UNIVERZITA PAVLA JOZEFA ŠAFÁRIKA
v Košiciach
FAKULTA VEREJNEJ SPRÁVY

1/2026
ročník XXVII.
ISSN 2453-9236

VEREJNÁ SPRÁVA A SPOLOČNOSŤ

PUBLIC ADMINISTRATION AND SOCIETY

VEREJNÁ SPRÁVA

A

SPOLOČNOSŤ

PUBLIC ADMINISTRATION

AND SOCIETY

Open Access:

zenodo

Indexovaný v:/Indexed in:

ERIHPLUS
EUROPEAN REFERENCE INDEX FOR THE HUMANITIES AND SOCIAL SCIENCES

1/2026

ročník XXVII.

Verejná správa a spoločnosť

Verejná správa a spoločnosť je vedecký recenzovaný časopis Fakulty verejnej správy Univerzity Pavla Jozefa Šafárika v Košiciach, ktorý publikuje pôvodné vedecké články, diskusné príspevky a recenzie s obsahovým zameraním na teóriu a prax verejnej správy. Poslaním časopisu je publikovať významné výsledky vedeckého výskumu v oblasti verejnej politiky a správy, spoločenských vied, verejnoprávnych disciplín, ekonomiky a manažmentu verejnej správy.

Public Administration and Society

Public Administration and Society is a scientific reviewed Journal of the Faculty of Public Administration University of Pavol Jozef Šafárik in Kosice that publishes scholarly articles, discussion papers, and reviews focusing on theory and practice of Public Administration.
The mission of the Journal is to publish significant results of scholarly research in the fields of public policy and administration, social sciences, public law, economics, and public administration management.

Adresa redakcie:
Verejná správa a spoločnosť
Univerzita Pavla Jozefa Šafárika v Košiciach
Fakulta verejnej správy
Popradská 66, P.O.BOX C-2
041 32 Košice
Tel.: 055 / 788 36 17
Fax: 055 / 788 36 65

ISSN 2453-9236 (online)
https://doi.org/10.33542/VSS2026-1-0

CONTENTS

SCIENTIFIC PAPERS

The Paradiplomacy of the City of Košice

Michal Jesensko, Gabriel Eštok, Tomáš Dvorský

https://doi.org/10.33542/VSS2026-1-1

Abstract

This article examines the paradiplomatic activities of Košice, Slovakia's second-largest city, in the context of Europe's changing geopolitical architecture after 2022. It draws on paradigms of paradiplomacy and multi-level diplomacy to show how a regional city with limited resources balances local development priorities with external security, economic and normative pressures. The study uses a qualitative case study design and document analysis of municipal resolutions, partnership agreements, project documentation and strategic papers, complemented by secondary literature. Empirically, it focuses on the evolution and geopolitical reorientation of Košice's partner-city network, its participation in transnational municipal and EU initiatives, its response to Russia's full-scale invasion of Ukraine, and its engagement with the EU's climate and innovation agendas. The article argues that Košice has shifted from symbolic, protocol-oriented external action to a more strategic paradiplomatic profile linking urban development, security perceptions and European integration, shaped mainly by institutional capacity, leadership change and opportunities created by EU multi-level governance.

Keywords: *paradiplomacy; city diplomacy; Košice; multi-level governance; municipal networks.*

Introduction

International relations have undergone a fundamental transformation in recent decades. The traditional Westphalian model, in which nation-states alone held a monopoly on foreign policy, is giving way to an environment characterised by multi-actorism. It is an environment in which sub-state entities, regions and cities are actively entering the international arena. This phenomenon, academically conceptualised as paradiplomacy, encompasses diverse forms of international engagement by local authorities. This engagement ranges from bilateral city partnerships, through participation in transnational networks, to direct humanitarian interventions in the context of armed conflicts. It is precisely the cities of Central Europe, situated on the geopolitically exposed periphery of the European Union, that offer analytically interesting cases of paradiplomacy, as their international activity reflects not only economic and cultural ambitions, but also security challenges and shifts in power structures across the continent.

This article analyses the paradiplomatic activities of the city of Košice, Slovakia's second-largest city, in the context of Europe's changing geopolitical architecture following the watershed year of 2022. Košice serves as a case study that allows us to observe how a regional city with limited capacities navigates between local interests and global pressures. Based on an analysis of the city's partnerships, involvement in transnational networks, reactions to the Russian invasion of Ukraine, and participation in EU climate and innovation initiatives, we argue that Košice has developed a relatively sophisticated paradiplomatic profile that exceeds the conventional expectations placed on Central European cities of a similar size. The study combines an analysis of the city's primary documents (council resolutions, project documentation, partnership agreements) with secondary literature and employs a qualitative case study design in line with *Kuznetsov's* explanatory framework for paradiplomacy research (Kuznetsov 2015b).

1 Literature review

The *term* 'paradiplomacy' was introduced into academic discourse by *Panayotis Soldatos* and *Ivo Duchacek* in the late 1980s. *Soldatos* defined paradiplomacy as *"direct and, in various instances, autonomous involvement [of federated states] in external-relations* activities" (Kuznetsov 2015a, 37). On the other hand, *Duchacek* originally favoured the term 'microdiplomacy', but later accepted the semantically more neutral concept with the prefix 'para-' (Duchacek 2015, 32). The terminological debate, which is mapped in detail by *Aguirre*, for example, revealed a deeper conceptual problem. The prefix "para" implies an activity that takes place "alongside" or "beside", but also, for example, an activity that occurs "in spite of" and "against" national diplomacy (Aguirre 1999). According to critics, this introduces a normative assumption of conflict between the central and sub-state levels into the concept. *Alexander Kuznetsov* characterised paradiplomacy as *"a form of political communication for reaching economic, cultural, political or any other types of benefits, the core of which consists in self-sustained actions of regional governments with foreign governmental and non-governmental actors*" (Kuznetsov 2015a, 30–31). This approach reflects the complexity of the phenomenon and its multidimensional nature.

In the context of urban paradiplomacy, the analytical perspective differs somewhat. *Van der Pluijm* and *Melissen* characterised city diplomacy as *"a professional, pragmatic and upcoming diplomatic activity on the international political stage, which is changing and will continue to change current diplomatic processes*" (Pluijm and Melissen 2007, 6). Their research, based on interviews with city diplomats, showed that a city's size need not be a determining factor. They conclude that even smaller cities can exhibit a high level of diplomatic activity if they possess adequate institutional capacity and motivation. *Acuto*, *Morissette* and *Tsouros* analysed the growing institutionalisation of city networks and noted that formal network structures are increasingly present in processes on the international stage. In doing so, they highlighted the need for a more strategic approach to networking on the part of cities. They emphasised that many cities are part of dozens of networks simultaneously, which raises the question of 'natural selection' between the options for engaging with available networks and the need for a systematic approach to multilateral engagement (Acuto et al. 2017, 21). *Tavares* placed this shift empirically within a broader context when he noted that *"against* *conventional views, the international activism of substate governments is now neither exclusive to federal countries nor to firmly established democracies*” (Tavares 2016, 14). This thesis is particularly relevant to the municipal paradiplomacy of Košice – the unitary character of the Slovak Republic does not a priori preclude robust foreign activity by local self-government. *Tavares* also pointed out that although thousands of sub-state governments around the world engage in some form of foreign relations, the nature and quality of these activities vary significantly. According to him, the decisive differentiating factor is not the formal constitutional position of the sub-state actor, but rather a combination of institutional infrastructure, the personal commitment of political leaders and available resources. He particularly emphasised that, with the exception of a few large cities and regions, the foreign policy apparatus of sub-state governments is *“embryonic and sensitive to the ambition and dedication – or lack of – of some leaders*” (Tavares 2016, 42). This argument offers an analytical key to understanding the changes in Košice’s international activity, where the succession of mayors and shifting political priorities determined the scope and intensity of its paradiplomatic engagement.

Recent scholarship on paradiplomacy increasingly emphasizes that sub-state foreign engagement should no longer be understood as an exceptional or marginal phenomenon, but rather as a structurally embedded feature of contemporary international relations. Rather than constituting a deviation from state diplomacy, paradiplomacy is now widely interpreted as a functional component of multi-level governance systems, in which cities and regions act as intermediaries between global processes and local policy needs. This literature further highlights that paradiplomatic activity is driven by both external structural conditions – such as globalization, European integration, and the expansion of transnational governance regimes – and internal factors including institutional capacity, leadership agency, and strategic policy entrepreneurship at the municipal level. In this perspective, paradiplomacy is increasingly conceptualized not only as a tool for economic and cultural projection, but also as an instrument of policy innovation and soft power accumulation, particularly in knowledge-intensive and innovation-driven urban regions (Lachytová and Lehotay Pandová 2025).

Population ageing has become one of the key structural challenges of contemporary European social policy, driven by rising life expectancy and changing demographic structures. Across EU member states, the increasing share of older persons is placing growing pressure on pension systems and long-term care provision. At the same time, substantial cross-country differences persist in the organisation and financing of care, reflecting diverse welfare state models and governance arrangements. While EU-level frameworks promote coordination and minimum standards, responsibility for long-term care remains primarily at the national level, resulting in unequal access and varying levels of service provision across Europe (Lachytová and Demčaková Mihaľová 2026).

In the Central European context, *Brian Hocking’s* concept is of particular significance; he preferred the term ‘multilayered diplomacy’ to the concept of paradiplomacy. By using this term, he emphasised that sub-state actors need not act in opposition to the central government, but are an integral part of the diplomatic system. Hocking argued that diplomacy should not be viewed as a segmented process involving separate actors within the state, but rather as a system in which different levels of governance are interconnected (Hocking 1993). This approach proves to be appropriate when analysing the Slovak centralised administrative model, in which cities do not possess explicit foreign policy competences, yet nevertheless develop an international agenda through partnerships, project cooperation and membership of supranational organisations. *Vilém Řehák* applied this approach to the case of Prague and confirmed that paradiplomatic activity is conditioned by three supranational factors: economic globalisation, regional and global political regimes, and transnational networks, particularly those anchored in the EU (Řehák 2013).

Noé Cornago has broadened the analytical scope of paradiplomatic studies beyond the Western world and defined paradiplomacy as *"non-central governments' involvement in international relations, through the establishment of formal and informal, permanent or ad hoc contacts, with foreign public or private entities, with the aim to promote socioeconomic or political issues, as well as any other foreign dimension of their own constitutional competences*" (Cornago 2000, 1–2). *Cornago* noted that paradiplomacy is not exclusively a matter for federal states or established democracies, which legitimises its examination in the post-socialist Central European context as well. *Ciesielska-Klikowska* and *Kamiński* applied a paradiplomatic perspective to cities' relations with the EU and identified three channels through which sub-state actors influence the Union's foreign policy: lobbying and the creation of network communities, the use of formal powers, and the implementation of direct actions (Ciesielska-Klikowska and Kamiński 2022).

For the analytical purposes of this study, we introduce the concept of *infrastructural paradiplomacy*, which denotes situations in which a sub-state actor – without a direct negotiating mandate – provides the material and symbolic framework for multilateral diplomacy conducted by actors at higher levels of governance. The concept builds on *Hocking's* (1993) argument regarding the integral role of sub-state actors in the diplomatic system, extending it to incorporate a spatial dimension: the city functions not merely as an actor, but as an arena upon which the diplomatic activity of others unfolds. Analytically, infrastructural paradiplomacy is distinguished from classical paradiplomacy in that the primary paradiplomatic signal is not the city's own foreign policy message, but rather the very selection of the locality by higher-level actors – a choice that reflexively constructs the city's geopolitical relevance.

Our analysis draws on an integrative approach combining *Kuznetsov's* explanatory framework with *Hocking's* concept of multi-level diplomacy – a theoretical combination that best corresponds to the specific institutional position of Košice within the Slovak governance environment (Kuznetsov 2015a; Hocking 1993). Building on this framework, we introduce the working concept of *peripheral paradiplomacy*, which designates a specific type of sub-state foreign activity characteristic of cities situated on the geopolitical periphery of supranational structures. It diverges from *Cornago's* (2000) models in that geopolitical marginality is not merely a contextual variable, but an active source of paradiplomatic relevance. From *Tavares's* (2016) capacity–leadership typology it differs through the explicit incorporation of a spatial dimension: the proximity of borders and conflict zones determines not only the content, but also the symbolic value of a city's diplomatic engagement. We analytically distinguish four observable indicators of peripheral paradiplomacy: (1) the transformation of geographical marginality into geopolitical relevance through strategic networking; (2) reactive and proactive engagement in security crises along the EU's external border; (3) the function of a hosting platform for multilateral diplomacy conducted by higher levels of governance; and (4) systematic participation in transnational climate and innovation networks as a compensatory mechanism for limited bilateral capacity. We advance this concept not as a closed analytical category, but as a hypothesis open to comparative verification across further cases of V4 cities or the broader Central European context.

2 Methodology and data

2.1 Research design

The article employs a qualitative single-case study design that examines the paradiplomacy of Košice as a non-capital city on the eastern flank of the EU. Building on Kuznetsov's framework of paradiplomacy and Hocking's multi-level diplomacy, the case is treated as a sub-state foreign policy actor embedded in a broader governance system linking local, national and supranational levels.

The analysis focuses on four dimensions of the city's external action: the evolution of its bilateral partnerships, humanitarian engagement in response to Russia's full-scale invasion of Ukraine, participation in transnational municipal networks, and economic paradiplomacy centred on the Košice IT Valley cluster. This structure reflects the assumption that paradiplomatic profiles are not static, but are gradually redefined in response to geopolitical shocks and opportunities created by EU multi-level governance.

2.2 Data sources

The empirical corpus consists of three main groups of sources. First, primary documents of the City of Košice: resolutions of the City Council between 2013 and 2025 (including the March 2022 decision to terminate partnerships with Saint Petersburg and Vitebsk), partnership agreements, strategic papers such as the Adaptation Plan 2022–2030 and the Concept for the Integration of Foreigners, as well as project documentation for initiatives such as "Cities in the Enlarged European Area" and SAM-SUD.

Second, documents produced by European and international organisations that frame the city's participation in transnational networks: evaluation reports on Košice as European Capital of Culture 2013, profiles within the EU Mission Cities and NetZeroCities initiatives, materials from the European Urban Initiative, and the UNESCO Creative Cities Network profile of Košice. Third, local media reports and municipal press releases that capture the performative dimension of paradiplomacy, including coverage of humanitarian assistance to Ukraine, entry into ICLEI and UNESCO networks, and the hosting of the B9 and V4 summits.

The dataset for bilateral partnerships was constructed through a systematic review of the municipal archive of agreements, resulting in a list of 21 partnerships concluded between 1980 and 2016, grouped into five geopolitical clusters and two temporal waves. Table 1 presents this systematisation and serves as a basis for the analysis of the geopolitical reorientation of Košice's partnership portfolio after 1991.

2.3 Analytical strategy and limitations

Analytically, the study combines thematic and process-tracing approaches. Drawing on the literature on paradiplomacy and city diplomacy (Cornago, 2000; Acuto et al., 2017; Strachová, 2021), documents were coded into categories such as bilateral partnerships, multilateral networks, humanitarian interventions, economic paradiplomacy and infrastructural paradiplomacy, with additional inductive codes (e.g. "frontline city", "humanitarian hub") emerging from the material. The temporal sequencing of key events (waves of partnerships, ECoC 2013, accession to UNESCO and EU Mission Cities, humanitarian projects after 2022, entry into ICLEI) was then used to reconstruct three phases of Košice's paradiplomatic trajectory.

Analytically, the study combines thematic coding and process-tracing. The coding categories — bilateral partnerships, multilateral networks, humanitarian interventions, economic paradiplomacy, and infrastructural paradiplomacy – were deductively derived from the paradiplomacy literature (Cornago 2000; Acuto et al. 2017; Strachová 2021). For each category, we defined a coding protocol: *bilateral partnerships* encompassed all contractually formalised partnership agreements documented in the municipal archive; *multilateral networks* covered memberships in international organisations and networks formalised by a city council resolution or binding document; *humanitarian interventions* were coded on the basis of identifiable expenditure items or formal decisions of the city council; *economic paradiplomacy* included activities with a measurable interface with international economic relations (cluster initiatives, foreign direct investment, international memoranda concluded by economic actors); *infrastructural paradiplomacy* denotes the specific phenomenon in which a city – without a direct negotiating mandate – provides the material and symbolic framework for multilateral diplomacy conducted by higher levels of governance (see also Section 5.1). Cases in which a single document or event corresponded to multiple categories – for instance, the hosting of the B9 summit as simultaneously a *multilateral network* and *infrastructural paradiplomacy* – were resolved through primary assignment to the dominant category, with a note recording secondary relevance. Additional codes emerged inductively from the documentary corpus, notably „frontline city“ and „humanitarian hub“, capturing the functional specificity of Košice in the context of the war in Ukraine. The temporal sequencing of key events – waves of partnerships, ECoC 2013, accession to UNESCO and EU Mission Cities, humanitarian projects after 2022, entry into

ICLEI – was subsequently employed to reconstruct the three phases of Košice's paradiplomatic trajectory.

The approach is subject to several limitations. The analysis relies mainly on publicly available documents and media outputs; internal decision-making processes and informal negotiations remain largely outside the empirical reach, and no systematic set of elite interviews was conducted. The absence of elite interviews is partially compensated by the triangulation of three source layers: primary municipal documents (city council resolutions, partnership agreements, project documentation), documents produced by European and international organisations (evaluation reports, network profile documents), and media outputs capturing the performative dimension of paradiplomacy. Interné rozhodovacie procesy a neformálne rokovania naďalej zostávajú mimo empirického dosahu tejto štúdie; overenie kauzálnych mechanizmov na úrovni vedenia mesta si preto vyžaduje budúci výskum na základe rozhovorov s kľúčovými aktérmi. Moreover, the single-case design does not allow for systematic cross-city comparison within the V4 or the broader Central European region, so the findings should be read primarily as a context-sensitive case that generates hypotheses for future comparative research on peripheral paradiplomacy.

3 The Network of City Partnerships: Historical Origins and Geopolitical Reorientation

Košice has one of the most extensive networks of twin towns in Slovakia. The archive of municipal agreements documents 21 bilateral cross-border partnerships established between 1980 and 2016 (Mesto Košice). The oldest agreement, with the German city of Wuppertal, dates to 1980. This is a remarkable case, as the partnership overcome the Iron Curtain and continued to function even during the Cold War. For a long period, it was the only twin town with a Western connection in the city’s portfolio. Wuppertal brought a new dimension to the ‘Twin Towns relationships’ of the time. Unlike partnerships with socialist states, it prioritised family exchanges for children over pioneer camps and organised the Wuppertal-Košice relay run, which, as a journalist from that period, *Vladimír Mezencev*, recalls, was an almost unbelievable feat by the standards of the time. This partnership continues to this day – active cooperation takes place between *the University of Wuppertal* and *the Technical University* of Košice*, and the Friends of Wuppertal Association* operates *in Košice* (‘Najaktívnejším partnerským mestom Košíc je maďarský Miskolc’ 2015).

Table 1: List of Košice’s international twin towns, grouped into clusters

Country	City	Date (year)	Geospatial cluster	Time axis
Germany	Wuppertal	1980 (1996)	Western Cluster	pre-diplomatic phase
Finland	Raahe	1987 (1991)	Western Cluster	

Country	City	Date (year)	Geospatial cluster	Time axis
Poland	Rzeszów	1991	Central European Cluster	Phase 1
USA – Alabama	Mobile	1991–1992	Western Cluster	
Germany	Cottbus	1992	Western Cluster	
Italy	Verona	1992	Western Cluster	
Ukraine	Uzhhorod	1993	Eastern Cluster	
Russian Federation	Saint Petersburg	1995	Eastern Cluster	
Hungary	Miskolc	1997 (2009)	Central European Cluster	
Hungary	Budapest	1997	Central European Cluster	
Turkey	Bursa	2000	South-Eastern Cluster	
Bulgaria	Plovdiv	2000	Southeast Cluster	
Republic of Serbia	Niš	2001	Southeast Cluster	
Czech Republic	Ostrava	2001	Central European Cluster	
Hungary	Abaújszántó	2007	Central European Cluster	Phase 2
Poland	Katowice	2009	Central European Cluster	
Poland	Krosno	2009	Central European Cluster	
People's Republic of China	Wuhan	2012	Asian Cluster	
Socialist Republic of Vietnam	Da Nang	2015	Asian Cluster	
Republic of Belarus	Vitebsk	2015	Eastern Cluster	
Socialist Republic of Vietnam	Ho Chi Minh City	2016	Asian Cluster	

Source: Authors' work. Data obtained from City of Košice (Mesto Košice).

The geographical distribution of partnerships reflects Košice's geopolitical orientation and allows for the identification of five geospatial clusters. The Central European cluster includes partnerships with Miskolc (1997), Budapest (1997), Abaújszántó (2007), Ostrava (2001), Katowice (2009), Krosno (2009) and Rzeszów (1991). These links reflect the logic of neighbouring cross-border cooperation and a shared post-industrial identity. The partnership with Miskolc has been identified as the most active of all Košice's partnerships, which corresponds to its geographical proximity (80 km), the shared heritage of Upper Hungary and the Interreg Hungary–Slovakia cross-border cooperation programmes. The Western cluster (Wuppertal, Cottbus, Raahe, Verona, Mobile) highlights the aspiration to build ties with stable democratic local self-governments. It is interesting to note that these partnerships were established exclusively during the transitional period of 1980–1992. The South-Eastern cluster (Bursa, Plovdiv, Niš) reflects Košice's position on the historical axis linking Central and South-Eastern Europe. The Eastern cluster included partnerships with Uzhhorod (1993), Saint Petersburg (1995) and Vitebsk (2015). The Asian cluster, formed through cooperation with Wuhan (2012), Da Nang (2015) and Ho Chi Minh City (2016), points to an economically motivated diversification of partnership relations, which is typical of a period of intense economic globalisation.

