unemployment benefits or registration as job seekers via Jenda, and can also track their status

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[24] MEDAGLIA, R.; GIL-GARCIA, J. R.; PARDO, T. A. Artificial Intelligence in Government: Taking Stock and Moving Forward. *Social Science Computer Review*. 2021, vol. 41, no. 1, pp. 123–140.

[25] VALLE-CRUZ, David; GARCÍA-CONTRERAS, Rubén; GIL-GARCIA, J. Ramon. Exploring the negative impacts of artificial intelligence in government: the dark side of intelligent algorithms and cognitive machines. International Review of Administrative Sciences [online]. 2023, vol. 90, no. 2, pp. 353–368.

[26] KATTEL, Rainer; MAZZUCATO, Mariana. Mission-oriented innovation policy and dynamic capabilities in the public sector. *Industrial and Corporate Change*. 2018, vol. 27, no. 5, pp. 787–801. See also SCHEDLER, Kuno; GUENDUEZ, Ali A.; FRISCHKNECHT, *Op. cit.*, 2019.

[27] See MADAN, Rohit; ASHOK, Mona. *Op, cit.*, 2023.

[28] TANGI, Luca; COMBETTO, Matteo; HUPONT TORRES, Iván; FARRELL, Emily; SCHADE, Sven. *The Potential of Generative AI for the Public Sector: Current Use, Key Questions and Policy Considerations*. Luxembourg: Publications Office of the European Union, 2024. JRC139825.

in real time. In this way, the system eliminates the need for physical visits to the office and enhances the efficiency of public administration. This tool is in line with the European "digital by default" trend, which aims to simplify citizens' interaction with the state, minimize the administrative burden and enhance the user-friendliness of digital services.[29] A key prerequisite for the credibility of the system is the verification of the applicant's identity through Citizen Identity – e.g. bank identity or eGovernment Mobile Key. Jenda simplifies the submission of applications by automatically obtaining certain documents, such as proof of income or energy costs, from other registers. This approach is based on the *once-only* principle, according to which citizens should not be forced to provide the same information repeatedly to different authorities. After the application is submitted, it is processed by the back office, where formal checks and verifications are carried out and, if necessary, the user is asked to supplement the information via the application, thereby strengthening interactivity and two-way communication between the authority and the citizen. Finally, the application is forwarded to the Labor Office branch, where a decision is made on its approval or rejection.[30] The current version of Jenda only allows applications for selected types of benefits and interaction at the individual or household level – it is not intended for legal entities or representation. In the future, the challenge will be to expand functionality, ensure interoperability with other public administration systems, and maintain a balance between security and user-friendliness. The Jenda application thus faces a challenging step, as scaling pilot digital projects and integrating them into complex administrative ecosystems is the most difficult phase of digitalization reforms.[31]

III. THE ADM AMENDMENT AND ITS BACKGROUND

On 1st November 2024, a group of MPs of the Chamber of Deputies of the Parliament of the Czech Republic submitted a draft amendment[32] to the Municipalities Act,[33] which contained a rider amendment to the Administrative Procedure Code introducing a new provision, the main part of which reads as follows:

"***§ 15a Automated conduct of proceedings***

(1) Unless the nature of the matter under consideration, the protection of the rights of the persons concerned, or the protection of the public interest requires that the act in the proceedings be performed by an official, the act may be performed automatically without the participation of an official. In particular, the act cannot be performed in this manner if it requires the use of administrative discretion or if it concerns a decision on an appeal."[34]

According to the explanatory memorandum, the draft amendment seeks to explicitly regulate the use of automated processes in administrative proceedings, with this step reflecting the broader trend of digitalization in public administration and is intended to allow automation where appropriate, with the expected benefits of faster, simpler, cheaper, and more efficient

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29 EUROPEAN PARLIAMENT. Resolution (C/2023/444) of 18 April 2023 on eGovernment accelerating digital public services that support the functioning of the single market (2022/2036(INI)).

30 Available at: https://www.mpsv.cz/klientska-zona-jenda [cit. 2025-10-12].

31 OECD. *Governing with Artificial Intelligence: The State of Play and Way Forward in Core Government Functions* [online]. Paris: OECD Publishing, 2025 [cit. 2025-10-12]. DOI: 10.1787/795de142-en.

