THE DAWN OF AUTOMATISATION IN THE ADMINISTRATIVE PROCEDURAL LAW OF THE CZECH REPUBLIC[1]

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Abstract: In November 2024, a proposal for a new Article 15a of the Code of Administrative Proceedings was submitted by a group of deputies in the Chamber of Representatives of the Czech Parliament. The newly proposed article aimed to introduce the possibility of automated decision-making into the administrative proceedings in the Czech Republic. The proposed legislation aims to facilitate the acceleration and increase the efficiency of administrative proceedings. The fact is, however, that this proposal does not represent an isolated effort by Czech legislators. On the contrary, the proposal is part of a broader pan-European trend towards adopting legal rules that enable the substitution of human work (i.e., work performed by human officials) with work done by AI. The advent of AI is a phenomenon that transcends specific jurisdictions, possessing a transnational character. Thus, this article discusses the content of the newly proposed Article 15a in the context of other national legal frameworks (Spain, Federal Republic of Germany, and Estonia), which were recently adopted in Europe. In this respect, the article argues that the introduction of automatisation into the Czech administrative procedural law is *inevitable*. It is part of a broader trend and represents an integral part of modern administrative law in Europe. The question is not whether to automate administrative proceedings in the Czech Republic, but rather what rules and limits should be provided for such a future deployment of AI.

Key words: automatisation; administrative proceedings; artificial intelligence; modern administrative law

Introduction[3]

In November 2024, a proposal for the issuance of an act amending the existing Act on Municipal Administration (*obecní zřízení*) was submitted in the Chamber of

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[3] When writing this article, I used DeepL.com (free version) to translate provisions of foreign law into English.

Deputies of the Czech Republic by a group of deputies.[4] This proposal included, among other things, a proposal to introduce an entirely new § 15a of the Code of Administrative Proceedings (*správní řád*).[5]

The proposed wording of this new provision of the Code of Administrative Proceedings was as follows:

§ 15a – Automatic management of administrative proceedings

(1) If the nature of the matter under consideration, the protection of the rights of the persons concerned or the protection of the public interest does not require that an official perform an act in the proceedings, the act may be performed automatically without the participation of an official. The act may not be performed in this manner, if it requires the use of administrative discretion or concerns a decision on an appeal.

(2) If the requisite of an act under this Act is the signature of an official, its written version shall be secured in a manner ensuring the integrity and origin of the data, if it is an act performed in accordance with paragraph 1 in electronic form; otherwise, the provisions of this Act that stipulate the signature of an official as a requisite of the act shall not apply. If the requirement of an act under this Act is the provision of data on an official, in the case of an act performed in accordance with paragraph 1, only the information that it was performed automatically without the participation of an official shall be provided.

The explanatory memorandum to the proposal explains[6] the objectives pursued by the sponsors of the proposal in detail. The expected benefits of introducing automation (i.e. *inter alia* the use of algorithmic processes based on artificial intelligence)[7] are to speed up, simplify, reduce the cost, and streamline administrative processes. The proposal also aims to help reduce the administrative burden on both the public administration and citizens. This is to be achieved by linking automated systems to public records and databases, which should enable these systems to have immediate access to the information and documents needed for decision-making (without the need to request these documents from the persons concerned or to have them obtained by officials in the course of their official duties). However, the potential benefits of automated management should not be limited to

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[4] Návrh poslanců Tomáše Dubského, Milady Voborské, Martiny Ochodnické, Jiřího Havránka a Jiřího Carbola na vydání zákona, kterým se mění zákon č. 128/2000 Sb., o obcích (*obecní zřízení*), ve znění pozdějších předpisů, a další zákony v souvislosti s podporou spolupráce obcí, sněmovní tisk 845/0.

[5] Having said this, one must bear in mind that for the time being, automatisation has been foreseen in the Czech Republic in the Code of Tax Proceedings of the Czech Republic (*daňový řád*). Its § 59a provides in its Paragraph 1 for a possibility to deploy automatisation in tax proceedings; however, it excludes the issuance of the final decision from this possibility.

[6] Sněmovní tisk 845/0.