The first wave (1991–2001) reflects post-transition optimism and the building of a new geopolitical identity for the city, combining Euro-Atlantic aspirations with the preservation of an eastern orientation. The second period (2006–2016) was linked to the city's active branding strategy in the context of its bid for and implementation of the European Capital of Culture 2013 project, during which partnerships extending beyond the European area were established. Since 2016, the portfolio of bilateral partnerships has not expanded.[1]

We regard 17 March 2022 as a significant turning point in this matter. The Košice City Council approved a councillor's motion to terminate twinning arrangements with St Petersburg in Russia and Vitebsk in Belarus as a direct response to the Russian invasion of Ukraine. Councillor *Ladislav Strojný* emphasised that *"this is not an act against the citizens of St Petersburg or against the citizens of Vitebsk. This is a signal that neither the government nor the Executive Council of the Republic of Belarus can expect to have partnerships in civilised Europe whilst the governments of these republics are murdering citizens in a neighbouring state*." (Mestské zastupiteľstvo v Košiciach 2022, 10) Deputy Mayor *Marcel Gibóda* expressed hope that cooperation might one day be resumed and emphasised that the initiative is not directed against *"democratically minded citizens protesting on the streets of Russia or Belarus*." (Mestské zastupiteľstvo v Košiciach 2022, 11) The wording used by both local politicians suggests a sophisticated distinction between state and civil society actors, reflecting a discourse characteristic of the paradiplomatic practices of cities in liberal democracies.

The cancellation of partnerships can be interpreted as an instance of what *Ciesielska-Klikowska* and *Kamiński* classified as 'direct actions' by sub-state actors – i.e. autonomous decisions that send geopolitical signals independently of the central government (Ciesielska-Klikowska and Kamiński 2022, 55–57). In her research on city diplomacy in the context of the Russian invasion,

[1] The partnerships with Wuppertal (1970) and Raahe (1978) represent a specific 'pre-diplomatic' phase of late socialism, in which twinning relationships between cities were shaped by the Czechoslovak Socialist Republic's centralised foreign policy and consisted mainly of cultural and symbolic exchanges. For this reason, the analytical division into waves begins only in 1991, when the state system, Slovakia's geopolitical positioning and the institutional framework for local authorities' international activities changed.

Matiaszczyk showed that almost 90% of Ukrainian cities began to receive various forms of support from foreign partners after 2022, and two-thirds of them established new partnerships (Matiaszczyk 2025). Košice was among those Central European cities that responded to the war by redefining their partnership portfolio. The partnership with Uzhhorod was not only maintained but deepened, indicating a strategic rearticulation of the eastern vector of Košice's paradiplomacy. This therefore represents a shift from formal 'town twinning' towards operational humanitarian and development cooperation.

4 The humanitarian dimension: Košice as a first-line actor in the context of the Ukrainian crisis

Its geographical proximity to the Ukrainian border (approximately 80 km from Uzhhorod) meant that Košice was destined to play the role of a 'frontline' city in the context of the refugee crisis following February 2022. Five days after the start of the Russian invasion, the city authorities launched *the First Contact Centre* (hereinafter referred to as the FCC) for refugees from Ukraine in Košice, located on the *Červená hviezda* swimming pool near the bus and railway stations. The city's response was very prompt. The city set up ad hoc infrastructure within the leisure facility and mobilised hundreds of volunteers. The centre provided assistance to over 80,000 registered refugees. In March 2022, up to 2,500 people passed through the centre each day. The city's Commissioner for Humanitarian Aid, *Roman Dohovič*, noted that most refugees stayed in Košice for a maximum of three days before continuing westwards (Hakl 2023). Košice thus became primarily a transit city. In the terminology of city diplomacy, this function can be described as a 'humanitarian hub'.

Research on public administration responses during the COVID-19 pandemic highlights the crucial role of multi-level governance in ensuring the continuity of essential services for vulnerable populations, particularly older adults. The crisis revealed structural weaknesses in social and long-term care systems and demonstrated the importance of coordinated action between central and local authorities. In this context, local governments proved to be key actors in adapting service delivery, strengthening community support mechanisms, and mitigating the social impacts of isolation. These findings are relevant for understanding the growing importance of cities as crisis-response actors in both health-related and humanitarian emergencies (Lachytová 2023). This experience strengthened the institutional capacity of cities such as Košice in managing large-scale humanitarian emergencies.

The situation gradually stabilised. Whilst at the start of the invasion it was estimated that around 10% of arrivals would remain in Košice, this proportion later fell to just under 2%. According to estimates, between 6,000 and 7,000 Ukrainians have settled permanently in the city as a result of the war. Many of them found employment in the service, catering and IT sectors. The city provided more than 20,000 overnight stays at the FCC and a further 9,000 in emergency accommodation facilities. The integration of refugees has become a new focus of municipal policy (TASR 2023). In this context, it is important to note that the city of Košice had previously identified the need for systematic planning of the integration of third-country nationals in its *Concept for the Integration of Foreigners* (Kurutzová 2019). The humanitarian and integration role of Košice thus intersects with the broader security dimension of sub-state governance. Security education at Slovak universities in the context of the arrival of Ukrainian students represents one concrete policy response to this type of migratory wave (Antalíková 2026), a conclusion particularly relevant to Košice as a university city with the capacity to absorb part of forced migration into its higher education system.

In parallel, the city provided direct humanitarian aid as part of the cross-border project *"Cities in the Enlarged European* Area" (CEEA), funded by the EEA Financial Mechanism 2014–2021 (EEAGRANTS). The total eligible costs of the project amounted to €458,504, with 85% of the budget (€389,724) provided by the governments of Norway, Liechtenstein and Iceland, and the remaining 15% (€68,775) coming from the Slovak Republic's state budget. The city of Košice allocated €88,000 for humanitarian aid to Ukraine. These funds were used to finance several lorries carrying food, hygiene supplies, medical equipment, clothing, generators and other materials to the partner cities of Uzhhorod and Kharkiv. Deputy Mayor *Lucia Gurbáľová* noted that the FCC *"has helped almost 90,000 Ukrainian refugees in the 14 months since it began operating*" (Košice Online).

Alexander Popov, a member of the Kharkiv City Council, emphasised at a press conference in Košice that *"this is the first time since Ukraine declared independence that our city has been able to participate in the process of cross-border cooperation*," and expressed his conviction that *"together we will be part of one big European family*." (Poľová 2022) These words suggest that Košice's humanitarian paradiplomacy generated not only material support but also symbolic capital for the European integration aspirations of Ukrainian cities. In *Tavares's* terminology, this dynamic can be characterised as an example of paradiplomacy that transcends classical *'low* policy' and enters the sphere *of 'high* policy', for example in security relations (Tavares 2016, 116). *Mykhaylo Komarnytskyy* argues that, following the Russian invasion, mayors and representatives of regional administrations assumed a key role not only in regulating and supporting local entities, but also in the international arena (Komarnytskyy 2024, 22). Košice confirms this pattern in this specific example.

5 Multilateral paradiplomacy: Engagement in transnational networks

In addition to bilateral partnerships, a significant increase in Košice's multilateral paradiplomatic activity can also be observed. This can be divided into three phases. The first phase (up to 2013) was characterised mainly by reactive involvement in Interreg cross-border cooperation programmes on the Slovak-Hungarian and Slovak-Polish borders, within which the city joined project consortia primarily as a partner in infrastructure and cultural-social projects. The second phase (2013–2022) was accelerated by the *European Capital of Culture* project and brought a qualitative leap in the city's international visibility. *The European Commission's* ex-post evaluation noted that in 2013, 285,494 overnight stays were recorded in Košice, representing an increase of approximately

10% compared to 2012 and 30% compared to 2009. At the same time, it highlights *the "positive impact on the city's national and international profile"* and the fact that the project led to the creation of longer-term partnerships with the potential to support the creative industries (McAteer, Nick et al. 2015, 26–27). It is precisely this process that is interpreted in the city's strategic documents and the Košice 2.0 project as a culture-led transformation from an industrial to a post-industrial city with growing creative potential (Portico 2021). In 2017, Košice became the first Slovak city to join *the* prestigious UNESCO Creative Cities Network in the Media Arts cluster. A press release from the city highlighted that Košice was one of 64 newly admitted cities across 44 countries and the only city in Eastern Europe focusing on media arts that year (Šnajdárová 2017). According to *Creative Industry Košice,* the main motivation behind the application was *"to support the creative and cultural sectors, increase the city's global visibility and create synergies between the cultural and IT* sectors" ('Košice – UNESCO Creative City of Media Arts').

The third phase (from 2022) is characterised by Košice's clear integration into global climate and innovation networks. In 2022, *the European Commission* ranked Košice among the 100 climate-neutral and smart cities as part of the *EU Mission 2030* – alongside major cities such as Paris, Dublin and Warsaw, but also smaller cities such as Liepāja in Latvia. The European Commission selected from 377 applications, indicating relatively high competition. In May 2025, Košice became the first Slovak city to receive the prestigious *EU Mission Label*, which grants access to the *Climate City Capital Hub* and a €2 billion loan package from *the European Investment Bank* (Tokarčík 2025). The city adopted *the Adaptation Plan 2022–2030,* which defines strategic pathways to local climate resilience and decarbonisation, and was successful in the *NetZeroCities* pilot cities programme, where it secured €434,036 for the energy management of municipal buildings (Šteiner et al. 2021).

Another aspect of multilateral engagement is participation in the *International Urban and Regional Cooperation* (IURC) programme, within the *Urban & Regional Renewal and Social Cohesion* thematic cluster, which connects cities and regions in Europe with partners in Asia and Australia. Key activities include thematic webinars, global networking events organised in parallel with *the Smart City Expo World Congress in Barcelona*, and regional workshops at *the World Cities Summit* in Singapore, focusing on urban regeneration, social cohesion and inclusive housing (*International Urban and Regional Cooperation – A Program of the European Union*). In March 2025*, the European Commission* (through the selection *of the European Urban Initiative*) included the SAM-SUD (*Smart Asset Management for Sustainable Urban Development*) project of the city of Košice among the 20 innovative projects approved in the third call for proposals *of the EUI – Innovative Actions*, with funding from *the European Regional Development Fund*. According to the EUI project profile, SAM-SUD focuses on transforming unused public buildings into a network of sustainable and inclusive urban assets through a digital system for smart asset management, which combines AI-powered tools (NextUse AI), a digital twin (AZGARD Digital Twin Platform) and participatory planning (Portico 2026) (European Urban Initiative).

The latest milestone is Košice's accession to the global network *ICLEI – Local Governments for Sustainability* on 9 February 2026. The network brings together more than 2,500 cities and regions from over 125 countries. *The City's Strategic Development Department* noted that membership opens up opportunities for *"a more intensive exchange of experiences with cities both within and outside the European* Union" and access to project opportunities and partnerships. This is an investment that builds on the city's long-term strategy to develop professional contacts and gain access to new solutions (Uhríková 2026). In the context of the concept of strategic networking, it can be stated that Košice is systematically building a multilateral paradiplomatic profile through a combination of cultural (UNESCO), climate (EU Mission, NetZeroCities, ICLEI) and innovation (IURC, EUI) platforms. This corresponds to the model that *Nikola Strachová* has termed 'hybrid multilateralism in urban diplomacy' (Strachová 2021).

5.1 The Visegrad and Transatlantic Dimensions: V4 and B9 in Košice

A particular dimension of Košice's paradiplomatic position is its role as a host city for meetings of key multilateral formats in Central and Eastern Europe. On 28 February 2019, Košice hosted the summit of the presidents *of the Bucharest Nine* (hereinafter B9). This is a format bringing together nine states from NATO's eastern flank (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia). The meeting was convened by Slovak President *Andrej Kiska*. NATO Secretary General *Jens Stoltenberg* also accepted the invitation, and a public discussion was held with him at Košice's Kulturpark, attended by experts on hybrid threats (TASR 2019). The presidents discussed the security situation in Europe at the time, the spread of disinformation and defence against cyber threats, and adopted a joint declaration marking the 70th anniversary of NATO and the anniversaries of the B9 member states' accession to the Alliance. In this context, *Kiska* pointed out that the armed conflict in Ukraine is taking place just over 100 kilometres east of Košice, thereby highlighting the geopolitical relevance of the summit's location.

Just under four years later, on 24 November 2022, a summit of the heads of government of *the Visegrad Group* (hereinafter referred to as the V4) took place at the Bankov Hotel in Košice as part of the Slovak V4 Presidency. Prime Ministers *Eduard Heger, Petr Fiala, Viktor Orbán* and *Mateusz Morawiecki* discussed the war in Ukraine, the energy crisis and migration. Czech Prime Minister *Fiala* emphasised that *"V4 cooperation has its meaning and a* future" and that the Košice meeting had enabled *"open dialogue even on issues where differences exist*." (Mandiner 2022) Polish Prime Minister *Morawiecki* stressed that *"the V4 is a very important format for regional* cooperation" (Mandiner 2022) and, together with *Fiala* and *Heger*, appealed to *Orbán* for Hungary to speed up the ratification of Finland and Sweden's accession to NATO. The summit took place after a hiatus of several months caused by tensions surrounding Hungary's stance on Russia, and its holding in Košice also had a symbolic dimension – the city, situated on the periphery of the EU in the immediate vicinity of a war zone, became the venue where the fragile Visegrad unity was rearticulated.

From an analytical perspective, these events illustrate a phenomenon that might be described as *'infrastructural paradiplomacy*'. This refers to a situation where, although the city is not a party to the negotiations, it provides a material and symbolic framework for multilateral diplomacy at the highest level. In *Hocking's* terminology, this is an example of multi-level diplomacy, where a sub-state actor functions as an integral part of the diplomatic system without claiming its own foreign policy agenda (Hocking 1993). The choice of Košice as the venue for both summits was no coincidence. Its geographical proximity to Ukraine lent the negotiations on the security of NATO's eastern flank an immediate sense of urgency.

6 Košice IT Valley and economic paradiplomacy

Košice's economic paradiplomacy centres on the *Košice IT Valley* technology cluster, established in 2007. According to data from the UNESCO city profile, the number of jobs in Košice's technology sector rose from approximately 1,000 to more than 10,000, making it the fastest-growing segment of the city's economy (UNESCO). The collaboration between *IT Valley* and *Creative Industry Košice* (hereinafter CIKE) illustrates cross-sectoral synergistic paradiplomacy: the *Creativity for Business* programme, launched in 2011, connects artists, scientists and IT experts with companies in the region. CIKE's Executive Director *Michal Hladký* emphasised that UNESCO membership *"takes cooperation from a European to a global level*." (Vasiľová 2020)

Contemporary approaches further extend paradiplomacy beyond its traditional diplomatic and economic framing by emphasizing its role in the formation of so-called "knowledge regions", where sub-state actors function as strategic brokers in global networks of innovation, technology transfer, and soft power projection. In this context, paradiplomacy is not merely reactive but constitutive of globalization itself, as it enables local governments to actively shape transnational flows of knowledge, capital, and institutional practices. Such regions operate through dense network structures that connect local innovation ecosystems with international partners, thereby reinforcing competitiveness while simultaneously embedding local development strategies into global governance frameworks (Lachytová and Horovenko 2024).

From the perspective of paradiplomatic theory, Košice IT Valley represents a variant of what *Cornago* described as the economic motivation for sub-state engagement in international relations (Cornago 2000). In January 2026, the association signed a memorandum of cooperation with *the Prešov Innovation Partnership Centre* with the aim of strengthening the regional innovation ecosystem, with the cooperation focusing on the sharing of data, infrastructure and resources, the organisation of educational events and the joint implementation of projects. *The American Chamber of Commerce in Slovakia* is organising the *Townhall Košice* platform in Košice, which facilitates cross-sectoral dialogue (AmCham Slovakia). The President of the *American Chamber of Commerce*, *Gabriel Galgóci*, emphasised that "*all stakeholders in eastern Slovakia at the regional, municipal, university and business levels recognise the importance and benefits of innovation for the region's strategic development*" (AmCham Slovakia). This position rests on a material foundation provided by European structural funds: more than €360 million from EU funds are being channelled into infrastructure and innovation platforms in the region, which significantly strengthens the city's international competitiveness. From the perspective of logistics infrastructure, the Košice region functions as a node with advanced technological capacities (European Commission 2021).

7 Discussion

How should Košice's paradiplomacy be interpreted within a broader geopolitical context? Based on our analysis, we identify several analytically relevant patterns. Firstly, Košice demonstrates that the paradiplomacy of Central European cities is not determined solely by city*'s* size and economic strength. *Van der Pluijm* and *Melissen* noted that even smaller cities can exhibit high levels of diplomatic activity if they possess adequate motivation and institutional capacity (Pluijm and Melissen 2007). A city with just under a quarter of a million inhabitants has developed a multidimensional multilateral paradiplomatic profile that, in both quantitative and qualitative terms, exceeds the average for Central European cities of a similar size, even though direct comparison with larger metropolitan centres in the region lies beyond the scope of this single-case study. Horizontal comparability can be partially illustrated by the example of Rzeszów. This Polish border city, with just under 200,000 inhabitants and likewise situated on the EU periphery close to the Ukrainian border, has exhibited a similar dynamic of geopolitical activation in the field of humanitarian paradiplomacy since 2022 (Matiaszczyk 2025), suggesting that the pattern identified in Košice is not uniquely city-specific, but may reflect a broader regional trend among peripheral cities on the eastern frontier of the EU. In line with *Řehák's* findings on Prague (Řehák 2013), we confirm that supranational factors, such as European integration, transnational networks and economic globalisation, act as primary determinants of paradiplomatic activity even in the case of a smaller Central European city.

Secondly, the response to the Russian invasion of Ukraine has revealed the security dimension of urban paradiplomacy, which has not yet received sufficient attention in the literature. Košice has shown that cities on the EU's external border can play a leading role in crisis management, not only reactively (by establishing a First Contact Centre for refugees and providing tens of thousands of overnight stays), but also proactively (humanitarian convoys to Kharkiv, the termination of partnerships with Russian and Belarusian cities, the reallocation of funds from cross-border projects to humanitarian aid). *Hocking's* concept of multi-level diplomacy was confirmed in this case. The city did not act in opposition to the state, but complemented the central government where it had operational capacity and cross-border relations. As *Matiaszczyk* argues, urban diplomacy takes on new dimensions in times of war, with cities contributing significantly to dynamic interaction between the local, national and international levels of governance (Matiaszczyk 2025).

Thirdly, the case of Košice suggests that the paradiplomatic activities of Central European cities are increasingly shifting from traditional bilateral partnerships towards multilateral networking. Whilst the portfolio of bilateral partnerships has not expanded since 2016 and two partnerships have been terminated, the multilateral dimension has seen an acceleration – the UNESCO Creative Cities Network (2017), EU Mission Cities (2022), IURC, EUI, NetZeroCities and ICLEI (2026). These findings could indicate a structural shift from the traditional 'town twinning' model towards more sophisticated forms of networked paradiplomacy, which *Acuto*, *Morissette* and *Tsouros* have identified at the global level (Acuto et al. 2017) and which *Strachová* has described as a form of hybrid multilateralism in the context of climate governance (Strachová 2021).

Fourthly, the Košice case reveals a so far little-discussed dimension of urban paradiplomacy – the role of the city as a host platform for multilateral diplomacy at the highest level. The fact that Košice hosted both the Bucharest Nine Presidents' Summit (2019) and the Visegrad Group Heads of Government Summit (2022) suggests that the city's paradiplomatic capital is not limited to actively sending diplomatic signals but also encompasses a passive yet strategically significant hosting function. In both cases, Košice's geographical location (proximity to the Ukrainian border, position on NATO's eastern flank) determined the symbolic framework of the negotiations. This pattern adds a spatial dimension to *Hocking's* concept of multi-level diplomacy. The city is not merely an actor, but also the floor on which higher-level diplomacy unfolds. The International Visegrad Fund simultaneously illustrates the mechanism through which a multilateral political format (the V4) generates concrete project opportunities at the sub-state level, thereby institutionally reproducing the city's paradiplomatic capacity.