32 Parliamentary Print No. 845/0: Proposal by Members of Parliament Tomáš Dubský, Milada Voborská, Martina Ochodnická, Jiří Havránek, and Jiří Carbol for the enactment of a law amending Act No. 128/2000 Coll., on Municipalities (Municipal Establishment), as amended, and other laws in connection with supporting cooperation among municipalities.

33 Act No. 128/2000 Coll., on Municipalities.

34 Translated by the author. In the current situation, the amendment ended in the so-called third reading, i.e., discussion before the final vote on whether the Chamber of Deputies will adopt the bill or not. Given that new elections to the Chamber of Deputies took place on 3rd and 4th October 2025, the bill was not discussed during this election period. The fate of this amendment is uncertain at this time.

decision-making, as well as greater consistency and transparency. The memorandum stresses that the amendment does not prescribe which procedures must be automated. Instead, it creates a general procedural framework that enables automation where suitable. It further clarifies that the new provision will also apply by analogy to less formal administrative acts under Chapter IV. of the Administrative Procedure Code. Automation is expected to be applied primarily in simple and standardized first-instance cases, such as issuing extracts, certificates, or routine benefit decisions that can be verified against existing data.[35]

The draft expressly prohibits the range of cases in which administrative automated decision-making (AADM) cannot be used. This includes its usage in appeal proceedings and in cases where administrative authorities may exercise discretion. At the same time, the AADM law more or less specifically enshrines safeguards aimed at ensuring legality and protecting important interests while issuing decision via AADM. As the proposal specifically addresses only acts in administrative proceedings, according to Section 154 of the Administrative Procedure Act, such regulation would also apply to other, less formal (or more precisely less proceduralized) activities of public administration outside the scope of administrative proceedings.

At first glance, the prohibition of AADM usage in discretion cases is a clear inspiration by the German legislation, which is discussed in more detail below, as the authors themselves state in the explanatory memorandum.[36] The term "discretion" is not defined by law, although Czech legislation takes it into account, particularly with regard to the possible correctness or incorrectness of an issued act.[37] The definition of the term itself is then left to intensive case law dealing with the term. Whether the law provides the administrative authority with a certain degree of authority to choose one of several solutions provided by the legal norm, as the existence of a certain factual situation is not clear linked to a single legal consequence.[38] The authority to exercise discretion must fulfil the following characteristics: (i) a legal norm allowing for the application of discretion,[39] (ii) isolated cases of relative freedom in decision-making and the possibility to choose an appropriate solution within certain limits,[40] and (iii) the obligation to apply discretion and, above all, to justify it.[41]

The authors of the bill do not provide any arguments for prohibiting AADM in cases of administrative discretion, merely referring to foreign regulations in Germany and Norway.[42] One can only assume that the authors hope this restriction will ensure decision-making based on clear criteria and sufficient justification when exercising discretion. However, the question arises as to whether discretion is really the main corrective measure for the authorization or prohibition of AADM, as it is possible to imagine decisions without the possibility of using discretion that have more severe consequences than, for example, determining the amount of a fine.[43] These issues will be addressed in more detail later in this article.

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35 Explanatory memorandum to the Parliamentary Print No. 845, document No. 845/0.

36 Ibidem.

37 For example, Section 82 (2) of the Administrative Procedure Code.

38 Resolution of the Extended Chamber of the Supreme Administrative Court, Ref. No. 8 As 37/2011-154, dated April 22, 2014.

39 Judgment of the Supreme Administrative Court, ref. no. 7 As 21/2008-101, dated December 18, 2008.

40 Ruling of the Constitutional Court, ref. no. III. ÚS 2556/07, dated July 22, 2009, SKULOVÁ, Soňa. *Administrative discretion: basic characteristics and context of the term*. 1st ed. Brno: Masaryk University, 2003. Acta Universitatis Brunensis. ISBN 80-210-3237-5 40 p. and PETRMICH, Václav. *Administrative discretion and vague legal concepts*, Charles University, 2016. Judgment of the Supreme Administrative Court, ref. no. 4 As 75/2006-52, dated February 28, 2007, or judgment of the Supreme Administrative Court, ref. no. 2 Afs 207/2005-55, dated July 27, 2006.

41 Judgment of the High Court in Prague, Ref. No. 6A 99/92-50, dated 5 November 1993 or Judgment of the Supreme Administrative Court, Ref. No. 3 As 24/2004-79, dated 30 November 2004.