[7] In this respect, one has to bear in mind that the notion of „automatisation" is much broader than the AI deployment.

speeding up, simplifying, reducing costs, and streamlining administrative processes. The implementation of automation in administrative management should also guarantee completely uniform application practices by eliminating arbitrariness or other individual errors.[8]

This article aims to argue that the above-outlined proposal to enable automatisation in administrative proceedings does not represent an isolated action of the legislative body of the Czech Republic. On the contrary, the proposal is part of a wide, pan-European tendency to introduce the possibility of deploying artificial intelligence (AI) into administrative proceedings.[9] In the scholarship of public law, this tendency has been referred to as a direction towards an *automated*[10], or *self-driven state.*[11] While some authors consider this tendency to represent a *radical change in the DNA of public administration*[12], others[13] are more restrained in their evaluation of the current developments.

In this respect, this article firstly outlines current legislative developments in Spain, in the Federal Republic of Germany and in Estonia that have enabled the deployment of AI in administrative proceedings. The selection of these three jurisdictions was made because they represent three different approaches to deploying AI in administrative proceedings. With respect to these already existing legal frameworks in Europe, this article also argues that the adoption of rules for the AI deployment in the administrative proceedings in the law of the Czech Republic is *inevitable.* Such an adoption represents an integral part of the pan-European tendency to establish a *modern administrative law*.[14]

In a broader context, this article aims to present the current developments in the Czech Republic for a wider audience of legal scholars in Europe. At the same time, it

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[8] This article was submitted in September 2025, when the proposal was still discussed in the Parliament of the Czech Republic.

[9] SEVER, Tina: Trends of Automated Decision-Making in the Public Sector. In: Digital Transformation in European Public Services. Complexities, Challenges, and Good Practices. Cham: Palgrave Macmillan, 2025, pp. 25-53.

[10] See ENGSTRON, David: The Automated State: A Realist View. In: George Washington Law Review, Vol. 92, No. 6, 2024, pp. 1437–1472 and McCANN, Sancho: Discretion in the Automated State. In: The Canadian Journal of Law & Jurisprudence, Vol. 36, No. 1, 2023, pp. 171-194.

[11] BUTLER, Oliver: Algorithmic Decision-Making, Delegation and the Modern Machinery of Government. In: Oxford Journal of Legal Studies, Vol. 45, No. 3, 2025, pp. 727–752.

[12] See DEMKOVÁ, Simona: Automated Decision-Making and Effective Remedies. The New Dynamics in the Protection of EU Fundamental Rights in the Area of Freedom, Security and Justice. Cheltenham: Edward Elgar, 2023, ISBN 978-10-3530-660-2, at p. 2.

[13] See MIR, Oriol: The AI Act from the Perspective of Administrative Law: Much Ado About Nothing? In: European Journal of Risk Regulation, Vol. 16, No. 1, 2024, pp. 63-75.

[14] RUDOLF, Grega – KOVAČ, Polonca: The Role of Automated Decision-Making in Modern Administrative Law: Challenges and Data Protection Implications. In: Central European Public Administration Review, Vol. 22, No. 2, 2024, pp. 83–108.

seeks to contribute to the ongoing discussion[15] on this topic within the scholarship of administrative law in Europe from a Czech viewpoint.[16]

Having said this, this article will not address the procedural problem that may theoretically arise from the future application of the newly proposed § 15a – this issue is being analysed in the contribution, written by T. Svoboda and published in these proceedings.

Newly adopted laws in Europe

Spain

In Spain, the possibility to deploy AI by administrative authorities has been provided by the Act No. 40/2015 (*Ley 40/2015, de 1 de octubre, de Régimen Jurídico del Sector Público*), which provides the following:

Article 41. Automated administrative action.

1. Automated administrative action is understood to be any decision or action carried out entirely by electronic means by a public administration within the framework of an administrative procedure, and in which a public employee has not been directly involved.