Conclusion

Over the past decade, the city of Košice has developed a relatively comprehensive paradiplomatic profile, encompassing bilateral city partnerships, multilateral networking within international organisations, humanitarian diplomacy in the context of the war in Ukraine, and economic paradiplomacy through technology and creative clusters. Based on our analysis, we identify four key findings. Firstly, the geopolitical shock of the Russian invasion of Ukraine in 2022 significantly accelerated the city's paradiplomatic activity and brought about a qualitative shift (from a predominantly cultural-economic agenda towards security and humanitarian dimensions). Secondly, multilateral networking through the UNESCO, EU and ICLEI platforms is becoming the dominant form of Košice's paradiplomacy, whilst traditional bilateral partnerships are undergoing a selective rearticulation conditioned by geopolitical preferences. Thirdly, Košice serves as a host platform for top-level multilateral diplomacy – the B9 (2019) and the V4 summit (2022) demonstrate that the city's paradiplomatic profile encompasses not only the active transmission of diplomatic signals but also the provision of symbolic and physical space for inter-state negotiations, thereby extending *Hocking's* concept of multi-level diplomacy to include a spatial dimension. The fourth finding – advanced as a hypothesis with potential for comparative verification – is that the case of Košice illustrates an emergent model of *peripheral paradiplomacy*. Analytically, we operationalise this model through four indicators identified in the course of the analysis: the transformation of geographical marginality into geopolitical relevance; reactive and proactive security engagement along the EU's external border; the function of a hosting platform for multilateral diplomacy conducted by higher levels of governance; and systematic participation in transnational networks as a compensatory mechanism for limited bilateral capacity. These indicators differentiate peripheral paradiplomacy from *Cornago's* (2000) models focused on federal states, as well as from *Tavares's* (2016) capacity–leadership typology, which does not systematically incorporate the spatial dimension. Comparative verification of this model on cases of other V4 cities or within the broader Central European context constitutes a promising agenda for future research.

References

ACUTO, MICHELE, MIKA MORISSETTE, AND AGIS TSOUROS. 2017. 'City Diplomacy: Towards More Strategic Networking? Learning with WHO Healthy Cities'. *Global Policy* 8 (1): 14–22. https://doi.org/10.1111/1758-5899.12382.

AGUIRRE, INAKI. 1999. 'Making Sense of Paradiplomacy? An Intertextual Enquiry about a Concept in Search of a Definition'. *Paradiplomacy in Action: The Foreign Relations of Subnational Governments*, edited by Francisco Aldecoa Luzárraga. Cass Series in Regional and Federal Studies. Cass.

AmCham Slovakia. 'Townhall KOŠICE'. AmCham Slovakia. Accessed 10 March 2026. Available at: https://amcham.sk/events/3064/townhall-kosice.

ANTALÍKOVÁ, JANA. 2026. 'Bezpečnostné vzdelávanie na slovenských vysokých školách v kontexte edukácie ukrajinských študentov a jeho využiteľnosť v praxi'. In: Živčáková, Katrin Juliána (ed.). *18. medzinárodná vedecká konferencia Bezpečné Slovensko a Európska únia*. Košice: Vysoká škola bezpečnostného manažérstva v Košiciach, 56–63. ISBN 978-80-8185-084-4.

CIESIELSKA-KLIKOWSKA, JOANNA, AND TOMASZ KAMIŃSKI. 2022. 'Paradiplomacy and Its Impact on EU Foreign Policy'. *Journal of Contemporary European Research* 18 (1). https://doi.org/10.30950/jcer.v18i1.1223.

CORNAGO, NOÉ. 2000. 'Exploring the Global Dimensions of Paradiplomacy Functional and Normative Dynamics in the Global Spreading of Subnational Involvement in International Affairs'. Paper presented at Workshop on Constituent Units in International Affairs, Hanover. October.

DUCHACEK, IVO. 2015. 'Perforated Sovereignties: Towards a Typology of New Actors in International Relations'. *Theory and Practice of Paradiplomacy: Subnational Governments in International Affairs*, by Kuznetsov Kuznetsov. Routledge New Diplomacy Studies. Routledge. https://doi.org/10.4324/9781315817088.

EEAGRANTS. ‘*Mestá v Rozšírenom Európskom Priestore: Spoločný Rozvoj Kapacít Verejných Inštitúcií Prostredníctvom Slovensko-Ukrajinskej Cezhraničnej Spolupráce a Zvyšovanie Integrity Verejných Záležitostí (CEEA)*’. EEAGRANTS. Accessed 9 March 2026. Available at: https://www.eeagrants.sk/projekty/mest-v-rozrenom-eurpskom-priestore-spolon-rozvoj-kapact-verejnch-intitci-prostrednctvom-slovensko-ukraj/?csrt=15052419704117939155#.

European Urban Initiative. ‘*Košice SAM-SUD - Smart Asset Management for Sustainable Urban Development*’. Accessed 9 March 2026. Available at: https://www.urban-initiative.eu/ia-cities/kosice/about-projects.

Európska komisia. 2021. ‘*Súkromný sektor má príležitosť intenzívnejšie spolupracovať s univerzitami a inovačnými hubmi v Košiciach’*. Eraportal. Accessed 4 March 2026. Available at: https://eraportal.sk/aktualita/sukromny-sektor-ma-prilezitost-intenzivnejsie-spolupracovat-s-univerzitami-a-inovacnymi-hubmi-v-kosiciach/.

HAKL, ROBO. 2023. ‘*Centrum prvého kontaktu v Košiciach pomohlo od začiatku vojny vyše 80-tisíc utečencom*’. Aktuality.sk, February 24. Accessed 3 January 2026. Available at: https://www.aktuality.sk/clanok/CzLe5cQ/centrum-prveho-kontaktu-v-kosiciach-pomohlo-od-zaciatku-vojny-vyse-80-tisic-utecencom/.

HOCKING, BRIAN. 1993. ‘*Localizing Foreign Policy*’. Palgrave Macmillan UK. https://doi.org/10.1007/978-1-349-22963-5.

‘*International Urban and Regional Cooperation – A Program of the European Union*’. Accessed 9 March 2026. Available at: https://www.iurc.eu/.

KOMARNYTSKYY, MYKHAYLO. 2024. ‘City Diplomacy amidst Russia’s War in Ukraine - Centrum Balticum’. *Baltic Rim Economies* (Turku), no. 1/2024 (February): 22.

‘Košice - UNESCO Creative City of Media Arts’. *Creative Industry Košice*. Accessed 9 March 2026. Available at: https://www.cike.sk/en/project/kosice-unesco-creative-city-of-media-arts/.

Košice Online. ‘*Obyvateľom Charkova Pomôže Aj Humanitárny Materiál z Košíc’*. Košice Online. Accessed 9 March 2026. Available at: https://www.kosiceonline.sk/obyvatelom-charkova-pomoze-aj-humanitarny-material-z-kosic.

KURUTZOVÁ, PETRA. 2019. ‘Koncepcia integrácie cudzincov v meste Košice’. *ETP Slovensko*, February 19. Available at: https://etp.sk/koncepcia-integracie-cudzincov-v-meste-kosice/.

KUZNETSOV, ALEXANDER S. 2015a. ‘An Explanatory Framework for the Study of Federated States as Foreign-Policy Actors’. In: *Theory and Practice of Paradiplomacy: Subnational Governments in International Affairs*, by Alexander Kuznetsov. Routledge New Diplomacy Studies. Routledge. https://doi.org/10.4324/9781315817088.

KUZNETSOV, ALEXANDER S. 2015b. ‘*Theory and Practice of Paradiplomacy: Subnational Governments in International Affairs*’. Routledge New Diplomacy Studies. Routledge. https://doi.org/10.4324/9781315817088.

LACHYTOVÁ, LENKA. 2023. ‘*Public Administration interventions during the pandemic in the context of the quality of life of seniors*’. Warsaw: Oficyna Wydawnicza ASPRA-JR. ISBN 9788382092745.

LACHYTOVÁ, LENKA AND DEMČAKOVÁ MIHAĽOVÁ, KRISTÍNA. 2026. ‘Comparative analysis of senior care policies in selected EU countries’. *Journal of Comparative Politics*. https://doi.org/10.5281/zenodo.18518419.

LACHYTOVÁ, LENKA AND HOROVENKO VITALII. 2024. 'The impact of public administration interventions during the Covid-19 pandemic on the quality of life of low-income groups'. *Quality - access to success : journal of management systems=Calitatea - acces la succes : revista de sisteme de management*. Online. Accessed 9 March 2026. Available at: ttps://admin.calitatea.ro/assets/Documents/Archive/PDF/20240803_d68b07a1-0948-4163-a8bd-bd44f945f7e5.pdf

LACHYTOVÁ, LENKA AND LEHOTAY PANDOVÁ, IVANA. 2025. 'Energy poverty as a socio-economic phenomenon of the 21st century in Slovakia'. *International journal of advanced and applied sciences*. https://doi.org/10.21833/ijaas.2025.02.014.

MANDINER. 2022. '*Milyen szétesés? Kiálltak a kormányfők a visegrádi együttműködés mellett*'. November 24. Available at: https://mandiner.hu/belfold/2022/11/v4-miniszterelnokok-kiallas.

MATIASZCZYK, NATALIA. 2025. 'City Diplomacy as a Mechanism of Multi-Level Solidarity and Support for Ukraine: A Study of the Changes Following the 2022 Russian Invasion'. *Journal of Eurasian Studies* 16 (1): 108–22. https://doi.org/10.1177/18793665241254835.

MCATEER, NICK, RAMPTON, JAMES, FRANCE, JONATHAN, TAJTÁKOVÁ, MÁRIA, AND LEHOUELLEUR, SOPHIE. 2015. '*Ex-Post Evaluation of the 2013 European Capitals of Culture: Final Report*'. Publications Office of the European Union. https://data.europa.eu/doi/10.2766/88377.

Mesto Košice. '*Partnerské mestá mesta Košice*'. Oficiálna stránka mesta Košice. Accessed 6 March 2026. Available at: https://www.kosice.sk/mesto/partnerske-mesta-mesta-kosice.

Mestské zastupiteľstvo v Košiciach. 2022. '*Zápisnica z XXVIII. Zasadnutia Mestského Zastupiteľstva v Košiciach, Dňa 17. Marca 2022 a z Jeho Pokračovania Dňa 18. Marca 2022*'. Mestské zastupiteľstvo v Košiciach. Accessed 18 February 2026. Available at: https://static.kosice.sk/meeting/memorandum/vqwjuAevS7PLuKjj/AXOwiWnCPWBFeEwHSc/BLP1hB77QXvR8uWWh/xxviii_mz_17_03_a_pokracovanie_18_03_2022.pdf.

'Najaktívnejším partnerským mestom Košíc je maďarský Miskolc'. 2015. Zaujímavosti. *KOŠICE:DNES*. Accessed 6 March 2026. Available at: https://kosicednes.sk/zaujimavosti/najaktivnejsim-partnerskym-mestom-kosic-je-madarsky-miskolc/.

PLUIJM, ROGIER VAN DER, AND JAN MELISSEN. 2007. 'City Diplomacy: The Expanding Role of Cities in International Politics'. *Clingendael Diplomacy Papers*, No. 10. Clingendael-Institut.

POĽOVÁ, JANA. 2022. 'Ukrajinci spolu s nórskym veľvyslancom ocenili humanitárnu pomoc z Košíc'. *Mesto Košice.* Accessed 4 March 2026. Available at: https://www.kosice.sk/clanok/ukrajinci-spolu-s-norskym-velvyslancom-ocenili-humanitarnu-pomoc-z-kosic.

PORTICO. 2021. 'Kosice 2.0 Journal 1: Hitting the Ground Running'. *Portico*, November 25. Available at: https://portico.urban-initiative.eu/urban-stories/uia/kosice-20-journal-1-hitting-ground-running.

PORTICO. 2026. 'Smart Asset Management for Sustainable Urban Development'. *Portico*. Accessed 9 March 2026. Available at: https://portico.urban-initiative.eu/european-urban-initiative/smart-asset-management-sustainable-urban-development-8293.

ŘEHÁK, VILÉM. 2013. 'Paradiplomacy and the City of Prague'. *Politologický Časopis - Czech Journal of Political Science*, no. 1 (March). https://doi.org/10.5817/PC2013-1-69.

ŠNAJDÁROVÁ, LINDA. 2017. 'Košice získali miesto v Sieti kreatívnych miest UNESCO'. *Mesto Košice*, November 6. Available at: https://www.kosice.sk/clanok/kosice-ziskali-miesto-v-sieti-kreativnych-miest-unesco.

ŠTEINER, ANDREJ, ZUZANA JAROŠOVÁ, AND MICHAL SCHVALB. 2021. 'Adaptačný Plán Mesta Košice Na Zmenu Klímy (2022-2030)'. *Mesto Košice*. Available at: https://static.kosice.sk/s/f2a7cfef764f92a7cd26ae247/show.

STRACHOVÁ, NIKOLA. 2021. 'Cities Towards Global Climate Governance: How the Practices of City Diplomacy Foster Hybrid Multilateralism'. *Przegląd Strategiczny*, no. 14 (December): 365–77. https://doi.org/10.14746/ps.2021.1.21.

TASR. 2019. 'Prezident SR Andrej Kiska privíta v Košiciach hlavy štátov B9'. *TERAZ.sk*, February 28. Available at: https://www.teraz.sk/slovensko/prezident-a-kiska-privita-v-kosiciach/380931-clanok.html.

TASR. 2023. 'Košice: Cez Centrum Prvého Kontaktu Pre Ukrajincov Prešlo Vyše 80.000 Utečencov'. *TERAZ.sk*, February 24. Available at: https://obce.tasr.sk/clanok/7399/kosice:-cez-centrum-prveho-kontaktu-pre-ukrajincov-preslo-vyse-80.000-utecenco.

TAVARES, RODRIGO. 2016. '*Paradiplomacy: Cities and States as Global Players*'. Oxford University Press.

TOKARČÍK, DUŠAN. 2025. 'Košice získali ako prvé na Slovensku ocenenie Európskej komisie za zelené projekty'. *Mesto Košice*, June 17. Available at: https://www.kosice.sk/clanok/kosice-ziskali-ako-prve-na-slovensku-ocenenie-europskej-komisie-za-zelene-projekty.

UHRÍKOVÁ, SLÁVKA. 2026. 'Košice sa stali členom globálnej siete miest ICLEI'. *Mesto Košice*, February 12. Available at: https://www.kosice.sk/clanok/kosice-sa-stali-clenom-globalnej-siete-miest-iclei.

UNESCO. '*Košice - Creative Cities Network*'. Accessed 10 March 2026. Available at: https://www.unesco.org/en/creative-cities/kosice.

VASIĽOVÁ, MÁRIA. 2020. 'Čo priniesli tri roky členstva v Sieti kreatívnych miest UNESCO pre mediálne umenie'. *Creative Industry Košice*, October 15. Available at: https://www.cike.sk/co-priniesli-tri-roky-clenstva-v-sieti-kreativnych-miest-unesco-pre-medialne-umenie/.

Contact addresses

doc. JUDr. Mgr. Michal Jesenko, PhD.
ORCID ID: 0000-0001-7608-7307
Pavol Jozef Šafárik University in Košice
Faculty of Public Administration
Department of Public Law Disciplines
Popradska 66, Košice
Email: michal.jesenko@upjs.sk

doc. Mgr. Gabriel Eštok, PhD.
ORCID ID: 0000-0001-7269-1814
Pavol Jozef Šafárik University in Košice
Faculty of Public Administration
Popradská 66, 040 11 Košice
Email: gabriel.estok@upjs.sk

Mgr. Tomáš Dvorský, PhD.
ORCID ID: 0000-0003-2084-537X
Pavol Jozef Šafárik University in Košice
Faculty of Arts
Moyzesova 9, 040 01 Košice
Email: tomas.dvorsky@upjs.sk

Doctrine for Neutralizing the Russian Federation's Cognitive Aggression and Establishing Echeloned Safeguards for Institutional Resilience of Public Administration

Volodymyr Hurkovskyi, Serhii Ilnytskyi, Rena Marutian, Oleksandr Hrynchuk, Jana Antalíková

https://doi.org/10.33542/VSS2026-1-2

Abstract

The contemporary global security environment is characterized by a transition to a state of permanent information confrontation, where the cognitive domain is formally defined as the fifth theater of operations. The relevance of this study is driven by the rapid intensification of systemic hybrid aggression, particularly the qualitative leap in the utilization of artificial intelligence technologies for the mass production of synthetic manipulative content. Such threats target fundamental democratic institutions and erode public trust in objective facts.

The aim of this article is to formulate and theoretically substantiate a comprehensive cognitive security doctrine focused on a strategic shift from passive, reactive defense to a model of active deterrence of cognitive threats. The theoretical and methodological approach of the study is based on an interdisciplinary integration of military strategy, strategic communication tools, political psychology, and the norms of international law. The work applies the Kill Chain model for the deconstruction of hostile influence operations, as well as an analytical framework for the behavior-centric analysis of foreign information manipulation.

The primary results of the research include a complex classification of the systemic vulnerabilities of liberal societies across three levels: systemic-legal, socio-psychological, and technological. The study substantiates the strategic advantage of proactive methods, such as pre-bunking, over traditional methods of debunking disinformation. A key theoretical contribution is the development of safeguards against the drift of democracy toward tyranny, which involves strengthening institutional immunity and protecting the sphere of privacy instead of implementing state censorship tools.

The practical significance of these results lies in the creation of a coherent operational strategy that allows for the identification and neutralization of cognitive attacks at the early stages of their preparation. The proposed approaches ensure a significant increase in the cost of aggression for the adversary and create conditions for the preservation of national cognitive sovereignty while simultaneously protecting fundamental liberal values and human rights.

Keywords: *Disinformation, FIMI (Foreign Information Manipulation and Interference), Cognitive Domain, Engineered Polarization, Cognitive Security.*

Introduction

Since 2022, Russian information and psychological operations (PSYOPS) in Europe have undergone a significant adaptation. Instead of the mass dissemination of primitive propaganda narratives, Moscow increasingly employs fragmented cognitive campaigns aimed at undermining trust in state institutions, electoral procedures, and collective security systems. In their 2025–2026 reports, analysts from the NATO Strategic Communications Centre of Excellence and the European External Action Service (EEAS AI, 2026) noted a shift in focus from direct pro-Russian agitation to the stimulation of internal polarization within European societies. In practical terms, this manifests through the synchronized use of Telegram networks, X (formerly Twitter) accounts, TikTok content, and pseudo-alternative media to promote themes such as "Ukraine fatigue," "ineffectiveness of sanctions," or the "crisis of democracy in the EU" (NATO, 2025. 2026; EEAS AI, 2026]. Russian intelligence services increasingly integrate elements of information influence with cyber operations and influence operations via local political actors, creating an effect of organic internal distrust rather than external interference. Consequently, the modern model of Russian IPSO in Europe functions not as classical propaganda, but as a technology for the erosion of social cohesion. In Central Europe energy dependence on Russian gas has also become an important informational narrative. Concerns about energy prices, supply security, and sanctions can be exploited to fuel distrust in state institutions, EU policies, and support for Ukraine (Sinicyn, Denciová and Eštok, 2026).

In the Baltic States, this strategy exhibits a different intensity and a significantly higher level of targeting. For the Russian Federation, this region remains a testing ground for cognitive operations due to its geographical proximity to Russia, the historical context of Soviet occupation, and the presence of Russian-speaking communities. Reports from the Estonian Foreign Intelligence Service (EFIS) and the European Council on Foreign Relations (ECFR) indicate that between 2024 and 2026, the Kremlin systematically exploited themes of historical memory, language policy, and social discrimination to foster a sense of "alienation" among specific population groups in Estonia and Latvia (EFIS, 2026; ECFR, 2025). In Estonia, one of Europe’s most digitized nations, Russian influence networks have adapted to the high level of media literacy among the population. Instead of crude fakes, they disseminate blended information constructs where real facts are combined with manipulative interpretations regarding cybersecurity, electronic voting, or the presence of NATO forces in the Baltic region. Concurrently, there is an observed intensification of agent structures and affiliated media platforms attempting to create the impression that Western security integration itself allegedly increases the risk of military escalation in the region.

At the pan-European level, Russian cognitive operations are increasingly less focused on convincing the audience of the "correctness" of the Kremlin's position. Their primary function is to destroy the ability of societies to form a shared vision of reality. Analysts from the Center for Strategic and International Studies (CSIS), the RAND Corporation, and the Institute for the Study of War (ISW) note that in 2025–2026, the Russian Federation was particularly active in using decentralized networks of influencers, anonymous channels, and content with low levels of overt politicization to penetrate youth environments (CSIS, 2025; RAND, 2026; ISW, 2026). Compared to Central or Southern Europe, the Baltic States demonstrate higher institutional resilience to direct propaganda but remains vulnerable to long-term trust attrition campaigns. Therefore, the key threat to Estonia and the entire Baltic region is not an individual fake or information attack, but the gradual formation of an environment of strategic uncertainty, in which society begins to doubt the ability of democratic institutions to ensure security, stability, and control over the information space. These cognitive operations also exploit the political limits of the European Union's soft power. By amplifying Euroscepticism, institutional distrust, and perceptions of European weakness, hostile narratives can undermine the EU's capacity to sustain support for integration and collective action in the face of external challenges (Dubóczi and Dvorský, 2025).

Relevant data from recent years indicates an unprecedented intensification of cognitive aggression. Ukraine remains the primary testing ground for Russian FIMI (Foreign Information Manipulation and Interference) technologies, accounting for nearly half of all documented incidents worldwide. In 2025, a qualitative leap in the threat was recorded: the use of artificial intelligence to create synthetic content and the mass dissemination of disinformation increased by 2.5 times compared to the previous year. These operations have become more covert, combining digital manipulation with physical acts of sabotage and intimidation.