42 Explanatory memorandum to the Parliamentary Print No. 845, document No. 845/0, p. 38.

43 For example, decisions on building permits or decisions on granting citizenship.

IV. CRITICAL ASSESSMENT OF THE PROPOSED SOLUTION

While the parliamentary initiative to introduce automation into administrative procedure may at first appear commendable, the manner in which it was carried out is far from ideal. Rather than providing a carefully designed and robust legal framework, the proposed amendment suffers from serious procedural, substantive, and drafting deficiencies. The proposed amendment is not sufficiently thought through, and several critical problems can be identified.

1. Shortcomings of the legislative process

First of all, it is highly unusual, and from a rule-of-law perspective undesirable, that a reform of such significance should be introduced as a parliamentary bill rather than as a government bill. The distinction is not merely formal. A proposal of new act issued by MPs rather than by the government means, that such proposal is only subject to opinion of a government, however is not subject to cross-ministerial and external commentary proceedings, within which a number of professional institutions, courts, lawyers, and other public administration bodies could provide their expert opinions on this amendment.[44] Government bills, on the other hand, are subject to an extensive and structured preparatory process. They undergo inter-ministerial consultation, which serves as an essential quality-control mechanism by ensuring that the perspectives of all relevant ministries, agencies, and stakeholders are taken into account. This process is designed to highlight inconsistencies, uncover potential unintended consequences, and secure a more comprehensive evaluation of the legislative proposal. Government bills must also comply with the Government's Legislative Rules,[45] which lay down standards for the clarity, precision, and systematic consistency of legislative drafting. Moreover, they are reviewed by the Government Legislative Council, an expert advisory body tasked with ensuring that new legislative initiatives are coherent, legally sound, and compatible with the constitutional framework. Parliamentary bills, by contrast, bypass all of these stages. They are drafted without the benefit of a systematic interdepartmental review, without the discipline imposed by the Legislative Rules, and without expert oversight from the Legislative Council.

As a result, parliamentary bills tend to be less thoroughly researched and more vulnerable to errors and inconsistencies. Members of Parliament, unlike the executive, generally lack professional legislative staff and the institutional capacity required to prepare complex procedural legislation. In this instance, the weakness of the process is compounded by the fact that the amendment was not submitted as a stand-alone proposal but as a so-called "rider" attached to an unrelated bill. The use of legislative riders is widely criticized in comparative public law because it undermines transparency, excludes proper debate on the merits of the specific measure, and allows major reforms to pass without adequate scrutiny. This mode of introduction in itself suggests that the drafters underestimated both the systemic implications and the sensitivity of introducing automation into administrative proceedings.

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[44] ZBÍRAL, Robert. Bills in inter-ministerial consultation procedure: key phase of the legislative process, or moment for opportunity for trivial comments? [Návrhy zákonů v meziresortním připomínkovém řízení: zásadní fáze legislativního procesu, nebo přehlídka malicherných podnětů?] *Journal of Law and Jurisprudence [Časopis pro právní vědu a praxi]*, 2021, vol. 29, no. 2, pp. 261–289.

[45] Government of the Czech Republic. *Legislative Rules of the Government*, approved by Government Resolution of 19 March 1998, No. 188, and subsequently amended by Government Resolutions of 21 August 1998, No. 534; 28 June 1999, No. 660; 14 June 2000, No. 596; 18 December 2000, No. 1298; 19 June 2002, No. 640; 26 May 2004, No. 506; 3 November 2004, No. 1072; 12 October 2005, No. 1304; 18 July 2007, No. 816; 11 January 2010, No. 36; 14 December 2011, No. 922; 14 November 2012, No. 820; 15 December 2014, No. 1050; 3 February 2016, No. 75; 17 January 2018, No. 47; 11 January 2023, No. 22; 28 June 2023, No. 481; and 15 January 2025, No. 34.

2. Questionable compliance with EU law

A second fundamental problem concerns the compatibility of the proposed provision with European data protection law, in particular Article 22 of the General Data Protection Regulation (GDPR).[46] Article 22 (1) of GDPR lays down a clear principle: individuals have the right not to be subject to a decision based solely on automated processing, including profiling, if that decision produces legal effects concerning them or otherwise significantly affects them. In other words, fully automated decision-making that impacts individuals' rights or obligations is, as a rule, prohibited within the European Union.