2. In the case of automated administrative action, the competent body or bodies –as appropriate–, shall be established in advance for the definition of the specifications, programming, maintenance, supervision and quality control and, where applicable, auditing of the information system and its source code. It shall also indicate the body to be held responsible for appeal.[17]

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[15] See FINCK, Michèle: Automated Decision-Making and Administrative Law. In: Oxford Handbook of Comparative Administrative Law. Oxford: Oxford University Press, 2020, pp. 656–676, ISBN 978-01-9879-998-6; GALETTA, Diana-Urania: Decidere con l'IA: un problema comune a tutte le aree della scienza. In: Ceridap, Vol. 5, No. 2, 2024, pp. 374-384; PONCE SOLE, Julio: Artificial Intelligence, Automated Decisions Making and Discretionary Powers: The "Human Reserve" and the Human in the Loop of the 2024 European Union Regulation. In: The EU Artificial Intelligence Act and the Public Sector. Humans and AI Systems in Public Administration in the light of the European Regulation on Artificial Intelligence of 2024. Athens: European Public Law Organisation, 2025, pp. 235-280, ISBN 978-618-5417-17-8; ROEHL, Ulrik: Understanding Automated Decision-Making in the Public Sector: A Classification of Automated, Administrative Decision-Making. In: Service Automation in the Public Sector. Concepts, Empirical Examples and Challenges. London: Springer, 2022, pp. 35-63, ISBN 978-3-030-92643-4.

[16] For further information on the current discussion in the Czech Republic, see SERHIICHUK, Liliia: 1st Czecho-Slovak Symposium on Challenges of AI for Administrative Law: "What We Don't Let Robots Decide?" (Praha, 7 March 2025). In: Bratislava Law Review, Vol. 9, No. 1, 2025, pp. 297-300 and HANDRLICA, Jakub – ŠOPKOVÁ, Kristýna: 1. česko-slovenské sympozium o výzvách umělé inteligence pro správní právo Co roboty rozhodovat nenecháme? In: Acta Universitatis Carolinae Iuridica, Vol. 71, No. 2, 2025, pp. 229-233.

[17] This translation was provided by GAMERO CASADO, Eduardo: Automated Decision-Making Systems in Spanish Administrative Law. In: Ceridap, Vol. 4, No. 1, 2023, at p. 26.

The Article 41 of the Act No. 40/2015 is formulated very broadly.[18] It is therefore not limited solely to the issuance of a final decision (administrative act) but also includes any action within the framework of administrative proceedings. The provision is therefore also applicable to cases where an official (= human being) takes the final decision, but AI performs certain specific acts during the proceedings. At the same time, the provision is capable of covering also a fully automated proceeding, from its initiation until the issuance of a decision.[19]

The regulation of *automated administrative action* in Article 41 of Law No. 40/2015 is supplemented by two further provisions in Spanish law. The first is the very following provision of the Act mentioned above (Article 42[20]), which lays down rules for the formal drafting of decisions in cases where they are made without the participation of a public official. The second is the Spanish Anti-Discrimination Act, which, in Article 23, introduced additional rules for *automated administrative actions.*

Federal Republic of Germany

Since 2017, fully automated administrative acts have been regulated in the Federal Administrative Procedure Act (*Verwaltungs-verfahrensgesetz*) as well as in the German Fiscal Code (*Abgabeordnung*) and in the Social Code Book X (*Sozialgesetzbuch X*). The Federal Administrative Procedure Act provides for the following:

§ 35a Fully automated issuance of an administrative act
An administrative act may be issued entirely by automatic means, provided that this is permitted by law and there is no discretion or scope for assessment.

This provision provides for both positive and negative scope of automatisation in German administrative proceedings. In this respect, automatisation can only be deployed when a special act will enable such a possibility. The 6th edition of the Commentary to the Federal Administrative Procedure Act, edited by F. Schoch and J.-P. Schneider and published by C. H. Beck in 2025, reveals[21] that numerous acts of German public law have already provided such a possibility. Secondly, fully automated issuance of an administrative act is not allowed when administrative discretion is required. In this respect, the wording of the § 35a refers to two types of

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[18] See MARTÍN DELGADO, Isaac: Automation, Artificial Intelligence and Sound Administration. A Few Insights in the Light of the Spanish Legal System. In: European Review of Digital Administration & Law, Vol. 3, No. 1, 2022, at p. 10.

[19] See HUERGO LORA, Alejandro José: Una aproximación a los algoritmos desde el Derecho administrativo. In: La regulación de los algoritmos. Madrid: Thompson Reauters Aranzadi, 2020, p. 28, ISBN 978-84-1345-094-0.

[20] This Article bears the title Artificial Intelligence and Automated Decision-Making Mechanisms (*Inteligencia Artificial y mecanismos de toma de decisión automatizados*).