A critical review of contemporary literature and doctrinal documents, specifically EEAS reports (2023–2026) and RAND Corporation studies, points to a paradigm shift in defense (EEAS, 2023-2026). While previous approaches focused on the "shield"–reactive debunking and resilience building–newer concepts, such as the "FIMI Deterrence Playbook," emphasize the necessity of the "sword": active deterrence by increasing the cost of aggression for the adversary (EEAS, 2026). The problem of "Truth Decay," researched by RAND experts, highlights that cognitive biases and polarization are systemic vulnerabilities that the aggressor uses as force multipliers (Kavanagh, Rich, 2018; Paul, Matthews, 2016; Williams, McCulloch, 2023). At the same time, Russian "active measures" have evolved from Soviet-era disinformation methods into complex ecosystems that include networks of proxy actors, hacktivists, and diplomatic cover (FireEye, 2017).

The novelty and significance of this study lie in the development of an operational strategy that moves from threat diagnosis to active neutralization through echeloned safeguards. The unresolved issue of the "paradox of liberty" remains pertinent: how to ensure a country's cognitive security without drifting toward tyranny and censorship. Protecting the democratic order requires a balance between state control and the preservation of fundamental freedoms (EEAS, 2024; Fukuyama, 2023).

The aim of this article is to formulate a cognitive security doctrine based on three objectives: 1) Classification of systemic vulnerabilities in a liberal society; 2) Implementation of a "Kill Chain" model to disrupt cognitive attack cycles; 3) Establishment of institutional safeguards against excessive restriction of citizens' rights in the process of countering IPSOs (EEAS, 2026). The strategy views the cognitive domain as a space where institutional resilience and active deterrence are the sole means of preserving national sovereignty.

1 Literature Review

The modern architecture of cognitive security requires the deep integration of multidisciplinary research to neutralize aggression in the sixth theater of war, where information space is recognized as a full-scale battlefield. Andrii Novik argues that in the large-scale, all-encompassing conflict in which Ukraine finds itself, "success is guaranteed exclusively by an active position." He emphasizes the need for a strategic transition to the "preemptive application of active measures," which involves constant monitoring and forestalling the Kremlin's disinformation efforts. This correlates with Russian doctrinal assertions regarding "information confrontation," where information influence has become a permanent front across a state's entire territory, and "non-military means have exceeded traditional military force in their effectiveness" (Novik, 2023).

Novik highlights that the Russian propaganda machine is an integrated ecosystem–a complex, multi-level structure capable of self-regulation, rapid recovery, and growth. Using disinformation as a weapon allows Russia to wage a unique form of war "against practically the entire civilized world," not limited to zones of direct kinetic engagement. At the core of the aggressor's strategy lies the conviction that "a nuclear power cannot be defeated in open confrontation, but it can be destroyed from within." In this context, "intentional agents" of influence, such as affiliated religious structures, political forces, and NGOs, alongside the systemic use of Soviet propaganda narratives adapted to modern conditions, pose a particular danger (Novik, 2023).

Thomas Rid has explored the evolution of these methods in detail, defining them as "professional, organized, aggressive lying," the strategic goal of which is to weaken the very foundation of liberal democracy–trust in objective facts. In his works, he argues that modern political warfare operations are effectively a computerized assault on violence itself through three classic types of activity: sabotage, espionage, and subversion. Rid expands the understanding of the cognitive threat with the following propositions: subversion, unlike classical espionage, is becoming increasingly independent of weaponry, as its direct "targets are human minds, not machines" (Rid, 2013).

The researcher identifies a technological paradox where digital technologies have significantly lowered the entry barrier for conducting subversive activities while simultaneously "raising the threshold for achieving lasting success" due to the difficulty of sustaining audience attention. Modern active measures create a state of a "hall of mirrors" or "engineered polarization," where the aggressor cynically exploits the openness, liberal values, and trust of a liberal society as entry vectors for its destruction. Furthermore, the attribution problem–the difficulty of identifying the true origin of an attack–is a fundamental change in digital conflict that favors the attacker, allowing them to operate with impunity within the "gray zone" (Rid, 2013).

Thus, while Novik calls for a transition from reactive defense to "active counteraction" of a preventive nature to avoid the strategic dead end of "passive defense" (Novik, 2023), Rid cautions that in the process of combating disinformation, a democratic state must be careful: "the cure must not be worse than the disease" (Rid, 2020), so as not to destroy the values of the free exchange of ideas and freedom of speech. The synthesis of these two approaches forms our operational strategy, where technological preemption through Kill Chain analysis and OSINT monitoring is combined with the protection of institutional trust, the strengthening of the "constitution of knowledge," and the preservation of social bonds as the primary safeguards against cognitive occupation (Rid, 2013).

Within the development of an operational doctrine for cognitive security, we classify the fundamental vulnerability of the liberal order as a strategic design of the aggressor based on the cynical use of a free society's fundamental rights against itself. Z. Gershberg and S. Illing define this state as the "paradox of democracy": a situation where the openness of the media space and freedom of speech become entry vectors for "perilous persuasion" that threatens the very survival of the system (Ophir, 2023). Researchers argue that the digital revolution has made the world "more democratic but less liberal," as free platforms, stripped of editorial control, have become the ideal environment for the spread of conspiracy theories and disinformation (Ophir, 2023).

This concept is complemented by the works of K. Loewenstein, who in 1937, analyzing the collapse of European democracies under the pressure of fascism, introduced the term "militant democracy." Loewenstein warned of the "legalistic blindness" of democratic fundamentalism, which allows anti-democratic forces to use democratic mechanisms as a "Trojan Horse" to legally dismantle the state order from within. He argued that democratic institutions must not become instruments of their own destruction, and in a state of "internal war," legality may require temporary restrictions to preserve the very foundations of freedom (Loewenstein, 1937).

The strategic depth of this vulnerability is revealed by Thomas Rid, who points out that it is precisely the "community of ideas, a vivid and open dialogue" that makes democracy critically vulnerable to "active measures" (Rid, 2020). Rid argues that the goal of modern subversion is not to destroy machines but to target human minds, turning a society's openness into a tool of "engineered polarization" (Rid, 2013, 2020). Rid's ideas correlate with the findings of P. Pomerantsev, who describes a "war against reality," where the aggressor's goal is not merely to convince of a certain idea but to create a state of "cognitive chaos" where "nothing is true and everything is possible," rendering any rational democratic discussion impossible (Bourke, 2025).

Francis Fukuyama details the challenges to the liberal order in this context by analyzing the state of "democratic recession." He notes that liberal institutions (courts, independent media) become the primary targets of leaders with autocratic tendencies who use legal mandates to dismantle the system of checks and balances. Fukuyama also points to the development of "vetocracy"–a situation where the procedural complexity and institutional inertia of democracies become a brake on effective responses to hybrid threats, creating a critical gap in reaction speed compared to the aggressor (Fukuyama, 2023).

The operational significance of these studies lies in the recognition that Russian cognitive aggression is not a random collection of fakes but a planned campaign of political warfare. As Novik notes, Russian strategy is based on the belief that "a nuclear power cannot be defeated in open confrontation, but it can be destroyed from within" (Novik, 2023). Consequently, the response must be based, according to J. Rauch, not on passive defense but on the active strengthening of the "constitution of knowledge" and institutional immunity, allowing democracy to remain "militant" in its self-defense (Fukuyama, 2023).

Furthermore, Fukuyama explored the institutional inertia of democratic societies, using the term "vetocracy" to describe political paralysis where complex constitutional procedures and numerous "veto points" make rapid crisis response impossible. In modern liberal democracies, these foundational institutions become the primary targets of aggressive leaders. This state of vetocracy leads to the "ossification" of institutions, turning procedural rigor into a strategic vulnerability under conditions of hybrid aggression (Fukuyama, 2023).

The complexity of the legal classification of cognitive attacks in the "gray zone" is confirmed by the *Tallinn Manual 2.0*. Experts led by M. Schmitt note that most information operations do not reach the threshold of an "armed attack" under Article 51 of the UN Charter, as international law traditionally links the concept of "attack" exclusively to consequences such as death, injury, or physical damage. This creates a legal lacuna, as cognitive operations cause "merely inconvenience, irritation, stress, or fear" and are thus not classified as threats justifying collective self-defense (Schmitt, 2017).

Moreover, developing an operational response is complicated by the "sovereignty dilemma." While most experts agree that remote physical damage violates sovereignty, there is no consensus on whether operations that merely manipulate data or perception without causing a loss of system functionality constitute such a violation (Schmitt, 2017).

Another factor is the threshold of intervention and coercion. Under international law, prohibited "intervention" requires an element of coercion. The aggressor successfully masks IPSOs as "diplomacy," "criticism," or "propaganda," which are not inherently illegal if they merely influence a state's will rather than forcing it into specific actions (Schmitt, 2017).

A favored tool of the Russian Federation is the exploitation of diplomatic immunity. Russia has fully integrated its diplomatic channels into its general ecosystem of foreign interference. Official accounts of diplomatic missions are used as networks for coordination and the dissemination of disinformation, benefiting from the legal protection afforded to diplomatic missions (Schmitt, 2017).

Thomas Rid emphasizes that the difficulty of attribution is a fundamental change in digital conflict, allowing an attacker to conduct subversion for years while remaining outside the bounds of legal responsibility (Rid, 2013).

At the core of the counter-strategy on the systemic-legal echelon must lie Loewenstein's concept of "militant democracy." He argued that democratic institutions must be "steeled and strengthened" when facing movements aimed at their destruction. If ordinary legislative channels are blocked by sabotage or procedural inertia, the state is obliged to use extraordinary powers, as "government is meant to govern," not to be a powerless witness to its own ruin (Loewenstein, 1937). It is necessary to adapt the legal framework to neutralize the "non-linear" actions of the enemy, which, according to General Gerasimov, exceed traditional military force in effectiveness today (Rid, 2020).

Within the cognitive security doctrine, we classify the state of the civilian population as the "democratic rear," whose resilience is undermined by a systemic crisis of perception. The analysis of this crisis is based on the concept of "Truth Decay," developed by RAND experts J. Kavanagh and M. Rich. They define this phenomenon as the "diminishing role of facts and analysis in public life." Truth Decay includes four interrelated trends: increasing disagreement about objective facts; a blurring of the line between opinion and fact; the increasing relative volume and influence of opinion over data; and declining trust in formerly respected sources of information. This state acts as a "threat multiplier" that paralyzes political decision-making (Kavanagh, Rich, 2018; Williams, McCulloch, 2023).

The strategic goal of this aggression in the sixth theater of war is detailed by Peter Pomerantsev in his study of the "war against reality." The aim is to "overload our capacity to make sense of information" and provoke a nihilistic skepticism, which A. Arif compares to "listening to static noise through headphones," eventually causing citizens to abandon the search for truth altogether (Starbird, 2019). I. Kalpokas and T. Deryugina add that this "dizzying whirlpool" of reality leads to the erosion of identity and the search for artificially created "pop-up identities" (Kalpokas, 2019).

The psychological mechanism of our society's vulnerability is explained through the phenomenon of "motivated reasoning." As Fukuyama notes, people do not begin with a neutral observation of reality; instead, they use their cognitive abilities to select only the data that confirms their prior preferences or fears (Fukuyama, 2023). RAND research confirms that people are "cognitively lazy" and use heuristics, preferring information that causes emotional arousal, even if it is knowingly false (Paul, Matthews, 2016). This makes debunking nearly impossible, as it can trigger a "backfire effect," strengthening belief in disinformation (Kavanagh, Rich, 2018).

The critical consequence for national defense is that Truth Decay leads to political paralysis and social atomization. M. Naím warns that when power loses control over narratives and society fragments, it becomes impossible to build the consensus necessary to repel an aggressor (Naím, 2013). As J. Rauch concludes, a liberal society cannot survive without establishing a "hierarchy of factual truths," which the aggressor purposefully destroys, replacing rational analysis with "affective polarization" and hatred. Thus, defense requires not just fighting fakes, but strengthening the psychological immunity of the democratic rear (Fukuyama, 2023).

The effectiveness of the Russian "Firehose of Falsehood" model is scientifically grounded by RAND researchers C. Paul and M. Matthews, who characterize it by "high-volume and multi-channel" messaging. This approach "entertains, confuses, and overwhelms the audience." Its psychological resilience is based on the principle that "quantity has a quality of its own": repeated exposure increases perceived credibility, and first impressions are extremely difficult to correct (Paul, Matthews, 2016).

EEAS reports for 2024–2026 record a qualitative shift in AI use from experimental to "fully integrated." In 2025, AI-related incidents increased by 259%, allowing the mass production of deepfakes and synthetic audio at minimal cost. A particular danger is "LLM grooming" (e.g., the Portal Kombat network), which involves flooding the internet with low-quality content to "poison" AI training data so that future user queries yield manipulative claims as factual results (EEAS, 2026).

Digital mimicry networks demonstrate the industrial scale of aggression. The *Doppelgänger* campaign uses 228 domains and 25,000 CIB (Coordinated Inauthentic Behavior) networks to mimic authoritative Western media like *Der Spiegel*, creating a "hall of mirrors" (EEAS, 2025). Simultaneously, the *Portal Kombat* network demonstrates a "saturation" strategy, publishing nearly 10,000 articles a day in 35 languages. The *False Façade* (Storm-1516) operation has refined "information laundering," moving content from sham YouTube channels and imitator sites to official Russian diplomatic accounts (EEAS, 2025).

The mathematical basis of digital vulnerability was revealed by S. Vosoughi in *Science*, proving that false news spreads 70% faster than the truth and penetrates "deeper and wider" into social graphs (Ebute, n.d.). This creates "cognitive chaos." As Rid notes, modern subversion is increasingly independent of weapons, as its "targets are human minds" (EEAS, 2026).

For the systemic deconstruction of enemy operations, it is necessary to implement the "Kill Chain" model, which decomposes a complex FIMI operation into stages from strategic planning to execution. According to the EEAS, understanding the attack as an end-to-end process allows defenders to develop specific countermeasures at each stage, effectively "killing" the operation before it achieves its strategic goals (EEAS, 2023, 2024).

This approach is grounded in the works of Bruce Schneier and Ben Nimmo, who adapted military Kill Chain models to the cognitive domain. Nimmo proposes tactical analysis by phases to identify specific "Tactics, Techniques, and Procedures" (TTPs). Early detection of behavioral patterns–such as registering inauthentic domains–allows for neutralization before the threat reaches a mass audience (EEAS, 2023, 2024).

Active deterrence strategy, according to the EEAS's "FIMI Deterrence Playbook," involves shifting focus from reactive debunking to proactive influence on the aggressor's vulnerabilities. The goal is to increase the enemy's operational costs by striking key nodes of their infrastructure. Deterrence in the cognitive sphere is a structured sequence of actions creating cumulative pressure (EEAS, 2026).

Crucially, "pre-bunking" holds an advantage over traditional debunking. RAND researchers argue that the "first impression" of disinformation is highly resilient. Pre-bunking allows for "intercepting" the narrative before the campaign gains momentum. The 2022 US experience of strategically disclosing intelligence on Russian "false flag" operations is a classic example of successful pre-bunking (Williams, McCulloch, 2023).

The necessity of transitioning to active methods is dictated by realities Moises Naím describes as the "End of Power," where power becomes more diffuse and fragmented. In a situation where the "power of large units is diminishing" and "consensus-building is becoming increasingly difficult," only flexible, networked, and preemptive defense strategies are effective (Naím, 2013). We must recognize that in "liquid modernity," as described by Z. Bauman, the only guarantor of security is the ability of the state to act faster than the aggressor (Bauman, 2008).

To prevent democracy from drifting toward tyranny, it is necessary to analyze the risk of defense methods becoming so repressive that they destroy the state's liberal identity. As Fukuyama warns, liberal institutions are "canaries in the coal mines." Democracies die when power attacks the zone of privacy, which is a prerequisite for democratic discussion. Fukuyama emphasizes that "privacy is a norm... that must be viewed as an extension of the virtue of tolerance" (Fukuyama, 2023).

Protecting cognitive sovereignty by strengthening the "constitution of knowledge," according to Rauch, is the only effective means of preserving truth without sliding into state censorship. Rauch's system relies on two rules: "no one has the last word" and "knowledge must rely on empirical evidence, not authority." State attempts to monopolize truth only increase cognitive chaos.

Zygmunt Bauman warns that the erosion of privacy and trust destroys a society's agency, stripping people of the "protective armor of citizenship" (Bauman, 2008). Thomas Rid reinforces these warnings, stating that "the cure must not be worse than the disease." Limiting the free exchange of ideas can erode the "community of ideas and open dialogue" that makes a free society viable. The strategic goal of "active measures" is precisely to provoke democracies into self-destructive steps (Rid, 2020).

Loewenstein's "militant democracy" asserts that constitutions must be "steeled and strengthened," but defense must aim to preserve the spirit of freedom, not destroy it under the pretext of security (Loewenstein, 1937).

Thus, the literature review demonstrates that an active defense strategy is a scientifically grounded response to the systemic threat to cognitive sovereignty. It is based on strengthening institutional immunity and the "constitution of knowledge," allowing the democratic state to protect its cognitive borders while remaining true to its fundamental values. Recognizing the cognitive domain as the sixth theater of war requires an asymmetrical response: not narrowing the space of freedom, but making it operationally unsuitable for the aggressor's manipulations.

2 Methodological Framework

The development of a theoretical basis for protecting cognitive sovereignty and countering foreign interference is based on an interdisciplinary approach that integrates tools from strategic communications, military theory, political psychology, and international law.

A fundamental principle of this research is the shift from content analysis (disinformation) to manipulative behavior analysis (EEAS, 2025). According to the FIMI (Foreign Information Manipulation and Interference) concept developed by the EEAS, a threat is defined not merely by the falsity of content, but by the intentional, coordinated, and manipulative nature of the actions taken by foreign actors. This allows for the identification of threats in the "gray zone," where information may be formally legal but strategically harmful (EEAS, 2026).

To deconstruct the aggressor’s operations, the Kill Chain model is applied. This model views an attack as an end-to-end process consisting of distinct phases: planning, preparation, execution, and impact assessment. Such an approach enables the detection of the aggressor's "behavioral footprints" at the early stages of infrastructure preparation (EEAS, 2024).

The analysis of democratic vulnerabilities is rooted in the Truth Decay concept developed by the RAND Corporation. The methodology involves examining four trends: increasing disagreement over objective facts, the blurring of the line between opinion and fact, the rising influence of opinion over data, and the decline in trust in expert sources. Particular emphasis is placed on studying motivated reasoning as a driver of cognitive paralysis (Kavanagh, Rich, 2018; Fukuyama, 2023).

The theoretical justification for protective measures relies on Jonathan Rauch’s idea of the "Constitution of Knowledge." The methodology posits that protecting sovereignty should be based not on censorship, but on strengthening a decentralized social system for establishing objective truth through the scientific method, the legal system, and professional journalism (Fukuyama, 2023).

The methodology for transitioning from reactive to proactive defense is based on the FIMI Deterrence Playbook. It involves altering the aggressor’s "cost-benefit" calculus through public exposure mechanisms and the disruption of the logistical and financial chains of "FIMI-as-a-Service."

3 Results

It has been established that the Russian strategy of "information confrontation" views the information space as an integrated ecosystem of warfare, where information is simultaneously a weapon and an environment. The research finds that the aggressor implements a "Firehose of Falsehood" model. Characterized by high speed, massive scale, and a total lack of commitment to objective truth, this model creates a "first impression" advantage that democratic institutions find extremely difficult to overcome due to their procedural inertia (EEAS, 2025).

The study substantiates that the democratic system is vulnerable due to its "legalistic blindness." The adversary freely exploits fundamental rights–such as freedom of speech, press, and assembly–as vectors for legally dismantling the state order from within. It is proven that the Kremlin's strategic goal is to undermine the "Constitution of Knowledge" as the social system for establishing truth, without which liberal democracy cannot function (Loewenstein, 1937).

A transition is proposed from a defensive model of passive debunking to a strategy of active pre-bunking and deterrence. This approach involves exposing the enemy's tactics before an operation begins, thereby increasing the "cognitive immunity" of society and making the conduct of IPSOs (Information-Psychological Operations) operationally costly and strategically ineffective for the aggressor (EEAS, 2025).

The research identifies three echelons of systemic vulnerabilities in democratic countries that require immediate neutralization: Systemic-Legal, Socio-Psychological, and Technological.

The Systemic-Legal Echelon

The study reveals that the enemy conducts "legal sabotage" by exploiting the "Paradox of Openness," using liberal values as attack vectors. The aggressor successfully infiltrates disinformation into democratic discourse by masking it as "alternative views" or "investigative results," forcing free media and legal institutions to protect the enemy's right to destroy those very institutions (Novik, 2023). Russian entities utilize the status of journalists or human rights defenders for direct and indirect advocacy of Kremlin interests, generating coverage in mainstream media because liberal standards demand the representation of diverse perspectives.

Liberal democracies are "highly procedural," with complex rules of coordination and legal hierarchies designed to prevent the abuse of power. However, in a cognitive war, these procedures become "brakes," creating a critical gap in reaction time (Fukuyama, 2023). An operational asymmetry exists between the time of attack and the speed of response. Statistics show that the average duration of a disinformation incident from the first publication to the end of the amplification phase is only 37 hours. Meanwhile, the procedure for collective decision-making or the introduction of sanctions at the EU level requires unanimous political consensus, which can take weeks (EEAS, 2026; Fukuyama, 2023).