The Regulation does, however, permit certain exceptions. Article 22 (2) allows Member States to authorize automated decision-making in their national law, but only under strict conditions. Most importantly, any such authorization must be accompanied by "suitable measures to safeguard the data subject's rights, freedoms, and legitimate interests." This typically entails clear technical and organizational safeguards, such as mechanisms for human oversight, the right to obtain human intervention, the possibility to express one's point of view, and the right to contest the automated decision. The aim is to prevent individuals from being subjected to opaque algorithmic outcomes that they cannot meaningfully challenge.

The draft amendment to the Administrative Procedure Code does not meet these requirements. First, the proposal was introduced as a parliamentary bill, and as such no Data Protection Impact Assessment (DPIA) was carried out.[47] The DPIA is not a mere bureaucratic formality, but a key tool required by the GDPR for assessing high-risk processing activities. Its purpose is to anticipate the risks of automation, identify vulnerabilities in data protection and procedural fairness, and propose mitigating measures before the law is adopted. The absence of a DPIA means that neither lawmakers nor the public have had the opportunity to evaluate the risks associated with algorithmic decision-making in the administrative sphere.

Second, the text of the amendment itself contains no safeguards whatsoever. There is no reference to technical standards ensuring data security, no requirement for auditability of the algorithms used, and no guarantee of protection against manipulation or error. Perhaps most strikingly, there is no provision for a "human in the loop." Contemporary data protection doctrine and practice regard some form of human oversight as indispensable whenever automated systems are applied to decisions with legal effects. Without such oversight, individuals may be deprived of the right to a fair hearing and effective remedy, both of which are guaranteed by the Charter of Fundamental Rights of the European Union and the Czech Constitution.

Third, the absence of safeguards creates a direct risk of infringement proceedings by the European Commission. The European Data Protection Board has consistently taken the position that Member States cannot simply authorize automated decision-making without specifying the accompanying protective measures. The authors believe that a provision as general and indeterminate as the proposed Section 15a would be considered insufficient under EU law. The Czech Republic could therefore find itself exposed not only to legal uncertainty domestically but also to the risk of EU-level litigation.

Finally, beyond the strictly legal incompatibility, the omission of safeguards undermines public trust. Citizens are unlikely to accept the legitimacy of automated acts if they are not

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[46] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

[47] See e.g. BIEKER, Felix; FRIEDEWALD, Michael; HANSEN, Marit; OBERSTELLER, Hannah; ROST, Martin. A Process for Data Protection Impact Assessment Under the European General Data Protection Regulation. In: SCHIFFNER, Stefan; SERNA, Jetzabel; IKONOMOU, Demosthenes; RANNENBERG, Kai (eds). *Privacy Technologies and Policy*. APF 2016. Lecture Notes in Computer Science, vol. 9857, Cham: Springer, 2016, pp. 21–37.

reassured that their rights will be adequately protected. Automation in administrative law inevitably raises concerns about transparency, accountability, and the possibility of error. By failing to address these concerns, the draft amendment risks fostering suspicion and resistance rather than confidence in digital governance.

The proposal therefore risks being incompatible with EU law, exposing the Czech Republic to potential infringement proceedings and undermining trust in the fairness of automated administrative procedures.

3. Deficiencies in legislative drafting

Perhaps the most striking weakness of the proposal lies in its drafting technique. Instead of laying down a clear and operational rule, the provision is constructed around a chain of conditionals and exceptions that obscure its meaning and invite inconsistent interpretation. The opening sentence provides that automation is permissible unless the nature of the matter, the protection of the rights of the parties, or the protection of the public interest requires that the act be performed by an official. This already sets a highly indeterminate standard. What kinds of matters are excluded by "the nature of the case"? How should authorities evaluate when the "public interest" demands human involvement? These open-textured formulations leave excessive discretion in the hands of the very authorities whose conduct the law is supposed to regulate.

The provision then adds a second layer of limitation, stating that automation may not be used "in particular" when administrative discretion is required or when a decision concerns an appeal. This drafting is problematic in several respects. First, the phrase "in particular" is unsuited to the task of defining exceptions to a rule. It implies that the list of exceptions is merely illustrative rather than exhaustive, leaving open the possibility that further, unspecified categories might also be excluded. The result is uncertainty as to the actual scope of application. Second, the relationship between the general exclusions in the first part of the provision and the "particular" exclusions in the second part is unclear. Are the latter to be regarded as illustrations of the former, or do they operate as separate and independent restrictions? The reader is left without guidance as to how these layers interact.