[21] See HORNUNG, Gerhard: § 35a VwVfG. In: Verwaltungsverfahrensgesetz, 6th edition, München: C.H. Beck, 2025, paras. 82–88, ISBN 978-3-406-76161-4.

administrative discretion, which have been traditionally distinguished in German scholarship of administrative law – discretion (*Ermessen*) and scope of assessment (*Beurteilungsspielraum*).[22]

Having said this, there is a strict difference between the Spanish and the German framework for AI deployment in administrative proceedings. The German legal framework is strictly focused on issuing the final decision in administrative proceedings.[23] In contrast, the Spanish framework is much more extensive. It allows both applications of AI in the course of the administrative proceedings and in its final phase, when a decision is being issued.

The explanatory memorandum to the proposal for a new § 15a of the Code of Administrative Proceedings claims its inspiration in the German legal framework. However, the truth is that the proposed § 15a is much closer to Article 41 of the Spanish *Ley 40/2015, de 1 de octubre, de Régimen Jurídico del Sector Público.* The design of the newly proposed § 15a and its wording allows automatization in a much wider sphere than only when the final decision is being issued. Also, the title of the proposed provision, which reads Automatic management of administrative proceedings, reveals that AI may be deployed, for example, for obtaining information from official databases, collecting data, etc.

Estonia

Lastly, the example of Estonia will be briefly outlined. Despite the fact that Estonia recently became a pioneer in the digitalisation of public administration, a general provision on automatisation of administrative proceedings is still missing there.[24] However, since 2019 automatisation has been allowed in tax proceedings, governed by the Tax Code (*Maksukorralduse seadus*). The applicable provision reads as follows:

§ 46.2 – Automated administrative decisions and documents

(1) The State Tax Authority may issue an administrative act and document in an automated manner, without the direct intervention of a tax authority official (hereinafter referred to as an "automated administrative act and document").

(2) An automated administrative act and document shall be verified by an electronic seal instead of a handwritten or electronic signature under the conditions and procedure laid down in the Act on Electronic Identification and Trust Services for Electronic Transactions. The provisions of paragraph 2) or 5 of paragraph 46 of this Act shall not apply to automated administrative acts and documents.

The types of administrative decisions that can be implemented in this way are exhaustively defined in a decree issued by the Ministry of Finance. In the Estonian

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[22] SCHNEIDER, Jens-Peter - ENDERLEIN, Franka: Automated Decision-Making Systems in German Administrative Law. In: Ceridap, Vol. 4, No. 1, 2023, at p. 98.

[23] Ibid.

[24] LEMBER, Kätliin: Tehisintellekti kasutamine haldusakti andmisel. In: Juridica, Vol. 26, No. 10, 2019, pp. 749-760.

legal system, this was implemented in Section 8 of Decree No. 15 of March 14, 2019. This provision allows for the automated issuance of, for example, an order to file a tax return and remedy its deficiencies, a decision to register and deregister a person from the VAT register, etc.

The future of law in the Czech Republic

At the time of the Bratislava Law Forum 2025, the proposal to introduce a new § 15a of the Code of Administrative Proceedings was still under discussion in the Chamber of Deputies of the Parliament of the Czech Republic. Thus, it is highly probable that the Parliament will not adopt the wording mentioned above. The fact is, however, that such an outcome will not represent a swan song of AI deployment into the administrative proceedings. On the contrary, a provision enabling AI deployment in administrative proceedings will probably be adopted in the Czech Republic in the next few years.[25]

The reasons for such a prediction are as follows:

Firstly, the AI is omnipresent. As outlined above, there has been a pan-European tendency to allow administrative authorities to deploy AI in administrative proceedings.[26] The fact is that this tendency goes far beyond the mentioned cases of Spain and the Federal Republic of Germany. Recently, similar provisions have also been adopted in France, Norway and Latvia. In 2022, a new framework was also proposed in Estonia to provide for automatisation in all administrative proceedings.[27]

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[25] HANDRLICA, Jakub: Automatizace v rozhodování správních orgánů: Fatamorgána, nebo realita budoucnosti? In: Správní právo, Vol. LVII, No. 6-7, 2024, pp. 421-424.

[26] See SANTOSUOSSO, Amedeo – SARTOR, Giovanni: Decidere con l' IA. Intelligenze artificiali e naturali nel diritto. Bologna: in Mulino, 2024, ISBN 978-88-15-39056-1, at pp. 12-14.