The Socio-Psychological Echelon

The fundamental threat is the phenomenon of "Truth Decay," defined by four interrelated trends: 1) increasing disagreement over objective facts; 2) the blurring of the line between opinion and fact; 3) the increasing volume and influence of opinion over data; and 4) the decline in trust in authoritative information sources (Kavanagh, Rich, 2018). This state leads to a "cognitive vacuum" where society loses its capacity for rational democratic discussion (Fukuyama, 2023).

The aggressor uses a "threat multiplier" strategy, where real social challenges are amplified through disinformation to provoke chaos. For example, the migration crisis is artificially inflamed through "facts" disguised as investigations into spikes in violence to increase xenophobia and political destabilization in the EU. In 2025, the active use of the "Ukrainian refugee-terrorists" theme was recorded during election campaigns in Poland and Romania (Williams, McCulloch, 2023).

Russia implements "divide and rule" tactics, widening societal "cracks" by fueling cultural conflicts. The aggressor instrumentalizes "identity politics," pushing marginalized groups toward radical demands and the conservative majority toward a paranoid fear of "replacement," paralyzing national governments in a state of "vetocracy" (Fukuyama, 2023).

The Technological Echelon

The research substantiates the high efficiency of the "Firehose of Falsehood" model (Paul, Matthews, 2016).

The Portal Kombat (Pravda) network "floods" local information spaces with automated republications of Russian content to dominate search engine results.

The Doppelgänger campaign implements digital mimicry, instantly registering new domains and using "Operation Matryoshka" tactics to inject disinformation directly into the comments sections of fact-checking organizations (EEAS, 2025, 2026).

LLM Grooming: A new form of aggression involving the poisoning of Large Language Model training data (EEAS, 2026).

Deepfakes and Voice Cloning: Routinely used by operations *Storm-1516* and *Overload* to provoke panic or simulate political crises.

Information Laundering: Described through the *False Façade* operation, where content moves from "informant" actors on YouTube to imitation local press sites (e.g., *londoncrier.co.uk*) and is finally cited by official Russian diplomatic accounts (EEAS, 2026).

Operational Recommendations: The Kill Chain and Deterrence

Implementing the Kill Chain mechanism allows for the decomposition of a FIMI operation into phases. Neutralizing a threat during the preparation stage–for example, by identifying "sleeper" networks or funding sources–is significantly more effective as it "breaks the chain" before the attack reaches the target audience (EEAS, 2024).

Effective deterrence in the cognitive domain is achieved through:

Increasing operational costs via sanctions and digital regulation.

Isolating the operational space by blocking distribution channels and demonetizing manipulative networks.

Delegitimizing actors through the public exposure of links between proxy resources and Russian state structures (EEAS, 2026).

Preserving the Liberal Order

The research concludes that the strategic victory of democracy is impossible if the zones of privacy and free discussion are dismantled. Protecting cognitive sovereignty must be based on strengthening the "Constitution of Knowledge" and the immunity of democratic institutions. A drift toward tyranny during the defense process would signify a total strategic victory for the Kremlin (Humisky, 2020).

The protection of the cognitive domain must rely on a decentralized system of establishing objective truth (courts, scientific communities, professional journalism). Attempts by the state to monopolize the truth through censorship only exacerbate Truth Decay and destroy institutional trust. The primary risk of defense lies in "overshooting the target,“ where liberal states inadvertently push legitimate civic actions into the realm of illegal subversion (Rid, 2013).

Our response must be asymmetrical: we do not narrow the space of freedom; instead, we strengthen society's ability to exercise it. Protecting sovereignty is, above all, protecting the right of a free individual to remain the subject of their own will.

4 Discussion

The strategy for the active defense of cognitive sovereignty developed in this study resonates with leading global advancements in countering hybrid threats. A comparative analysis of works from the last five years (2020–2026) allows for a deeper appreciation of the significance of the proposed solutions.

The identified qualitative leap in the threat–specifically the surge in AI usage within FIMI operations–correlates with the findings of the EEAS 4th Report (2026), which states that AI has become a "fully integrated" tool for the mass production of manipulative content. As noted by experts from VIGINUM and CheckFirst (2025), the poisoning of AI training data poses a long-term threat of "polluting" the global knowledge base, necessitating not only technical filters but also institutional protection of truth.

The balance between security and liberty remains a point of contention. Our formulated directive to prevent "friendly fire" builds upon Francis Fukuyama’s (2022) warnings that democracies perish when the state assaults the zone of privacy and free discussion in an attempt to protect itself from manipulation. This engages in a polemic with Karl Loewenstein’s concept of "militant democracy," which permits the restriction of rights to preserve order. We argue that defense must be rooted in Jonathan Rauch’s "Constitution of Knowledge"–a decentralized system for establishing objective truth–which serves as the only viable alternative to state censorship or managed chaos.

Conclusion

This study substantiates that the contemporary information space has definitively transformed into a full-scale sixth theater of war, where a state's cognitive sovereignty is a critical element of national security. It is established that the Russian model of aggression in this domain is based on the concept of "non-linear warfare," where information influence has become a permanent front, and non-military means often exceed traditional military force in effectiveness.

The primary results of the research are defined by the following points:

Implementation of the "Kill Chain" Model: Decomposing FIMI operations into discrete phases allows for the identification of the aggressor's specific Tactics, Techniques, and Procedures (TTPs) at early stages. This enables the neutralization of threats before they achieve mass dissemination by focusing on the disruption of the technical and financial infrastructure ("FIMI-as-a-Service") rather than merely debunking content.

Strategic Shift to Active Deterrence: It is established that the traditional reactive model is insufficient against the "Firehose of Falsehood." Instead, the study proves the superiority of pre-bunking–proactively informing the public about manipulative tactics and disclosing intelligence–to foster cognitive resilience among citizens.

Preservation of Liberal Values: The research confirms that protecting the cognitive domain cannot be achieved by dismantling liberal values. Democracies die when the state attacks the very possibility of open communication. Preserving the zone of privacy and the "Constitution of Knowledge" is the foundation of democratic resilience; excessive repressive measures risk becoming a "cure worse than the disease."

AI-Escalation Threat: The rapid growth of AI in influence operations requires a revision of attribution approaches, as these technologies have significantly lowered the entry barrier for subversive activities.

Prospects for further research lie in detailing the legal frameworks for the "gray zone," where cognitive attacks do not reach the threshold of an "armed attack" under *Tallinn Manual 2.0* but still threaten political stability. There is a need to develop new metrics for measuring the rate of Truth Decay and creating machine-learning systems for the automated detection of manipulative behavior.

Recommendations

Based on the analysis, the following recommendations are proposed to neutralize systemic aggression in the cognitive domain:

Integrate the Kill Chain Model into the practice of Strategic communications and cybersecurity units to deconstruct FIMI into discrete phases (planning, infrastructure preparation, execution). Focus should be placed on detecting technical and behavioral indicators during the early stages of network creation.

Implement the FIMI Deterrence Playbook with focus shifted toward increasing operational costs for the aggressor. This includes:

Expanding sanctions against entities providing financial and technical logistics for "FIMI-as-a-Service."

Prosecuting proxies and intermediaries involved in activities bordering on criminal offenses (cybercrime, illicit financing).

Cooperating with platforms for the rapid blocking of Coordinated Inauthentic Behavior (CIB) infrastructure.

Counter AI-Driven Influence priority must be given to developing tools for the automated detection of synthetic content and implementing safeguards against LLM grooming.

In order to modernize Civil Education, media literacy programs should focus on understanding manipulation mechanisms and platform algorithms. Support for independent fact-checking networks and investigative journalism is essential to restore trust in expert institutions.

Cognitive sovereignty requires a multi-agency approach. Information Sharing and Analysis Centers (FIMI-ISAC) should be created to coordinate efforts between the government, the intelligence community, the private sector, and civil society.

To avoid a drift toward tyranny, the state must ensure that defense focuses on neutralizing the manipulative behavior of foreign actors rather than introducing state censorship. Moderation and self-restraint of power are necessary conditions for preserving liberal identity during wartime.

The implementation of these recommendations will transform the cognitive space from a zone of vulnerability into an echeloned system of active defense, where the cost of aggression for the enemy far outweighs any potential benefits.

References

BAUMAN, Z. 2008. *Liquid modernity.* (translated by Y. V. Asochakov) Saint Petersburg: Piter. Available at: https://www.prostranstvo.media/wp-content/uploads/2018/10/bauman_liquid_modernity_2008.pdf

BOURKE, L. 2025. *Review on This Is Not Propaganda: Adventures in the War Against Reality by Peter Pomerantsev.* A Garden from the Libraries. Available at: https://lizbourke.wordpress.com/2025/02/25/89-the-war-against-reality-peter-pomerantsevs-this-is-not-propaganda/

DERYUGINA, T. 2024. *Lessons from "This is Not Propaganda".* Human stories & ideas. Available at: https://tatyana-57116.medium.com/lessons-from-this-is-not-propaganda-ec3fc88efc72

DUBÓCZI, P. and DVORSKÝ, T. 2025. *The limits of the EU’s soft power vis-à-vis challengers to European integration.* In: BURGONSKI, P., SKOLIMOWSKA, A., TROJANOWSKA-STRZEBOSZEWSKA, M. and ZENDEROWSKI, R. (eds.). *Europa w stosunkach międzynarodowych: polityka – rola – wyzwania.* Warszawa: Wydawnictwo Naukowe Uniwersytetu Kardynała Stefana Wyszyńskiego, pp. 23–47.

EBUTE, M. E. 2024. *The manipulation of public opinion: Examining the role of intelligence, media and political propaganda in global affairs.* SSRN. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6576618

Estonian Foreign Intelligence Service (EFIS). 2026. *International security and Estonia 2026.* Available at: https://raport.valisluureamet.ee/2026/en/

EŠTOK, G. 2020. *(Ne)dávne hľadanie strednej Európy*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach. 192 pp.

European Council on Foreign Relations (ECFR). 2025. *Baltic resilience assessment: Countering the hybrid pressure from the East.*

European External Action Service (EEAS). 2023. *1st EEAS report on foreign information manipulation and interference threats: Towards a framework for networked defense.* Available at: https://www.eeas.europa.eu/eeas/1st-eeas-report-foreign-information-manipulation-and-interference-threats_en

European External Action Service (EEAS). 2024. *2nd EEAS report on foreign information manipulation and interference threats.* Available at: https://www.eeas.europa.eu/eeas/2nd-eeas-report-foreign-information-manipulation-and-interference-threats_en

European External Action Service (EEAS). 2025. *3rd EEAS report on foreign information manipulation and interference threats: Exposing the architecture of FIMI operations.* Available at: https://www.eeas.europa.eu/eeas/3rd-eeas-report-foreign-information-manipulation-and-interference-threats-0_en

European External Action Service (EEAS). 2026. *4th EEAS report on foreign information manipulation and interference threats: Dismantling the FIMI house of cards.* Available at: https://www.eeas.europa.eu/sites/default/files/2026/documents/EEAS%204th%20Threat%20Report_web%20version_1.pdf

European External Action Service (EEAS). 2026. *EEAS special report on foreign information manipulation and interference: The impact of generative AI on electoral integrity.*

EUvsDisinfo. 2024. *Building a false façade.* Available at: https://euvsdisinfo.eu/building-a-false-facade/

EUvsDisinfo. 2024. *Pro-Kremlin disinformation narratives about MH17.* Available at: https://euvsdisinfo.eu/uploads/2024/07/NEW-MH17-2024-almost-final.png

FireEye. 2017. *Anatomy of Russia's 2016 influence operations.* Available at: https://archive.org/details/2017-10-fireeye-anatomy

FUKUYAMA, F. 2023. *Liberalism and its discontents (translated by Budko Y).* Kyiv: Nash Format.

GREGORY, S. 2025. *Russia's Shadow War Against the West.* Center for Strategic and International Studies (CSIS). Available at: https://www.csis.org/analysis/russias-shadow-war-against-west

HUMISKY, J. 2020. *The secret history of disinformation and political warfare.* Diplomatic Courier. Available at: https://www.diplomaticourier.com/posts/the-secret-history-of-disinformation-and-political-warfare

Institute for the Study of War (ISW). 2026. *Russian information operations assessment:* Strategic deception and the erosion of Western cohesion. ISW Reports.

IVANČÍK, R., NEČAS, P. 2022. On disinformation as a hybrid threat spread through social networks In: *Entrepreneurship and Sustainability Issues. Vilnius Entrepreneurship and sustainability center*, ISSN 2345-0282. Vol. 10, no. 1 (2022), pp. 344-357. Available at: https://jssidoi.org/jesi/uploads/articles/37/Ivancik_On_disinformation_as_a_hybrid_threat_spread_through_social_networks.pdf

JAKABOVIČ, L, NEČAS, P. 2023 Political and military implications of private military contractors in Russia In: *Journal for political science, modern history, international relations, security studies* Banská Bystrica, Mateja Bel University, Belianum, 2023. - ISSN 1335-2741. Vol. 26, No. 4 (2023), pp. 36-54. Available at https://politickevedy.fpvmv.umb.sk/25467/political-and-military-implications-of-private-military-contractors-in-russia

KALPOKAS, I. 2019. *Book review: This is not propaganda: Adventures in the war against reality by Peter Pomerantsev.* The London School of Economics and Political Science. Available at: https://researchonline.lse.ac.uk/id/eprint/107981/

KAVANAGH, J., Rich, M. D. 2018. *Truth decay: An initial exploration of the diminishing role of facts and analysis in American public life.* RAND Corporation. Available at: https://www.rand.org/pubs/research_reports/RR2314.html

LEONARDSON, J. 2020. *Intelligence in public media. Review of the books: Active measures: The secret history of disinformation and political warfare, by Rid T. (2020) and Information wars: How we lost the global battle against disinformation, by Stengel R. (2019).* CIA website. Unclassified Extracts from Studies in Intelligence vol. 64 No.1. Available at: https://www.cia.gov/resources/csi/studies-in-intelligence/volume-64-no-1/active-measures-the-secret-history-of-disinformation-and-political-warfare/

LOEWENSTEIN, K. 1937. *Militant democracy and fundamental rights, I.* The American Political Science Review, Vol. 31, No. 3 (Jun., 1937), pp. 417-432. https://doi.org/10.2307/1948164

NAÍM, M. 2013. *The end of power: From boardrooms to battlefields and churches to states, why being in charge isn't what it used to be.* New York: Basic Books.

NATO Strategic Communications Centre of Excellence (NATO StratCom COE). 2025. *The evolution of Russian information operations: From mass propaganda to targeted polarization.*

NATO Strategic Communications Centre of Excellence (NATO StratCom COE). 2026. *Cognitive warfare and social cohesion: Adapting to decentralized influence operations.*

NOVIK, A. 2023. *Active measures to counter Russian disinformation. Countering disinformation in the context of Russian aggression against Ukraine: Challenges and prospects.* Abstracts of participants of the international scientific and practical conference (Ann Arbor – Kharkiv, December 12-13 2023), pp. 269-272). https://doi.org/10.32782/PPSS.2023.1.70

OPHIR, Y. 2023. *Review of the book: The paradox of democracy: Free speech, open media, and perilous persuasion, by Gershberg Z. and Illing S.* International Journal of Communication, Vol. 17, pp. 338-341. Available at: https://ijoc.org/index.php/ijoc/article/view/20752

PAUL, C., MATTHEWS, M. 2016. *The Russian "firehose of falsehood" propaganda model: Why it might work and options to counter it.* RAND Corporation. Available at: https://www.rand.org/pubs/perspectives/PE198.html

RAND Corporation. 2026. *Cognitive warfare studies: Multi-domain threats and the future of social resilience.* RAND Publishing.

RID, T. 2013. *Cyber war will not take place.* Journal of Strategic Studies, Vol. 35 Issue 1 pp. 5-32, Available at: https://www.tandfonline.com/doi/abs/10.1080/01402390.2011.608939

RID, T. 2020. *Active measures: The secret history of disinformation and political warfare.* Farrar, Straus and Giroux. 513 pp.

SCHMITT, M. (Ed.). 2013. *Tallinn manual on the international law applicable to cyber warfare.* Cambridge University Press. Available at: https://www.onlinelibrary.iihl.org/wp-content/uploads/2021/05/2017-Tallinn-Manual-2.0.pdf

SCHMITT, M. (Ed.). 2017. *Tallinn manual 2.0 on the international law applicable to cyber operations.* Cambridge University Press. https://doi.org/10.1017/9781316822524

SINICYN, S., DENCIOVÁ, M. and EŠTOK, G. 2026*. An informational narrative on Slovakia's energy dependence on Russian gas*. *Szellem és Tudomány*, Vol. 17 Issue 1–2, pp. 189–207. ISSN 2062-204X. https://doi.org/10.32966/szellem.2026.011

STARBIRD, K. 2019. *Disinformation's spread: Bots, trolls and all of us. Nature website.* Available at: https://www.nature.com/articles/d41586-019-02235-x

VOSOUGHI, S., Roy, D., Aral, S. 2018. *The spread of true and false news online.* Science, Vol. 359 Issue 6380, pp. 1146-1151. Available at: https://www.science.org/doi/10.1126/science.aap9559

WILLIAMS, H., McCULLOCH, C. 2023. *Truth decay and national security: Intersections, insights, and questions for future research.* RAND Corporation. Available at: https://www.rand.org/pubs/perspectives/PEA112-2.html

WOOLLEY, S. (Ed), HOWARD, P. (Ed). 2018. *Computational propaganda: Political parties, politicians, and political manipulation on social media.* Oxford University Press. Available at: https://academic.oup.com/book/25859

Contact addresses

Volodymyr Hurkovskyi
ORCID ID: 0000-0003-2021-5204
Central Research Institute of the Armed Forces of Ukraine, Kyiv, Ukraine
Povitroflotskyi avenue, 28B, Kyiv, Ukraine, 03049
Email: Vladimir.gurkovskyi@gmail.com

Serhii Ilnytskyi
ORCID ID: 0009-0009-3000-9034
Central Research Institute of the Armed Forces of Ukraine, Kyiv, Ukraine
Povitroflotskyi avenue, 28B, Kyiv, Ukraine, 03049
Email: anzhx175wf@icloud.com

Rena Marutian
ORCID ID: 0000-0001-9184-1590
Taras Shevchenko National University of Kyiv, Kyiv, Ukraine
Volodymyrska St., 60, Kyiv, Ukraine, 01033
Email: renata_kiev@i.ua

Oleksandr Hrynchuk
ORCID ID: 0009-0004-6576-1342
The Main Directorate of the Military Law and Order Service
of the Armed Forces of Ukraine
Beresteyskyi Avenue, 55/2, Kyiv, Ukraine, 03113
Email: greenyaa120@gmail.com

Jana Antalíková
ORCID ID: 0009-0004-5259-4733
The University of Security Management in Košice
Košťova 1, Košice, Slovakia 04001,
Email: jana.antal1004@gmail.com

A Few Notes on the Right to Information Access

Júlia Ondrová, Juraj Štorcel

https://doi.org/10.33542/VSS2026-1-3

Abstract

Right to Information Access is one of the basic means to guarantee public administration transparency and the power execution democratic control as well. Moreover, it helps citizens to obtain data that the public power bodies have in disposal, and in this way to support openness, trust and the public participation in public administration matters. The presented contribution tries to offer several notes regarding the legal framework of the mentioned right concerning its frame tie on the constitutional and legal levels anchoring. Besides that, it pays attention to some restrictions to information access mainly as regards personal data protection and they might abuse law regarding the access to information right. Furthermore, the aim of the article tries not only to point to the importance of information right as a means of strengthening democratic values, but likewise to point out the practical problems concerning its implementation within the context of the selected restriction conditions.

Keywords: *SR Constitution, political law, right to information accesses, restriction of the right to information access.*

Introduction

In the Slovak Republic 25years have passed in 2025 since the endorsement of Act on the Free Access to Information, it was Act No. 211/2000 Call., as amended. In the further text besides the term Act on the Free Admission to Information, other similar terms are used, there are the following ones: the Free Information Access Act, the Act on the Free Admission to Information or the abbreviation Act on Free Information.

Act on the Right to Free Information Access was approved on the 17th of May 2000; the passed act has brought the principle of public participation and the public control of the public administration bodies. By the Explanatory Report concerning the Act on the Free Admission to Information, it is clear that even if the Slovak Republic Constitution guarantees the right to information, by the sub-constitutional law and the secondary legislation, the legal regulation is missing concerning the specific conditions which would appropriately define the public right to demand the public administration bodies for data or the individuals who are obliged to give the public the proper information.

It is evident that nowadays society is overloaded with information by the existence of social networks and AI technologies, and consequently it can hardly be properly selected. On the other hand, the ongoing and persistent bureaucracy in public administration constantly generates the new information bulk, and thus hand-in hand the public necessity is created to provide the more extensive and accurate control of public administration bodies and the public institutions. Therefore, the Right to Free Access to Information Act application must constantly be up-to-date, and that`s why it wants its continual attention. Finally, at present the legal proceeding is hold on the Slovak Republic Constitutional Court concerning the compliance of the Right on the Free Access to Information with the relevant constitutional norms and in this way to demonstrate that the mentioned Act still remains valid and up to date, the proceeding is led by the file ref. PL. ÚS 6/2025. Nota bene, the Slovak Republic Constitution Court has applicated the special extraordinary institute to put on hold coming into the force the statement regarding the payments in case of the purposefully incurred for the exceptionally information searching as it is stated by paragraph 14 section 6 and 7 and the paragraph 21 section 1 second sentence of the Act on the Right to Free Access to Information. Perhaps, in connection with what has been mentioned before, it can be pronounced that the right to access information extensively resonates in our society, and therefore, it is suitable and needful to pay attention to the stated right, even in scientific and academic works.