The drafting is also unsatisfactory from the perspective of legislative technique. Modern legislative standards, including the Czech Government's own Legislative Rules, emphasize clarity, precision, and the avoidance of indeterminate formulations. Provisions that impose obligations or create entitlements must be framed in such a way that both authorities and affected individuals can reasonably foresee the scope of their application. The proposed wording fails to meet this basic standard. Instead of clearly delineating when automation is permissible and when it is excluded, the provision creates a cloud of overlapping conditions whose interpretation would inevitably vary from one authority to another. This lack of clarity has practical consequences. For example, the reference to "administrative discretion" is not explained and can be considered rather restricting. In Czech administrative law, discretion can take many forms, ranging from the determination of sanctions to the balancing of competing interests. By design, each sanctioning constitutes the exercise of discretion, since the range of a certain administrative fine from 0 to 10 000 CZK technically gives the administrative authority a discretion to decide in 10 000 different ways, which would basically make the regulation obsolete. Does the prohibition apply only where broad evaluative judgment is required, or does it also cover cases involving minor elements of discretion such as setting procedural time limits? Similarly, the exclusion of appeals is self-evident, but the drafting leaves open whether preliminary acts within appeal proceedings may still be automated.

The cumulative effect is a provision that is more ambiguous than instructive. Instead of creating a framework for responsible use of automation, it invites divergent practices and legal disputes. Individuals affected by automated acts would struggle to predict whether the

procedure applied to them falls within the scope of the law, undermining the principle of legal certainty. From a constitutional perspective, such vagueness may also conflict with the requirement of legality in public administration, which demands that the exercise of public authority be based on clear and predictable rules.

V. TOWARDS BETTER SOLUTIONS

The debate about automation in administrative proceedings cannot remain confined to the Czech Republic alone. Since a number of European jurisdictions already regulate automated decision-making in public administration, it is worthwhile to look beyond national borders and take note of how other legal systems have addressed this issue. In particular, Sweden, Germany and France have developed distinct approaches to the problem, offering different criteria and safeguards that govern when and how automation may be used.

For this reason, the following chapter proceeds in two steps. First, it introduces selected foreign approaches in order to outline the spectrum of solutions that have already been adopted in Europe. Second, it turns back to the Czech Republic and considers how a sound and workable framework for automation might be constructed domestically.

1. Comparative insights

A. Sweden

Swedish legislation relating to AADM is the most stringent of those examined. Unlike other countries, it does not regulate any corrective measures in cases where AADM may or may not be used. It merely stipulates that an administrative decision may be issued automatically without further ado.[48]

At first glance, Swedish law appears to be progressive, but Swedish legal scholar J. Reichel further argues, that the "*Swedish law lacks any clear demarcation of when automated decision-making is to be allowed*".[49] However, this does not affect any prohibition of AADM under special legislation.For example, Swedish law stipulates that in certain cases, decisions may only be issued by specific individuals with special expertise, such as psychiatrists in cases involving involuntary care or in cases involving special requirements for proceedings within the framework of social services.[50] Such cases naturally prohibit the use of AADM in Sweden.

B. Germany

The Section 35a of Administrative Procedure Act of Germany (*Verwaltungsverfahrensgesetz)* allows an issuance of administrative decision entirely by administrative means, however only in cases where such is permitted by the special legislation and there is no room for the use of discretion.

The link between Czech and German legislation is clear. Unlike the Czech legislation, which provides specific safeguards, German legislator only relies upon the specific legislation to

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[48] Section 28 of the Swedish Administrative Procedural Act "*A decision can be made by an officer on their own or by several jointly or be made automatically. In the final processing of a matter, the reporting clerk and other officers can participate without taking part in the determination (…)"*.

[49] REICHEL, Jane. Regulating Automation of Swedish Public Administration. *CERIDAP: Rivista interdisciplinare sul diritto delle amministrazioni pubbliche*. 2023, vol. 1, no. 1, pp. 75–91.

[50] Sweden. *Government Bill 2021/22:125 – Elections and Decision-Making in Municipalities and Regions [Val och beslut i kommuner och regioner],* 24 February 2022. Available at: https://www.riksdagen.se/sv/dokument-lagar/dokument/proposition/val-och-beslut-i-kommuner-och-regioner_H903125.

provide with an authorization to issue acts automatically in specific procedures (such as Social Welfare proceedings[51] or Tax Assesment[52]). [53]

Czech legislation similarly allows the use of AADM according to general rules and attempts to cover all conceivable use cases in the definition of partial safeguards, unlike Germany, which does not rely on special provisions in specific proceedings. However, this does not affect the Czech legislature's authority to expressly prohibit AADM.