[27] This proposal reads as follows:

Section 7 Automated Administrative Proceedings

(1) Provided that it does not interfere with the rights or freedoms of individuals, an administrative authority may conduct automated electronic administrative proceedings, issue an automated administrative act or other document, or perform any other automated operations through an information system without the direct involvement of an official or employee acting on behalf of the administrative authority in cases specified by law.

(2) In the case referred to in paragraph 1 of this section, the administrative authority shall ensure that:

1) automation is in the interest of both the person and the public, as it reduces time and facilitates the administration of affairs;

2) the legal provision on which the decision is based does not provide for the use of administrative discretion;

3) the legal provision on which the decision is based does not contain an undefined legal term or its meaning is unambiguous and generally known;

Allowing AI to be used by public administration has become a standard in Europe. Those jurisdictions that will not enable AI deployment will hardly be attractive for foreign investors who are seeking efficient and speedy public administration.

Secondly, the AI is being deployed by the private sector. Consequently, participants in administrative proceedings currently use and will continue to use AI in the future. Thus, public administration cannot opt for non-deployment of AI, as such a step will naturally weaken the capacity of administrative decision-making.

Thirdly, one must bear in mind that in the Czech Republic, the deployment of AI has already been allowed in the tax proceedings, where the Code of Tax Proceedings of the Czech Republic (*daňový řád*) provides in its § 59a that the competent administrative authority "*may perform tax administration, except for issuing final decisions, exclusively on the basis of automated processing of personal data; the tax administrator shall specify the computer algorithms and selection criteria on the basis of which such processing is performed in the records of personal data processing activities and shall retain them for at least one year after their last use for personal data processing.*" Thus, to a certain extent, the automatisation has already been a fact of the current administrative practice in the Czech Republic. Consequently, one may expect that best practices in AI deployment in tax proceedings will be established.[28] Such best practices could also be inspirational for other types of administrative proceedings.

Having said this, we must bear in mind that the AI is in the state of infancy. It has not reached its adulthood yet. Consequently, one may expect extensive developments of AI in the following decades that will imply considerable challenges for existing legal systems. Thus, the legal regimes that have been adopted or will soon be adopted in Europe are far from the final one and will most probably be supplemented by further legislative amendments, by soft law and by interpretation by administrative courts. Thus, we are undeniably witnessing the dawn of automatisation in administrative proceedings and of the respective legal frameworks in Europe.

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4) sufficient information was available, there was no need to hear opinions and objections in accordance with Section 40(3) of this Act, and there were no deviations from the existing data;
5) the decision-making process was predictable and comprehensible to the person concerned; and
6) no rights or interests of third parties or interested parties were prejudiced.
See PILVING, Ivo: Guidance-based Algorithms for Automated Decision-Making in in Public Administration: the Estonian Perspective. In: Ceridap, Vol. 4, No. 1, 2023, pp. 68-70.

[28] See GALETTA, Diana-Urania: Decidere con l'IA: un problema comune a tutte le aree della scienza. In: Ceridap, Vol. 5, No. 2, 2024, pp. 382-384.

Conclusions

In November 2024, a proposal for a new Article 15a of the Code of Administrative Proceedings was submitted by a group of deputies in the Chamber of Representatives of the Czech Parliament. The newly proposed article aimed to introduce the possibility of automated decision-making into the administrative proceedings in the Czech Republic for the very first time. Although suggested by a group of deputies, this proposal does not represent *an isolated attempt* to address the deployment of artificial intelligence in public administration. On the contrary, the provisions already adopted in Spain, in the Federal Republic of Germany, and in Estonia clearly reveal that the new framework proposed by a group of deputies in the Czech Republic is an integral part of a much broader pan-European tendency to address the issue by means of national legislation. Thus, this tendency has not been implicated by harmonisation efforts of the EU legislation. On the contrary, it has been a product of advances in artificial intelligence in the last few years.

Having said this, this article also argues that even if the recent legislative proposal for the new § 15a will not be successful, the introduction of a provision on artificial intelligence deployment into the Code of Administrative Proceedings seems to be *inevitable* in the future. The fact is that in the forthcoming era, artificial intelligence will most probably become not only a part of our lives, but also an integral part of public administration in Europe. Consequently, the question is not *whether,* but with which *content* a provision on AI deployment will be incorporated into the Code of Administrative Proceedings.

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