Considering the mentioned facts, the authors in their contribution try to do their best to deal with the Free Access to Information Act contents within its constitutional frame ties, and subsequently they try to put their attention on the problem of right to information abuse within the context of the Access to Information Act. Further on, the authors will put their attention on the right of information access restriction problem in connection with personal data protection. Further on, the authors come out predominantly from the stable judicial practice completed by legal theory. Moreover, the authors have decided to pursue more closely the mentioned problem- areas regarding the information accessing due to its up-to-datedness combined by the unruly abusing right which appears more frequently in both areas, the legal theory and practice as well. Besides that, the mentioned challenging problem areas are closely inter-connected with the increasing guarantee of personal data protection, and what`s more in connection with the growing public administration having been under the closed public microscope.

On the basis of the collected and the subsequently analyzed legal theory together with the stabled judicature, the aim of the submitted scientific article rests in the highlighting of the fundamental constitutional legal way-out sources of the right to information access that is based on the legal foundation including its conceivable limitations. The right to information access limitation is demonstrated by authors by means of the chosen sections, and further on, it is presented how the found-out limitation is perceived by the stable judicature practice.

1 Constitutional and Legal Right Entrenchment to Information Access-Chosen Facts

Under the Slovak republic conditions the right to information, respectively Right to Information Free Access has its foundation in the Slovak Republic Constitution. If we look-in the Slovak Republic

Constitution, then it is found out that the right to information as the political right is stated by Article 26 section 1 of the Slovak Republic Constitution declaring that the right to information is guaranteed together with the freedom of expression. Additionally, the SR Constitution goes further in section 4 of the mentioned Article that "*the freedom of expression and the right to search and spread information can be only restricted by law in cases such as; where the necessary provisions are needed in democratic society in connection with the individual protection of rights and freedoms, state security, public order, protection of public health and morality."* Thereafter, Article 26 section 5 of the Slovak Republic Constitution added that the public power bodies are responsible to provide an acceptable information regarding their activities presented by the state language, conditions and the proper legal ways as it is declared by law. In this way, the SR Constitution guarantees the basic explanatory keys of the right to information that within the bounds of the Slovak Republic Constitution amendment are further on applicated by the right connected with the free information access, and by the judicature that mainly concerns the administrative courts and the Slovak Republic Constitution Court.

Consequently, the Slovak republic Constitution declares the freedom of expression as the political right of the most fundamental dominance, and as regards the right to information, it is included in the SR Constitution by two forms; the negative one meaning to accept information without any interference by the public power, and the positive form resting in the right to demand public power bodies to provide information concerning their activities. According to the mentioned SR Constitution Articles, the public power bodies are obliged in an appropriate way to provide their accomplished information regarding their doings and activities. Besides the public power bodies obligation to provide adequate information about their actions and measures, it is necessary to assure citizenry knowledgeability about their work and justification, and in this way to enable citizens participation in public matters. Moreover, thus the public administration power can be effectively controlled by means of the relevant information (Finding of the Czech Republic Constitution Court file ref. IV CC 2375/24, dated 18th June 2025). The basic right to information does not serve only for the obtaining information and the information handling, but first of all, it serves as the means of the qualified public participation in decision-making on the administration public matters (Drgonec,2019).

From the constitutional and systematic points of view, the right to information can be submitted under the category of basic rights and freedoms having been of the first generation, and according to the constitutional law, they are included into the third part of the Slovak Republic Constitution with the letterhead as the political rights. By the interpretation of the Slovak Republic Constitution Court file ref. PL. CC 1/09 dated 19th January 2011, the basic right to information by Article 26 of the SR Constitution is necessary to interpret within the context of the democratic and lawful state that is one of the basic principles formulated by Article 1 section 1 of the Slovak Republic Constitution. The mentioned basic right together with the right to freedom of speech stand for the constitutional guarantee as regards the existence of the free notions creation, and the free exchange of views, ideas, knowledge or information without taking into consideration their meaning, purposefulness or contents (Hodás, 2016). In this way, the considered purpose of the basic right to information is not only evidently reflected on the level of the free creation and intermediate opinions that are related to public matters where the interconnection with the democratic state values is apparent, thus it has evidently the broader scope affecting the various spheres of individuals` personal life as well as the whole society.

It can be agreed with the opinion (Ikrényi, Balko, 2023) that the free access to information of public bodies has the fundamental meaning for the democratic systems functioning and their effectiveness as well. There are based on the principle that in democratic system the people should have access to broader information radius, and they can accordingly provide more effective participation in public life, and additionally they might help to support the better functioning of democracy. Subsequently, the access to information enables expanding of the public information discussion, supporting the electorate to control the elected public dignitaries, and in this way considerably influence the public electorate decisions during the next elections. In case the results of control have found some type of inaccurateness or discovering some breach of obligation including the corruption of the concerned dignitaries, then afterwards the information access can lead not only to the disclosure of negligence, but indirectly it might lead to the consequential sanction. Furthermore, gaining access to information strengthens not only public legitimacy but at the same time the confidence to state. The decisions are better accepted by the general public when the pronounced decisions are the results of an exposed open process. When the public dignitaries decisions and behavior are under the close public microscope, the reach adds up finally are in the public bodies motivation to higher proficiency and more precise following law. In this way, the free access to information and the public power bodies transparency are conclusively becoming the key factors of the good governance of public affairs. In addition to what was said, they are the characteristic features for recognizing whether society is really democratic and pluralistic in comparison to all other forms of corruption, and at the same time, it helps to recognize if society is capable of criticizing those who lead it. Having in mind the aim of reaching a real transparency in public life, it is more than needed for democratic society to have a legal system that would promote free information access from all public bodies and to make them at disposal for everybody.

It is necessary to bring forward that the public administration has an enormous amount of information at disposal, and that it constitutes a huge mechanism of decision-making procedures, such as; the delegation of powers and the processes covering dignitaries who are paid by all taxpayers. All those processes are interconnected with the transparency principle connected with the public administration whose main purpose is to make access of information to general public, especially those ones which are at disposal of the public power bodies except those that are excluded by the legal order (Košičiarová, 2022 or Hodás, 2011). As regards the right to free information access, the public administration bodies must fulfill two liabilities; the first one is passive access to information based on the application, and the second one resting on the one's own initiative made by the public administration bodies, in this case it is commonly considered to be active information access without any previous application laid down. The subject of the legal amendment on the free information access regards both cases, the passive one as well as an active one (Andraško, Mesarčík, 2019).

Active information access which is at disposal to public administration bodies have several advantages, not only for the public administration bodies themselves, but at the same time for the general public as well. In the first place, by means of active access, the admission to rules of law and the decision-making are safeguarded, and that finally leads to the positive influence on citizenry participation during the decision-making processes and the creation of the political conception, too. By means of the information access which characterizes a public administration body and its activities, it lastly helps citizens more simply to use its provided services. Another benefit of active access rests in decreasing bureaucratic burden connected with the handling applications asking for the possibility of information access. The more information is released by the public administration bodies, then less applications asking for the information access might be laid down (Andraško, Mesarčík, 2019).

In relation to information Access Right the following basic starting points can be defined:

- the basic information access principle – the publicity principle, openness,
- the right to information – data that are "reposed" and with which the public administration body works,
- the right to information – interconnection with the already existed occurrences and events,
- prevailing public interest,
- counterbalancing constitutional rights – reciprocally collided,
- the purpose of intervention, respectively the purpose of accepting information- the so-called common control tool,
- limitation of the right to information are applied in such a way that required information after their exclusion are made accessible as it is stated by law- the so-called selection and anonymization,
- the congest of the administrative body by applications- the so-called filibustering,
- forbidding the right to information abuse – the so-called mobbing of the right execution (Sotolář, Klinger, 2020).

The mentioned basic starting points can be interconnected with the principles creating the foundation of the Act on Free Information Access (Horvat, 2023):

- public administration transparency principle,
- minimalization of the interference into the basic rights,
- the dominance of the public interest principle, e.g., paragraph 9 section 3 of the Right to Free Information Access,
- the selection principle, parts not accessible are "blacken" or they are made anonymized,
- the principle of forbiddance to abuse the law,
- the principle of" no payment", payment only for costs,
- the principle of informality,
- the principle of contents dominance over form,
- the principle of the procedure speed.

2 Legal Restriction of the Right to Information Access Enforcement

The Right to Information Access has to be interpreted extensively meaning to appreciate it as a way leading g towards the extension of the so-called obligatory person to make access to information as the restrictive appreciation following from the demand to minimalize any intrusion into the basic rights and freedoms which part is likewise the right to information access.

In spite what has been just mentioned, the Right to Information Access comprises the regulations in which the legislator has directly presumed cases in which the restriction of the right to information access might become reality. In spite of the legal exceptions regarding information access, it is still valid to interpret the relevant law provision of the right to free information access applied within the sense that the limitation of the required information access by the obliged person must be provided to the most minimal extent. The information non-access for the obliged person has to constitute a possibility "*ultima ratio*", whereby in such an extreme solution, the higher requirements are in place concerning the statement of reasons given to the obliged person on the non- information access, the reasoning must be rationale and equivalent in connection with the extent of inaccessibleness, Finally, it can be stated that the free information access right is based on the fundamental principle " what is not confidential, then it is public", expressed by other words the required information must be made available except those ones which are excluded by the law (Wilfing, 2012).

The mentioned regulation comes mainly from the reality that the obliged persons are the public power executor, and they are closely attached to the public administration budget, mostly to the state budget (it is meant the public power bodies but not the foundations, by the way, nowadays they are defined by the right on free access to information as the obliged persons as well, remark made by the authors). It is evident that as the public power bodies, they are paid by the public funds covering all their task accomplishment, their posts as well as their competences, in conclusion it means that every taxpayer is sharing in payment of all their costs. The taxpayer, as an individual, whose money is participating in creating the public administration budget, has the right to know how his money has been used, and not only by the public administration. Just considering this reality, besides other factors, the right to information has been formed, and from that reason every obliged person must approach responsibly and dutifully to ask any information access (Horvat, 2016).

In relation to the limitation conditions, it is always necessary to consider the contents of paragraph 12 section 1 of the Free Information Access Act. Here it is declared that all restrictions of the right to information are provided by the obliged person in such a way that required information access including the accompanying information are accessed only after excluding that information which is stated by the law. The authorization to refuse information access remains until the inaccessibleness reason lasts. According to the Free Information Access Act paragraph 12, the legislator established the so-called selection principle. By means of the mentioned regulation the material substance of the information access restriction is investigated. By the Supreme Court of the Slovak Republic file ref. 2Sžik/6/2019 dated 18th December 2019, the contents substance includes the requirement to provide the legitimate right to information restriction in a minimal extension in order to meet the guaranteed demand to minimalize an intrusion into the basic human rights and freedoms. In connection with the mentioned substantive matter, we can point to the judgement of the Supreme Court of the Czech Republic file ref. 1As/98/2008 dated 29th September 2009, its contents declare that

"… *Without any doubt as regards the any information assortment, the requester has the right to ask for information- that means, for instance to ask the photocopy of the whole administrative file. However, it is the duty of the obligatory subject to investigate whether the requested material does not comprise information that are connected with the lawful restriction, then further on it is necessary to examine individual component parts of the provided file having in mind its compatibility with the legal limits stated by the right to information."*

3 The Information Access Right Constraint within the Context of Personal Data Protection

At present civilization that is largely influenced by globalization and the social networking resulted in reality that the contemporary society and law are more and more concentrated at the personal data protection. Similarly, the Act on Fee Access to Information and the relevant judicature are not of any kind of exception. The question comes to the fore when personal data protection is relevant. The Free Information Access Act by paragraph 9 section 1 declares that information regarding personality and privacy of the natural person connected with the personal papers and documents, personal portrait, visual snapshots, pictures and audio recordings concerning natural person or natural person`s individual expressions, the obliged person makes accessible information only in case as it is stated by a special law or by the preceding written agreement of the affected

person. In case, when the affected person does not live, then the approval might be given by the close person, the approval is not needed to make access to the personal data of the deceased person if they are used for the scientific or academic purposes. Further on, the data can be used for statistical purpose, documentary purpose, historical research, or in case of burial grounds, location of memorials, placement of the commemorative plaques, pursuance of reminiscent events and reverence within the acceptable range.
Information gain accessibility affecting the person is conditioned explicitly by the following reasons:

(i) if it is stated by the special act, or
(ii) if it is given previous approval of the affected person.

The Act on the Free Information Access considers the mentioned access likewise to personal data information of the natural person processed by the information systems. The mentioned information is accessed by the obliged person as it is stated by the law or on the basis of the previously written approval of the affected person (paragraph 9 section 2 Act on the Free Information Access).

However, in practice such cases appear where the obliged person refuses to access information, for instance the cases connected with the police force members, persons accused or any other similar cases reflecting the non-existence of the before-handwritten approval.

The question is how judicature is capable of finding out the solution in such a situation? In addition to that, it is necessary what to understand under the notion “personal protection”. In the context of paragraph 11 of the Civil Code personal protection is declared as the protection of life, health, civic honor and human dignity, and besides that, it includes the protection of privacy, one`s own name and personal freedom of expression. Concluding, personal protection includes honor and dignity, right to have name, the right to expression presented by the written form, audio recordings, portraits and snapshot pictures, further on the right to body integrity (right to life protection and health safety), right to personal privacy, family life, affective relationship towards another person.

The content of the right to honor and dignity expressed by the law as “civic honor” , and in addition by the explanatory report, the citizen honor is reflected in many social relations, on the one hand it is the relation towards society, and on the other side it is reflected in relationship to other fellow citizens. The subject of the citizen`s protection considers to be in connection with his/her honor in the professional circles where citizen is known by his/her work and activities (Lazar, 2006). Judicature has concluded that as regards the protection, it can be included the citizen protection concerning the labor-law relations, and as the case may be the state-labor relations (Judgement of the Slovak Republic Supreme Administrative Court file ref. 6Svk/5/2025 dated 30th April 2025).

Regarding the affected person, the judicature finally concluded by the Cassation Court (Judgement by the Slovak Republic Supreme Court file ref. 6Sžo/162/2015 dated 23rd August 2017) in the deduction that “ *if the applicant claims to access the information connected with privacy or* *personal data, according to the paragraph 9[InfZ] the obliged person makes the access only under the conditions when it is accepted and stated by the special law or on the base of the aforementioned written consent of the affected person, the person whose information on privacy or personal data are concerned. Forasmuch as these provisions do not impose duty to the obliged person to ask for the affected person written approval, then the obliged person must not request the approval by the concerned person, respectively its close person or the legal representative. In case when the applicant claiming on information cannot present the mentioned approval of the affected person, or in case if the approval is not filed in the official document, then the obliged person does not make access to information. Consequently, the approval is not provided by the obliged person, but in this case, it must be acquired by the applicant himself".*

The question is, what to do if the applicant does not know the affected person whose information is concerned ?

The answer has been given by Judicature which in its reaction has specified that the mentioned question has nothing to do with any mistake or the legal amendment deficiency, but it is the matter that follows up making the balance among the collided constitutional principles as regards the legal adjustment. The judicature has not casted doubt on the applicant right to information as declared by Article 26 section 1,4 and 5 of the Slovak Republic Constitution, but on the other hand, it must be respected the natural person right to privacy, and at the same time to safeguard the protection of the natural person data to make public that is equally important as it is stated by Article 19 section 2 and 3 of the Slovak Republic Constitution.

In this way the legislator has made a balance between the collided interests, personal data and the data on natural person privacy which cannot be accessed without their approval as stated by paragraph 9 section 1 and 2 of the Act on Free Information Access. The exception can be made accessible in case of the public interest in connection with the natural person standing posture and tasks that are linked to their public power execution, anyway it does not surpass the protection of natural person privacy and the personal data following paragraph 9 section3 of the Act on Free Access to Information. At the same time, regarding the natural persons, who are different from other persons as it is stated in paragraph 9 section 3 of the Act on Free Information Access, the legal amendment presumes the situation when natural persons do not give the antecedent general approval to make information accessible having an interest in protecting their personal and private data. Considering the brevity of the term to make an access to information and the protection of natural persons privacy, and added by an extremely overburden work caused by the plenty of demands asking for information concerning somebody's privacy without any lawful reason, and that`s why the legislator does not impose a duty to the obliged persons to initiate the acquired approval as stated by paragraph 9 section 1 and 2 of the Act on Free Information.

Besides that, such a procedure cannot be considered unconstitutional as the substance of the right to privacy and the right to the protection of personal data according to Article 19 section 2 and 3 of the Slovak Republic Constitution, it is the right that protects data within the range of the so-called identification data or any other natural person private data which were given to the public administration bodies but they would not be accessible to the general public. In aliis verbis, the access of the personal data and data concerned privacy of the natural person is “the exception” and not the rule alone. The exception is applicable either in case when the affected person shows initiatively one`s own content with the accessibility by giving the beforehand comprehensive approval, or when it is in interest of the natural person motivated by the various reasons leading to give requester one`s own permission to provide the accessibility. Finaly, it means that the protection of privacy and personal data prevails over the general public right to information. Only in case where the asked information has become the base for execution of public power, proceeding participants are available to become familiar with the related information but within the intention of the relevant legal amendment of the administrative or criminal proceeding. In this way, the impossibility to acquire consent is not the result of unconstitutionality evidence or the unconstitutionality of the legal amendment, but on the other hand, it is the legitimate demonstration of the private protection of the affected person as it is stated by the Slovak Republic Supreme Administrative Court file ref. 8Svk/12/2025 dated 29th May 2025). Connected with the mentioned, it can be added that *“ purpose of the provision paragraph 9 Act No. 211 /2000 Coll. means to protect information regarding privacy and the personal data of natural person. The right to private protection is the person right to decide by his own consideration in what ways and to what extent personal private facts have to be made accessible to others. It is without any doubt that personal data protection is an inseparable part of privacy protection. But on the other hand, the right to privacy encompasses the right to information and the factual realities, and therefore there are some presented data that can be hardly qualified as personal ones. Additionally, the right to protection of privacy and the expression of personal character create a component part of the protection of personal identity as it is stated according to paragraph 11 of the Civil Code* (Judgement of the Slovak Republic Supreme Court 6Sžo/250/2008 dated 25th November 2009).

Furthermore, such cases might appear when the claimant asks for information on a person who is identified by some personal data laid down in the application, for instance stating person`s first name and surname, and as the case may be, the person employment status or professional designation without having at disposal the affected person consent to make public the required information.

The question appears; what does the obliged person have to do regarding the above-mentioned case?

As regards the mentioned case, the established judicial practice exists presented by the judgement of the Slovak Republic Supreme Court file reference 3Sžik/3/2019 dated 17th October 2019 or the judgement made by the Slovak Republic Supreme Court file ref. 3Sži/40/2014 dated 28th January2015. The established judicial practice rests in the proceeding that " *the application on the information with its contents must not touch the particular natural person (other than applicant) and it must not be interconnection between the information and the natural person identified in the laid down application. That concerns limitation by paragraph 9 section 1Act No. 211/2000 Coll. on freedom of information. If an obliged person meets the application where the particular natural person is aforesaid then it would be clear that it concerns the information – data relevant to that particular person. Taking into consideration the prosecutor`s application requesting the information that contains the forename and surname of the particular natural person having a close bound to the information, then the application is not acceptable by reason of respecting the personal data protection. It is necessary to accentuate that generally within the legal mode by Act No. 211/2000 Coll., the requester inquiring about information access is not in a procedural position regarding the offence, and therefore the requester cannot have at disposal the offence procedure particular participant data. When the prosecutor is injured by misdemeanor, then the prosecutor has the right to look into the file for the purpose of securing one`s own rights.*

In case, when the subject of the presented application contents is the information concerning the particular natural persons, then it is without any doubt that their private personal data might be affected by their infringement. In this connection, in their judgement the Slovak Republic Supreme Court have adjudged that the application contents must not aim to a particular natural person, different than the applicant is, and further on, it must not be the inter- link between the requested information and the natural person identified in the presented application (the Slovak Republic Supreme Court, judgement file ref. 3Sžik/3/2019 dated 17th. October 2019 and by judgement file ref. 3Sži/40/2014 dated 28th January2015). The mentioned restriction of information is applied following paragraph 9 section 1 Act on Information Freedom. If the obliged person provides information to application in which the particular person is mentioned, then it is understood as the validation that the presented information-data is considered to be relevant to that particular person. In view of the mentioned information request with the first name and last name of the particular person, even with the additional person identification related to the asked information, such an application is not acceptable considering the personal date protection. It is needed to emphasize that under the lawful regime defined by the Act on the Free Access to Information, it is generally valid if the requestor asks for accessibility and not being able in the position of the participant of any kind of procedure, respectively in the stance defined by other relevant legal regulations, for instance criminal proceeding, administrative violation proceeding, misdemeanor proceeding, court proceeding, and therefore the requestor cannot deal with the particular person data in the standing proceeding. If the administrative bodies have met the application and made the access in such cases, for instance when the required criminal decision of the particular person is provided in its anonymized form, then the requester obtains information- data related to that particular person, and in this way, by an indirect version the information would be accessible resulted from a lawsuit runs against that particular person, and what`s more the mentioned person has been legally rightful found guilty. The mentioned advanced procedure of the administrative bodies would be in contradiction with the regulation paragraph 9 section 1 of the Act on Free Access to Information, and therefore the administrative bodies have judged the matter rightfully, in case did not make the information accessible to the applicant on the base of not regularly formulated application would not be acceptable (decision made by the Administrative Court in Bratislava file ref. BA-6S/187/2021 dated 5th February 2025.