C. France

Last but not least, The French legislator did not take the path of negatively defining cases where AADM cannot be used but decided to address the specific details of decisions issued under AADM.

These specifics include the obligation to inform the data subject about the method and form of individual decision-making issued on the basis of AADM. The information must include (i) the extent and manner of the contribution of algorithmic processing to the decision-making; (ii) the data processed and their sources; (iii) the processing parameters and, where applicable, their weighting in relation to the situation of the person concerned; and (iv) the operations carried out in the course of the processing.[54]

Instead of restricting the use of AADM, French legislation focuses on ensuring the main elements of a lawful administrative decision, namely its justification and the provision of sufficient information for the purposes of challenging and/or remedying any defects in the said decision.

2. Architecture of a sound legal framework in the Czech context

Foreign experience demonstrates that the regulation of automated decision-making cannot be reduced to a single statutory formula. What proves functional in one jurisdiction may be unworkable in another, since legal systems differ in their reliance on discretion, in their distribution of procedural burdens, and in the very architecture of administrative proceedings. The Czech Republic is no exception. While comparative examples are useful as inspiration, the construction of a viable domestic framework requires close attention to the particularities of Czech administrative law.

One crucial point is the pervasive role of discretion. In some European systems, legislation largely limits itself to fixed standards, with relatively little space for administrative judgment. In such settings, a simple exclusion of all cases involving discretion can effectively delineate the permissible scope of automation. The Czech system, however, is built differently. Discretionary evaluation is present in a majority of administrative decisions, whether in the assessment of facts, the calibration of sanctions, or the balancing of competing interests. A blanket exclusion of discretionary decisions would therefore strip automation of most of its potential use.[55] If automation is to be integrated meaningfully, either the underlying system would have to be redesigned, for example by introducing fixed sanctions or indexes such as fines linked to average wages, or a more nuanced framework would need to be created that permits the use of automated tools even in proceedings involving elements of discretion.

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[51] Section 31a SGB X of Germany.

[52] Section 155 para. 4 AO of Germany.

[53] MARTINI, Mario; NINK, David. Subsumtionsautomaten ante portas? – Zu den Grenzen der Automatisierung in verwaltungsrechtlichen (Rechtsbehelfs-) Verfahren. *Deutsches Verwaltungsblatt*. 2018, vol. 133, no. 17, pp. 1128–1137.

[54] Sections L311-3-1 and R311-1-3-1-2 of the *Code des relations entre le public et l'administration*.

[55] Following the aforementioned example of a fine, the *en bloc* exclusion of all automation in cases concerning discretion would mean that no administrative punishment can be automated, since the imposition of every fine requires some degree of discretion in order to determine the fine *per se*.

A second issue is the allocation of procedural initiative. In the Czech Republic, it is the administrative authority that primarily carries the burden of being proactive, while the party to the proceedings plays a comparatively passive role (which is naturally not the case with the proceedings initiated by such party, where due activity and cooperation is expected).[56] Automation, however, typically assumes at least some degree of active participation by the individual, whether by reacting to a pre-formulated administrative order or by lodging objections against an automatically generated act. This suggests that a shift in procedural design may be necessary, at least towards wider use of simplified procedures such as order proceedings (*příkazní řízení*), in which the individual is required to file an objection to trigger a full review. Such a model would better align with the logic of automation while still preserving safeguards for individual rights.

Beyond these structural considerations, the introduction of automation requires a methodical and deliberate reform strategy. A reform of this magnitude should not be undertaken through a short parliamentary amendment but through a comprehensive government initiative. This would ensure that a Regulatory Impact Assessment and a Data Protection Impact Assessment are carried out, mapping both the expected benefits and the risks. Legislators should conduct a systematic survey of existing administrative proceedings to identify which types are suitable for automation and which are not. These proceedings should be listed explicitly and exhaustively in the law, or at the very least criteria must be established that allow authorities and citizens to know with certainty when automation is permitted. Such a framework must also be accompanied by clear safeguards. Technical and organisational measures need to be specified to guarantee data security, integrity, and auditability of automated processes. Human oversight should be integrated into the system, at least as an option for parties affected by automated acts. Given the technical complexity of automation, it is likely that a secondary regulation will also be necessary to detail the technical requirements and procedural guarantees.