4 The Right to Information Access Restriction in the Context of the Law Abuse

Under certain circumstances when the obliged person can restrict accessing information is the victimized law exercise regarding information access, in other words defined as the legal malice of this right or labelled as the information filibustering. The Act on Free Information Access in its provisions does not precisely define the " victimized law execution" , "law abuse, or information filibustering", but however, the law comprehends the mentioned concepts and workings with them.

It can be asserted that the inhibition legal base is stated by Article1 section 1 of the Slovak Republic Constitution settled the obligation for all state bodies to interpret and applicate the constitutional laws, acts and other generally bound legal provisions to be obligatorily in compliance with the Slovak Republic Constitution, that means in amenability with the principles guaranteed by Article 1 section 1 of the SR Constitution. In this way, the prohibition of abusing law constitutes an integral part of the lawful state. As it is declared by the stable stabilized judicature in relation to the stable legal theory, under the law abused concept it must be understood the apparently and seemingly acceptable behavior by which the unacceptable result has to be achieved (The Slovak Republic Supreme Court Ruling file ref. 7Sžik/3/2017 dated 31st July 2018). Regarding its fulfillment, it must be brought forward, that facts of the case conclusion of the law abuse is finally confirmed by the court or the public administration body in its individual case decision-making as the result of the legal assessment of the accomplished actual state of the case facts (The Slovak Republic Constitution Court resolution file ref. III. ÚS 357/2016 dated 7th June 2016). Law abusing stands for the situation when somebody causes unjustified harm to another subject by exercising his own subjective law, consequently such a behavior of achieving the unauthorized results is only apparently allowed. Enforcement of law, which is in fact its abusing, and therefore, for that reason the court would not provide any protection (Verdict of the Czech Republic Supreme Court file ref. 1Afs/107/2004 dated 10th November 2005). The abuse of law is absolutely legal category while its own conceptual descriptions show that final conclusion cannot be exclusively the result of the explanation of the facts regarding the case under consideration, but it is the result of the lawful assessment of the stable factual circumstances. Therefore, issuing from the given powers to court or the public administration body, law abusing cannot be qualified as the subject of taking the evidence as the legal institute. The facts of the case, which is the result of probation process, then only afterwards can its final accomplishment be assessed that its facts of case law abuse have been consecutive (the Slovak Republic Constitution Court Resolution file ref. III. ÚS 357/2016 dated 7th June 2016).

The right abuse forbiddance is a private law principle which corrects the boundless private rights execution. If the legal order consigns the subject law certain rights, it must be evident that those rights should be provided in accordance with the purpose prearranged to the definite right, and at the same time it must be accepted rule that one subject right is over where another subject right begins. Besides, it must be pointed to the fact that every legally relevant proceeding has a certain social purpose and social assigning. From the ensued, further attached premise pointing out to the subject execution which must be provided considering the interests of other social subjects. *Argumentum a contrario* is evident, if it is not like that, then it is law abuse. The right abuse forbiddance functions as the general correcting mechanism of the limitless subjective rights execution connected with the private law and public law that should be the main principle of the legal order capable to sanction willful and intentional act of the law subject with the aim to obtain right counter the interference into the rights and justified interests of the third persons, and at the expense of their status; commercial corporations, state, natural entities etc. In conclusion we can express our opinion that everybody's execution of their right is obliged not to make impossible or interference of other subjects right execution. The principle of right execution and obligation comprises the forbiddance principle of law abuse, and the so- called impossibility to provide protection of such an exercise right causing some other subject to lose the right. Other cases of abusing the right include the unjustified, inappropriate and ex-parte favor preferences in relation to another subject, respectively gaining the beneficial interests while in regard to the up-to-date behavior and presented carrying out, it cannot be qualified as properly correct (Judgement of the Regional Court in Prešov file ref. 5Cob/4/2020 dated 3rd.June 2021).

In terms of the practical experience, we would like to point to the judicial practice when the Administrative Court in Bratislava in their resolution file ref. 1S/25/2024 dated 31st January 2025 have judged that the right abuse can be identified with the dishonest subjects` conduct understood as the law subjects behavior which is in one side in concord with the valid law, but on the other hand, the hard exercising of such rights cannot be considered polite related to the other addressees and recipients stated by the legal amendment. Nevertheless, the law forbiddance consists of the corrective material opposing the overwhelming exercise formalistic interpretation of the legal text which would finally obstruct rights or the substantial vested goods of other recipients. As stated by the cassation court in their annual judgement, in case of the refusal of the administrative lawsuit caused by the right abuse, further on the administrative court must review and ascertain the following facts:

- the character of the applied right and its purpose,
- the procedure participant advancement based on the view of the applied right,
- damage/harm considering rights of other natural persons, legal entities or society within the whole context of the exceptional factual circumstance of the fact. In case of any doubts, it cannot be applied the procedure of refusal lawsuit connected with the right abuse.

As has been mentioned before, the Free Information Access Act does not define the concepts of the law abuse or the victimize law enforcement. Therefore, there is nothing explicitly stated in the Act on Free Information Access, nevertheless it is followed by the constitutional principles. It seems to be apparently allowed proceeding by means not allowed result is achieved. It can be information filibustering, numerous applications or even one senseless application.

The question is: What is the stance of the Supreme Administrative Court of the Slovak Republic and earlier The Slovak Republic Supreme Court regarding the right abuse?

In connection with the mentioned, the following examples can be quoted: the Judgement of the Slovak Republic Supreme Court file ref. 3Sži/4/2014 dated 12th March 2014 and the Judgement of the Slovak Republic Supreme Administrative Court file ref. 5Sžik/5/2020 dated 31st March 2022):

- the typical example of right abuse connected with the information rests in the instance when the applicant on information requests "the whole lot" , then the information quality moves back in comparison with the scope application. The actual fact distortion consists in the problem of the information right execution as it is not the subject of the payment obligation. But on the other hand, the payment obligation does not mean that the right is not executed in a reliable way. The further typical characteristic application is the requested information concerning the operational organization data and its activities that have nothing to do with direct relevance to a certain section of state administration where the obliged person is active. Besides that, such required information searching and administration can overwhelm and extraordinarily engage the public administration body, and what`s more, such activities are capable of personal staff evoking feelings that mentioned required doings are not rational, but in spite of that they must be fulfilled.
- Refusal of access information pointing to the fact of the right abuse must be understood as the result *ultra ratio.* Beyond a reasonable doubt, the obliged person refusing information access due to the law abuse is obliged to state that the applicant has no intention to accomplish legitimate purpose of act on the free information access or to make the obliged person harm. A big number of the applications submitted on the same subject in order to draw a conclusion on the right abuse is not sufficient. It is necessary to take into consideration further conditions of laying down an application, mainly the content and the quality required information, further on the

formulation mode and the degree of required information factuality, then the level of difficultness of their access in custody regarding the eligible due-time to its administration as well as the ability making an inappropriate harm to the obliged person. In case of its accessibility, it must be considered the sense and value of the required information for the applicant and the execution of the social control. Regarding the right abuse, it is needed a sufficient number of indications or evidences together with the decisions of the obliged person concerned with the information access rejection. The presented evidences must be accomplished by highlighting the registered indications and the proofs with the detailed justification.

Conclusion

In the Slovak Republic Legal Order, the Right to Information Access is firmly embedded in the Slovak Republic Constitution being guaranteed as an integral part of the basic rights and freedoms. The constitutional fixed embedding of the mentioned right underlines the standing significance of its meaning necessarily needed for the functioning of a democratic lawful state, and at the same time it is needed for strengthening of the public administration transparency. However, the application of this right cannot be absolutely understood, the legislator has specified the clear boundaries in order to protect the additional legitimate values. These are mostly evident in the area of personal data protection where it is inevitable to obstruct the unjust treatment with the information encroaching into the individual private sphere. Similarly, it is important to prevent the abuse of the right to information which might lead to the undue administrative burden of the public power bodies or purposely impede their activities.

The right to access information belongs to the most fundamental characteristics of the democratic lawful state, and at the same time its constitutional anchoring reflects the necessity of public administration transparency, and the effective control of public power implementation accompanied by the citizens participation. Besides that, the mentioned right is not an absolute one; its realization must be counterbalanced by another protection values, mainly by the basic rights and freedoms of the third ones including the right to personal data. The presented contribution properly identifies tensions between them and displays the growing relevant problem matters of the right misused within the context of asking for information and data protection.

As it is interpreted by authors in the presented scientific article, in case of the restriction of the right to information access, it is mainly the responsibility of the obliged persons to apply the ultima ratio whereby trying always to make an access to information even in a partially way. In that manner, the limitation of the right to access information has to be the last final choice.

Proceeding from the beforehand facts and the analysis made by the judicial practice and the legal theory, the following practical solutions can be recommended for the obliged persons: (1) elaboration of the public bodies clear internal guidelines in order to recognize the characteristic features of the misusing of law and practices of the requests that are repeated or inappropriate; (2) consistently applied the tests covering the proportionality concerning the collision with the protection of personal data visa-vi the investigation of public interest and the probable likelihood of editorial revision as well; (3) the improvement of the procedure guarantees for requesters and the aggrieved persons, e.g. applying speedily and reasonable decision-making, and accessible ordinary remedies; (4) the enlightenment and the intensification of the educational activities concerning both parties, general public and the data administrators regarding boundaries between the responsibilities assumed from the right to information access and the protection of personal data.

Generally, it is valid that the effective implementation of the right to information access requires not only the dynamic approach, but at the same time the protection of transparency and the prevention of abuse combined with the respect of private protection. The balance between those values must be solved by solving individual cases supported by clear regulations and judicial protection in order to save the circumstances that the right to information access will still remain the tool of the public interest, and not the means of irrational or mischievous action.

In the future the challenge remains in making the précised boundaries between openness and the protection of the endangered values and simultaneously promotes responsible transparency culture. Only in this way the right to information can fulfill its constitutional aim to become an effective tool of citizenry control and thus strengthen the trust in democratic institutions.

References

ANDRAŠKO, J., MESARČÍK, M. 2019. Legal Aspects of Open Data. Bratislava : C. H. Beck. ISBN 978-80-89603-79-4.

DRGONEC, J. 2019.The Slovak Republic Constitution. Second Edition. Bratislava: C. H. Beck. ISBN 978-80-89603-74-9.

HODÁS, M. 2011.Effective Agreement after Making Public.... *Bulletin of the Slovak Advocacy,* 2011, Vol. 17, No. 0, ISSN 1335-1079.

HODÁS, M. 2016. Historical Development of Human Rights and Constitutional State. (and some contemporary challenges).Bratislava: History of Human Rights. ISBN 978-80-972218-0-5.

HORVAT, M. 2016. Court Resent Judicature Related to the Act on Free Access to Information. *Acta Iuridica Olomucensia*, 2016, Vol. 11, No. 2, p. 141-156. ISSN 1801-0288.

HORVAT, M. 2023. Act on the Free Information Access in the light of its Resent Novelization. *Acta Iuridica Olomucensia*, 2023, Vol. 18, No. 2, p. 7–23. ISSN 1801-0288.

IKRÉNYI, P., BAKO, M. et al. 2023. The Act on Free Access to Information. 1. Edition. Bratislava: C. H. Beck. ISBN 978-80-8232-036-0.

KOŠIČIAROVÁ, S. 2022 Substantive administrative law. General part. Plzeň : Aleš Čenek. ISBN 978-80-7380-888-4.

LAZAR, J. a kol. 2006. Civil Substantive Law. The Third Amended and Elaborated Edition. 1Volume. Bratislava : Iura Edition. ISBN 80-8078-084-6.

SOTOLÁŘ, J., KLINGER, D. 2020. The Act on Free Information Access (long comment). Košice : SOTAC. ISBN 978-80-89446-85-8.

WILFING, P. 2012. The Act on Free Information Access. Commentary. Pezinok : VIA IURIS – Center for Citizen Rights. ISBN 978-80-970686-4-6.

Contact addresses

JUDr. Júlia Ondrová, PhD., univ. doc.
ORCID ID: 0000-0003-2954-6907
Matej Bel Univerzity in Banská Bystrica
The Faculty of Law, Department of Constitutional Law and Theory of Law
Komenského 20
974 01 Banská Bystrica
E-mail: julia.ondrova@umb.sk

JUDr. Mgr. Juraj Štorcel, PhD., LL.M.
ORCID ID: 0009-0008-1516-483X
Comenius University in Bratislava
Faculty of Law, Department of Civil Law
Šafárikovo nám. č. 6
810 00 Bratislava
and
Judge of the Administrative Court
E-mail: storcel2@uniba.sk

Language Requirements for the Contractor’s Key Experts in Public Procurement [2]

Róbert Gyuri, Michal Roháč

https://doi.org/10.33542/VSS2026-1-4

Abstract

This study analyses the legal limits of contracting authorities’ language requirements for suppliers’ key experts. Through EU law and CJEU case law, it identifies the doctrinal proportionality test. The study evaluates recent decision-making practice of oversight authorities in the Czech Republic and Slovakia (e.g., Metro D, D1 Turany-Hubová, SAP). Ultimately, it defines a "dual-channel approach," dogmatically distinguishing language requirements applied as strict selection criteria from their flexible placement among special contract performance conditions, which are legally verifiable during pre-contractual cooperation.

Keywords: *public procurement, language requirements, proportionality test, dual-channel approach, pre-contractual cooperation.*

Introduction

Public procurement (PP) is one of the European Union’s (EU) most significant economic instruments, in which two conflicting yet legitimate interests come into play. On the one hand, there is the imperative to build a single internal market, which requires openness, non-discrimination and the removal of barriers to free movement. On the other hand, there is an objective need for contracting authorities to ensure the smooth and secure performance of the contract. In large infrastructure and technology projects, this need is closely linked to the ability to communicate professionally, accurately and efficiently with the contractor’s implementation team, particularly with its key experts.

At the intersection of these interests lies the legal issue of the language requirements imposed on the economic operator’s key experts in the tender documentation (the documents required for preparing a tender). The requirement that specific individuals (site managers, project managers, chief architects, supervisors or IT analysts) have a certain level of proficiency in the official language of the contracting authority’s country is not merely a marginal administrative filter. From the

---

[2] This paper forms part of the work carried out under the VEGA grant scheme and is published with financial support from VEGA grant project No. 1/0384/26, ‘Hybrid models of public power: private-law instruments in the hands of the state and their legal control’.

perspective of EU law, this is a measure with the potential to give rise to indirect (hidden) discrimination. Economic operators from other Member States are objectively disadvantaged by such a requirement, as they are forced either to recruit a limited pool of local experts or to withdraw from the PP procedure altogether.

For this reason, a language requirement integrated into the PP process is subject to a strict proportionality test. When assessing it, supervisory authorities and courts must weigh the extent of the interference with fundamental freedoms against the genuine preponderance of the public interest in safety and the quality of performance. The aim of this study is to provide a comprehensive analysis of the limits of the permissibility of such communication barriers, whilst synthesising the legal framework with the latest developments in case law. In a broader context, particular attention is also paid to the recent judgment in the case of Vilniaus tarptautinė mokykla, which clarifies the limits of a blanket requirement to use the official language without the possibility of concessions or exceptions (Judgment of the Court of Justice of the European Union No. C-48/24).

The issue under analysis has two key dimensions. The first is the dogmatic level: the study systematically distinguishes whether the language requirement is formulated as a condition for participation or as a specific contractual requirement for the performance of the contract (Directive 2014/24/EU of the European Parliament and of the Council; Act No. 343/2015 Coll.[3]). This procedural distinction directly determines the scope of review and the extent of intervention by supervisory authorities. Whilst the qualification approach constitutes a strict exclusion criterion preventing participation in the tender itself, in the case of contractual terms, the authorities respect contractual freedom. They intervene in contractual freedom only to a limited extent, primarily with the aim of excluding obvious excesses that would be contrary to the fundamental principles of PP (interpretative opinion of the Public Procurement Office No. 3/2016).

The second is the application dimension: finding the delicate balance between the legitimate protection of the security of a complex contract and hidden discrimination against foreign bidders. This research paper examines this balance comparatively against the backdrop of approaches to the admission of interpreters in strategic projects. It draws on Czech case law concerning infrastructure, particularly the construction of Prague’s Metro D line, where the necessity of direct communication without an interpreter was accepted for key personnel (judgment of the Supreme Administrative Court of the Czech Republic, ref. no. 9 As 125/2024-56).

This approach is subsequently compared with the latest Slovak case law. The case of the D1 Turany–Hubová motorway section is analysed, in which the supervisory authority overturned a blanket ban on interpreters for site managers on tunnel projects (Public Procurement Office decision No. 12978-6000/2024). This contrasts with the case of the SAP[4] information system, which,

[3] Act No. 343/2015 Coll. on Public Procurement and on Amendments to Certain Acts (PPA).

[4] SAP stands for "Systems, Applications, and Products in Data Processing.

conversely, legitimised a strict communication requirement directly in the qualification phase, basing its argument on the distinction between ‘front-office’ management experts in direct contact with users and ‘back-office’ administrators (Public Procurement Office Decision No. 8600-6000/2026).

The output of the study is the construction of an admissibility test based on case law, which may also serve as a practical methodological tool for the practical application by contracting authorities and review bodies.

This academic study is systematically divided into five main sections. Chapter 1 analyses the framework of European law and key case law of the Court of Justice of the European Union (CJEU) on communication barriers. Chapter 2 examines the decision-making practice of the Czech Office for the Protection of Competition (ÚOHS) and its judicial review. Chapter 3 then examines the Slovak legal context, with an emphasis on the landmark cases of D1 Turany – Hubová and the SAP information system, which form the current core case law (Public Procurement Office decisions No. 12978-6000/2024 and No. 8600-6000/2026). Synthesising these findings, Chapter 4 presents the operational admissibility test itself, and Chapter 5 formulates the concluding summary.

1 The framework of European Union law

1.1 Primary law and Directive 2014/24/EU

The principles of equal treatment, non-discrimination, transparency and proportionality form the fundamental regulatory framework for assessing any entry restrictions in PP (Directive 2014/24/EU of the European Parliament and of the Council; Arrowsmith, 2014). Their primary purpose is to ensure genuine competition and prevent its artificial narrowing (Sanchez-Graells, 2019).

Although the language requirement may appear to be a mere administrative matter, in reality it constitutes differential treatment. A tenderer whose staff speak the local language has a clear structural advantage over foreign competitors, meaning that such a language barrier de facto constitutes indirect (hidden) discrimination. This approach is also unequivocally confirmed by established case law. In the landmark Lumius case, it was explicitly stated that a procedure whereby the contracting authority prevents suppliers from participating by setting qualification requirements that are manifestly disproportionate to the size, complexity and technical difficulty of the contract is considered a hidden form of unlawful discrimination (judgment of the Supreme Administrative Court of the Czech Republic, ref. no. 1 Afs 20/2008-152). A strict language proficiency requirement is therefore justifiable only if it pursues a legitimate aim and stands up to a strict proportionality test.

In the dogmatic division of the regulatory scope of the Public Procurement Directive, it is necessary to consistently distinguish between two levels. Firstly, these are the selection criteria (conditions for participation), which allow the contracting authority to require proof of professional qualifications for managerial and technical staff. Secondly, there are the specific conditions for the performance of the contract or contractual requirements. These do not constitute a condition for participation, but rather an obligation which the tenderer accepts for the contractual relationship and which applies only after the contract has been concluded. This distinction is not merely academic – it has direct procedural legal implications for when the language requirement is applied and verified (strictly ex ante during the evaluation of tenders versus ex post during the verification of performance itself or only prior to the signing of the contract).

From the perspective of primary law, the general prohibition of any discrimination on grounds of nationality under the Treaty on the Functioning of the European Union (TFEU) is particularly relevant, as it is supplemented by further specific freedoms (Article 18 TFEU). This primarily concerns the protection of the free movement of workers, which forms the original normative basis for case law on language barriers (Article 45 TFEU), further, the freedom of establishment applied when a foreign applicant sets up a permanent establishment (Article 49 TFEU), and finally, the protection of the free movement of services applied to their cross-border provision (Article 56 TFEU).

1.2 The proportionality test in CJEU case law

1.2.1 Case C-379/87 Groener: the birth of the proportionality test

The principle of proportionality, which requires that the measures chosen be necessary and appropriate to achieve the objective pursued, has been a fundamental part of European law since the landmark case Internationale Handelsgesellschaft. In this historic decision, the CJEU established proportionality as a general limiting principle for any interference by public authorities in fundamental market and economic freedoms (CJEU Judgment No. 11/70). Whilst this case established the legal basis, a specific adaptation of the test for the sensitive area of language barriers did not occur until almost two decades later.