Finally, an economic perspective should not be neglected. Automation should be targeted where it promises the greatest benefit for the efficiency of public administration and the saving of taxpayer resources. A serious economic assessment should therefore accompany the legal reform, identifying which areas of administrative practice will yield the greatest returns if automated.

All these considerations point to a broader conclusion: it is rather naïve to believe that good automation can be introduced by inserting a single provision into the Administrative Procedure Code. Properly embedding automation into Czech administrative law will require changes across a wide range of legal acts, adjustments in administrative practice, and new forms of oversight. In short, the reform must be systemic. Anything less risks producing the very opposite of what automation promises: not clarity and efficiency, but confusion, inconsistency, and erosion of trust in public administration.

VI. CONCLUSIONS

The debate over automation in public administration is no longer a matter of distant speculation. Across Europe, and increasingly also in the Czech Republic, automated tools are becoming a tangible part of administrative practice. What once seemed like a technical experiment is gradually turning into a structural question of how the state exercises authority and how citizens experience public power. This transformation carries with it undeniable

[56] Following the logic of associating the general aptitude for automation with the level of activity of the participant to the proceedings, it would appear beneficial to automate at least some steps in the participant-initiated proceedings. For instance, simple cases such as requests to supplement the application with the necessary attachments or termination of proceedings due to lack of procedural activity could be automated.

opportunities, but also risks that must not be overlooked. The debate around the insertion of Section 15a into the Czech Administrative Procedure Code exemplifies this duality: it signals a recognition that automation cannot be ignored, yet it also reveals how fragile and problematic the first steps can be if they are not accompanied by careful design and robust safeguards.
The analysis has shown that the Czech Republic already makes use of automation, though primarily outside the domain of binding administrative decision-making. The Tax Code expressly authorizes automated processing for supportive and preparatory tasks, while traffic enforcement relies on simplified mechanisms that dispose of cases without formal proceedings. These examples highlight that automation can be useful for efficiency and consistency, but they also show that the law has so far steered clear of permitting machines to issue decisions with direct legal effects.

Against this backdrop, the authors conclude that the proposed Section 15a, at least in its current wording, does not provide an adequate framework for moving towards automated administrative decision-making. Its drafting is vague and indeterminate, relying on conditionals and illustrative exclusions that obscure rather than clarify its scope. The nature of a parliamentary initiative meant that no proper preparatory process, no regulatory impact assessment, and no data protection impact assessment were undertaken. As a result, the authors find that the provision omits the safeguards required by EU law, particularly those derived from Article 22 of the GDPR. There is also no reference to auditability, security, human oversight, or the possibility for individuals to contest automated acts. Far from creating clarity, the draft risks introducing uncertainty and inconsistency into administrative practice while at the same time exposing the Czech Republic to possible conflict with European law.

The Czech debate can nonetheless draw valuable inspiration from comparative experience. Sweden, Germany, and France illustrate different models of how automation may be channeled through permissive simplicity, through restrictive authorizations, or through a focus on transparency and justification. Yet these examples also underscore that no single model can be transplanted wholesale. In the Czech context, an effective framework will require adjustments both to legal design and to procedural practice.

For these reasons, any future reform should be conceived as a systemic initiative led by the government, accompanied by comprehensive impact assessments, explicit criteria or enumerations of automatable proceedings, and enforceable safeguards for transparency, accountability, and oversight. Automation should be introduced first where it promises the most substantial benefits, both economically and administratively, while preserving citizens' rights and trust. It will not be enough to add a single provision to the Administrative Procedure Code: embedding automation into Czech administrative law will require a coordinated effort across multiple statutes and administrative practices. Ultimately, the Czech case is a reminder that automation in administrative law is not simply a matter of technology, but of legality and legitimacy. If implemented with care, it may indeed enhance efficiency, consistency and accessibility. If rushed through in a piecemeal manner, it risks undermining the very principles it is supposed to serve. The challenge for administrative law is therefore not whether to automate, but how to do so in a way that strengthens, rather than weakens, the rule of law in public administration.

KEY WORDS
artificial intelligence, automated decision-making, public administration, eGovernment, digitalization, digital state, section 15a, administrative procedure code

KLÍČOVÁ SLOVA
umělá inteligence, automatizované rozhodování, veřejná správa, eGovernment, digitalizace, digitální stát, § 15a, správní řád

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