Although neither of these key disputes directly concerned the application of the procurement directives (since the first case involved the forfeiture of a deposit on an export licence and the second concerned the free movement of workers), the conclusions reached are universally applicable under EU law. Both legal doctrine and case law draw on them by analogy in the context of PP. Any communication conditions set by contracting authorities in tender documents are ultimately assessed through the lens of restrictions on the fundamental freedoms of the internal market, upon the protection of which secondary law is built.

The Groener case provides the absolute foundation for assessing such limits. The factual basis of the dispute concerned a Dutch national who applied for a permanent full-time position as an art teacher at a vocational school in Dublin (CJEU judgment No C-379/87).

Under the Irish legislation in force at the time, a strict condition for appointment to the permanent teaching staff was proof of proficiency in the Irish language, despite the fact that the teaching of art itself was to be conducted exclusively in English. As the applicant failed a specific oral examination, the Ministry refused to appoint her. This raised a fundamental legal question before the CJEU: Can a Member State make access to employment conditional on knowledge of the official language, even though the performance of the work itself does not directly require such linguistic competence?

In this judgment, the CJEU confirmed an important sovereign premise: European law does not prohibit national policies aimed at protecting and promoting the national language, which constitutes a fully legitimate objective. At the same time, however, it set strict limits, as the implementation of such a policy must not interfere with the free movement of workers. For this sensitive area, the Court formulated a basic three-part proportionality test:

1. *Legitimacy of the objective:* The measure must pursue a genuine public interest (the protection of the official language).
2. *Proportionality:* The requirements arising from such measures must not, under any circumstances, be disproportionate to the objective pursued.
3. *Non-discriminatory application:* The manner in which the language requirement is applied in practice must not place nationals of other Member States at a disadvantage (CJEU judgment No C-379/87).

In applying this test to the facts of the case, the Court expressly recognised that teachers play a key role in the implementation of language policy, which manifests itself directly through their participation in the day-to-day life of the school and in everyday communication. This idea was elaborated upon by Advocate General Darmon, who stated that every citizen has the right to be taught in the official language of their state, which is the bearer of a common cultural heritage. Teaching posts are therefore strategic for the implementation of this policy, and so the language requirement was not disproportionate in the given context (Opinion of the Advocate General in Case C-379/87).

This conceptual approach – that is, a rigorous examination of the key role played by the person concerned in the day-to-day performance of their duties – has been established by the CJEU as a settled standard of case law. The Court also directly referred to the findings in the Groener case in its most recent judgment, Vilniaus tarptautinė mokykla, from 2026. This case concerned a requirement by the Lithuanian inspectorate that teachers and administrative staff at a private international school demonstrate their knowledge of the official language exclusively by means of a specific national certificate. Whilst the CJEU once again confirmed the protection of the official language as a legitimate objective, it strictly rejected the unconditional requirement for a single local certificate. The Court found that such a practice is disproportionate and infringes the freedom of establishment, as it absolutely precludes the consideration of other equivalent language proficiency certificates obtained in other Member States. In the field of PP, this judgment thus constitutes the most recent confirmation of the rule that the contracting authority may not make compliance with the language requirement conditional solely on a domestic certificate and must always accept equivalent evidence (CJEU judgment No C-48/24).

1.2.2 Case C-281/98 Angonese: non-discriminatory means of proof

The Angonese case marked a fundamental shift in the approach to the formal demonstration of language proficiency. The facts of the case concerned a dispute involving an Italian national who had applied for a job at a private bank in the province of Bolzano. The bank required, as a condition of participation, the submission of a specific local certificate of bilingualism, which was issued only by the local authorities and for which examinations were held exclusively in that province. The applicant did not possess this specific certificate, but was able to demonstrate his perfect bilingualism through other equivalent documents relating to his studies in Austria and his experience as a translator (CJEU judgment No C-281/98).

In this landmark judgment, the CJEU confirmed two key conclusions. Firstly, it recognised the horizontal effect of the prohibition of discrimination, meaning that this prohibition applies not only to public authorities but also directly to the requirements of private employers. Secondly – and this is crucial for PP – the Court ruled on the nature of admissible evidence. It found that whilst a requirement for a certain level of language proficiency may be legitimate, it is manifestly disproportionate if it cannot be demonstrated by any other means. The exclusion of equivalent documents and the conditioning of the fulfilment of the communication requirement solely on one specific local diploma thus constitutes prohibited discrimination on grounds of nationality (CJEU judgment No C-281/98).

The application of this doctrine to the field of PP has fundamental implications. It means that, when formulating conditions for key experts, the contracting authority must not require only one specific type of document (e.g. exclusively a certificate of a state language examination issued by a local institution in the contracting authority's country), but, under European law, must unconditionally accept equivalent means of proving language proficiency.

As confirmed by review practice, such equivalent means of proof include, in particular, certificates in accordance with CEFR standards at the required levels (e.g. B2 or C1), evidence of full-time study completed in the required language, or objectively demonstrated long-term professional experience in the relevant linguistic environment (Decision of the Office for the Protection of Competition No. ÚOHS-10367/2020/542/VHu). Rejecting such equivalents would lead to a direct breach of the prohibition of discrimination.

1.2.3 Case C-202/11 Las: a comprehensive test for cross-border language restrictions

The judgment of the Grand Chamber of the CJEU in the Las case represents, in the context of the free movement of workers, the most comprehensive doctrinal test to date for assessing cross-border language restrictions. The facts of the case concerned a Dutch citizen who worked for a Belgian company under an employment contract drawn up in English. However, a Flemish decree in force at the time required, on pain of absolute nullity, that all cross-border employment contracts where the place of work was in the region concerned be drawn up exclusively in Dutch (CJEU judgment No C-202/11).

In this judgment, the CJEU identified three legitimate objectives that may theoretically justify state language barriers: the protection and promotion of the official language, the protection of the employee, and the assurance of effective supervision by administrative authorities. The Court confirmed that the objective of promoting the official language constitutes a legitimate interest which, in principle, justifies a restriction on the freedom of movement of workers under the TFEU. At the same time, however, it strictly insisted that the measure adopted must be strictly proportionate. It assessed the absolute penalty of contract invalidity as manifestly disproportionate, since there are less restrictive means of achieving the objective pursued, such as, for example, drawing up the contract in an authentically equivalent bilingual form (CJEU judgment No C-202/11).

By applying these conclusions to the assessment of communication requirements in PP (particularly regarding the contractor's key experts), this judgment establishes a comprehensive and structured approach. The CJEU first examines the existence of a legitimate aim and subsequently applies the classic three-step proportionality test:[5]

Basic prerequisite (Existence of a legitimate aim): Does the contracting authority's requirement pursue an objective public interest (e.g. protection of the official language, operational efficiency and security of performance, effective supervision by authorities)? If so, the measure is subjected to the three-step proportionality test itself:

1. *Appropriateness of the measure (functional test):* Is the communication requirement realistically capable of and suitable for directly achieving the stated objective?
2. *Necessity of the measure (less restrictive means test):* Is strict language proficiency for the position in question truly necessary, or is it possible to achieve the purpose of the measure through other, more market-friendly alternatives (for example, by allowing a qualified interpreter or by providing bilingual documentation)?
3. *Proportionality in the strict sense of the word (stricto sensu):* A fair balance between the interference with rights – that is, weighing the extent of the burden and the restriction of competition for foreign tenderers on the one hand against the declared real benefit for the safety and quality of the contract performance on the other (CJEU judgment No C-202/11).

[5] In constitutional theory and case law, the proportionality test is referred to as either a three-step or a four-step test. In substance, it is the same logical procedure; the difference lies solely in the systematics. Whilst the four-step test lists the demonstration of a 'legitimate aim' as its first, equivalent formal step, the three-step model (also applied in this text) regards the existence of a legitimate aim as an absolute 'zero' prerequisite and only proceeds to the actual testing (1. suitability, 2. necessity, 3. proportionality stricto sensu).

1.2.4 Case C-15/15 New Valmar: application of the test to the free movement of goods

The fact that the strict proportionality test for language barriers formulated in the Groener and Las cases constitutes a universal doctrinal standard is evidenced by the judgment of the Grand Chamber of the CJEU in the New Valmar case. In that judgment, the Court extended the scope of application of this test to the protection of the free movement of goods. The facts of the case concerned a dispute involving a Belgian company based in the Flemish region, which was required, on pain of absolute nullity, to issue all invoices exclusively in Dutch, even in cross-border transactions with an Italian business partner (CJEU judgment No C-15/15).

The CJEU, referring directly to its previous case-law, reaffirmed that the promotion and protection of the official language is, in principle, a legitimate objective. However, it intervened decisively at the stage of assessing proportionality: it found that the absolute sanction of invalidating the invoice clearly goes beyond what is necessary. A proportionate, and therefore less restrictive, solution would be, for example, to allow the production of a linguistically equivalent version alongside the mandatory Dutch version.

In the context of PP, this judgment serves as a key reminder of the inadmissibility of 'absolute barriers'. Just as the automatic invalidity of a contract (Las) or an invoice (New Valmar) is disproportionate from the perspective of EU law, so too is the automatic and unconditional exclusion of a tenderer a priori disproportionate simply because its foreign expert does not possess the strictly required local language certificate. This applies particularly where the objective of smooth communication and the security of performance can be achieved by other means that are more favourable to the free market.

1.2.5 Case C-298/14 Brouillard: the obligation to compare qualifications

The CJEU's judgment in the Brouillard case introduces into case law a key obligation of active substantive comparison. In a dispute over a position as a law clerk at the Belgian Court of Cassation, the commission required exclusively a Belgian diploma or its formal recognition. The CJEU found a breach of the free movement of workers (Article 45 TFEU). It emphasised that the authority must not assess qualifications in a purely formalistic manner, but must comprehensively compare foreign documents and professional experience with national requirements (CJEU judgment No C-298/14).

In the field of PP, this case law establishes a fundamental rule for assessing participation conditions and key experts. A contracting authority in PP must not rigidly require exclusively a national document (, e.g. a specific domestic language certificate) and reject a foreign candidate outright on the grounds of its formal absence.

It follows from the Brouillard case law that the contracting authority is obliged to actively and substantively compare the submitted equivalent documents (e.g. foreign diplomas, CEFR language certificates at the relevant levels) in conjunction with the expert's actual professional experience in a foreign-language environment and assess whether this combination provides the same guarantee in terms of quality and performance reliability as that declared by the contracting authority in its requirement for a domestic certificate. The formalistic rejection of an expert without such a comprehensive comparison constitutes a prohibited barrier to market access.

1.3 Synthesis of the European framework

Four key doctrinal conclusions for the PP sector emerge from the analysed case law of the CJEU. When setting communication conditions, the following applies:

1. in principle, they pursue a legitimate aim (protection of the official language, operational efficiency and security of performance);
2. they are subject to a strict proportionality test (the Las doctrine), which imposes an uncompromising obligation on the contracting authority to examine less restrictive alternatives (e.g. allowing an interpreter or bilingual documentation);
3. equivalent alternative means of proof must always be accepted to demonstrate the required language competence (Angonese doctrine);
4. the contracting authority has an active duty to materially compare and take into account the equivalent qualifications and foreign experience submitted (the Brouillard doctrine).

At the same time, however, it must be objectively acknowledged that the CJEU has not yet issued a specific judgment directly addressing the language barriers imposed on a contractor's key personnel solely from the perspective of the Public Procurement Directive. The current doctrinal framework is therefore being developed through the analogous application of case law on the fundamental freedoms of the internal market, in conjunction with the general principles and regulatory options of European law (Articles 18, 58 and 70 of Directive 2014/24/EU of the European Parliament and of the Council).

It is precisely this case-law vacuum at European level that creates ample scope for national review bodies and administrative courts, which are gradually filling this gap through their own, often highly case-specific, decision-making.

2. Case law of the Office for the Protection of Competition of the Czech Republic

2.1 The Lumius case: an instrumental understanding of the principle and the definition of hidden discrimination

The Czech Public Procurement Act [6] enshrines the fundamental principle of the prohibition of discrimination and equal treatment. To properly understand the limits of this principle when assessing communication conditions, it is essential to define its very purpose.

[6] Act No. 134/2016 Coll. Act on Public Procurement.

In the landmark Lumius case, the Supreme Administrative Court of the Czech Republic formulated an important conceptual distinction between the perception of discrimination in a human rights context and in an economic context. It noted that whilst the classic prohibition of discrimination in constitutional law serves to ensure the equality of people in dignity and rights (it is a value in itself), the purpose of the prohibition of discrimination in PP is, in essence, strictly instrumental. It does not protect suppliers for the sake of their right to equality per se, but serves primarily as a tool for achieving the objective of the law – ensuring the economy, efficiency and effectiveness of the management of public funds through open competition (judgment of the Supreme Administrative Court of the Czech Republic, ref. no. 1 Afs 20/2008-152).

It logically followed from this instrumental understanding of the court that limiting the prohibition of discrimination to overt forms alone (e.g. an explicit ban on the participation of foreigners) would create an easy way to circumvent the law. The protection of a competitive environment therefore necessarily requires the prosecution of hidden discrimination. The Supreme Administrative Court of the Czech Republic formulated a definition which still serves as an interpretative key in the decision-making practice of the Office for the Protection of Competition. A hidden form of impermissible discrimination is considered to be a procedure whereby the contracting authority prevents suppliers from participating by setting technical qualification requirements that are manifestly disproportionate to the size, complexity and technical difficulty of the contract. Consequently, it is clear that the contract can only be fulfilled by some of the potential tenderers who would otherwise be objectively capable of performing it.

This definition is not merely a mechanical rule, but constitutes a key principle for the application of the law. When assessing statutory limits, vague legal concepts often arise (e.g. proportionality, scope, or complexity of the contract). For their interpretation in PP, *an absolute interpretative rule* applies, according to which they must always be interpreted in favour of effective competition.

Applying this principle to language barriers imposed on the contractor's key experts, it follows from the decision-making practice of the Office for the Protection of Competition that the test of their admissibility is strictly two-fold:

1. *Relation to the subject matter of the contract:* The communication requirement must be primarily and materially related to the subject matter of the contract.
2. *Proportionality to complexity:* The scope and intensity of the requirements (e.g. the level of language proficiency required or the strict refusal of an interpreter) must correspond directly to the complexity, scope and importance of the contract in question.

2.2 The Úhlava Bridge case: a ban on interpreters need not constitute hidden discrimination

An important case by the Office for the Protection of Competition illustrating the assessment of language barriers in technically demanding transport construction projects is the resolution concerning a contract awarded by the Road Administration and Maintenance Authority of the Plzeň

Region. The factual basis of the dispute was the contracting authority's requirement in the PP procedure to demonstrate proficiency in the Czech language for the purposes of professional communication in three key positions within the implementation team – the site manager, his deputy and the surveyor. The main legal issue was whether the strict refusal to allow the use of an interpreter constituted an unreasonable and unlawful barrier to competition in a moderately complex construction contract.

The contracting authority defended this communication requirement by pointing to the more complex nature of the work (demolition of an old bridge, relocation of a road and construction of new bridges). It argued that, given the need for immediate coordination of staff, daily communication with supervisory authorities and safety risks, the use of an interpreter would be impractical in terms of time and potentially dangerous.

The Office for the Protection of Competition subjected this argument to a proportionality test and concluded that the contracting authority had acted in accordance with the law. The Office expressly concluded that the specified language requirement (without the option of an interpreter) for the purposes of technical communication in this specific case fully corresponded to the nature, scope and complexity of the contract. This confirmed an important principle of case law: if the contracting authority can objectively demonstrate that the nature of the work requires an immediate and precise professional response, the prohibition on the use of an interpreter does not constitute hidden discrimination (Resolution of the Office for the Protection of Competition No. ÚOHS-S339/2012/VZ-21769/2012/523/Krk).

2.3 The Třinec case: disproportionate intensity of the language requirement and the unlawfulness of the 'native speaker' standard

A significant decision by the Office for the Protection of Competition regarding the assessment of the limits of language requirements is the second-instance decision of the Office's Chairman in the case of a public contract awarded by the town of Třinec for the collection of municipal waste. In this case, the contracting authority required selected senior staff to have knowledge of Czech explicitly "spoken and written at the level of a native speaker". In these proceedings, the Office did not therefore assess the right to require communication in the local language per se, but rather the strict legal intensity (degree) of this requirement in relation to the nature of the contract (decision of the Chairman of the Office for the Protection of Competition dated 3 July 2020, Ref. No. ÚOHS-19109/2020/322/HSc, Case No. R0078/2020/VZ).

To illustrate the ambiguity of this condition, the Office referred to the Common European Framework of Reference for Languages (CEFR). It pointed out that the tender conditions do not specify at all which specific certified level (on the A1 to C2 scale) the vague term 'native speaker' is intended to correspond to, thereby clearly demonstrating the appropriateness of using precise, objective criteria when assessing language barriers.

The key ratio decidendi of this decision was that, although the need for seamless professional communication in Czech is understandable and legitimate, its excessive intensity constituted a fundamental error. The “native speaker” level represents, in the common sense, the absolute highest possible degree of linguistic competence. However, neither the nature of the contract nor the job description of the positions in question objectively necessitated communication at such an extreme level.

The Třinec case thus establishes an important rule for review practice: whilst a requirement for general communicative proficiency in a language is generally valid, its blanket demand at the absolute ‘native speaker’ level (without this being objectively justified by the extreme complexity of the task) generally constitutes an unjustified restriction of competition and hidden discrimination against foreign suppliers.

2.4 The Metro D case: a comprehensive proportionality test and definitive confirmation of the language barrier by the Supreme Administrative Court of the Czech Republic

A prime example of the application of an instrumental understanding of discrimination, in which supervisory authorities and courts have carefully balanced the protection of the free market against the safety of a strategic infrastructure project, is the exceptionally extensive dispute concerning the construction of the Prague metro. This case is a landmark decision (a so-called leading case), as it has passed through every single instance of review, with the language requirement holding up at each one: from the initial rejection of objections by the contracting authority (September 2022), through the first-instance decision of the Office for the Protection of Competition (Ref. No. ÚOHS-01899/2023/500) and the appeal decision of the Chairman of the Office for the Protection of Competition (Ref. No. ÚOHS-12479/2023/161), right up to the administrative courts. The Office’s decision was first upheld by the Regional Administrative Court in Brno (judgment ref. no. 62 Af 15/2023 of 4 April 2024), and finally by the Supreme Administrative Court of the Czech Republic (judgment ref. no. 9 As 125/2024).

The subject of the contracting authority’s (Prague Public Transport Company) public contract was the performance of independent and external supervision (investor’s technical supervision – ITS) during the construction of sections of Metro I.D. In the tender specifications, the contracting authority set out a strict requirement for the selected key positions within the implementation team (project manager, deputy and valuation specialist) a strict requirement for communicative proficiency in the Czech (or Slovak) language at a minimum B2 level, whilst expressly ruling out the possibility of substituting this proficiency with the presence of an interpreter. The key legal issue here was striking the right balance: is an absolute ban on interpreters for such key experts clearly disproportionate and covertly discriminatory against foreign contractors, or is it a proportionate, objectively justified measure to protect the public interest?

The complainants argued that the presence of an interpreter fully ensures communication in the Czech language and that its exclusion is unjustified and discriminatory. The contracting authority, on the other hand, defended its approach on the grounds of the need to ensure the efficient and secure conduct of the work. The day-to-day activities of this small team management included direct supervision of staff, immediate telephone communication with the investor, and working exclusively with regulations and standards written in Czech. The contracting authority was convinced that allowing an interpreter would completely undermine the ability to respond quickly and professionally, whilst disproportionately increasing the likelihood of fatal misunderstandings.

The Office for the Protection of Competition and subsequently its Chairman applied the proportionality test and concluded that the contracting authority had acted lawfully and that its requirements were correct and the only viable ones. They based their conclusion on three fundamental pillars:

1. *Intensity of the requirement:* The contracting authority demonstrated proportionality by not requiring the level of a native speaker, but only a functional B2 level, and this was restricted solely to managerial staff.
2. *Duration and nature of performance:* This was a contract to be performed through continuous activity over an exceptionally long period (estimated at up to 7.5 years).
3. *Operational efficiency and safety:* The performance of technical supervision during metro tunnelling affects the state's critical infrastructure and people's lives. From a safety perspective, the supervisory authority could not envisage that the selected experts would ensure the operational management of the construction and compliance with Czech legislation for years solely through interpreters.

This extensive interpretation was fully endorsed by the Regional Court in Brno and definitively confirmed by the Supreme Administrative Court of the Czech Republic. The highest court fully concurred with the conclusions of the Regional Court and the Office, and in its assessment of market restrictions, it aptly summarised the key rule that if the specified conditions reflect the contracting authority's existing objective needs, the following applies: *"Any obstacles to competition introduced by the tender conditions cannot be regarded as unjustified."* (judgment of the Supreme Administrative Court of the Czech Republic, ref. no. 9 As 125/2024).

This landmark case, confirmed by all instances, thus establishes a definitive and binding standard for practical application: *The ban on interpreters and the requirement for direct, active knowledge of the local language (min. B2) for management personnel does not constitute covert discrimination where a strategic, long-term contract for critical infrastructure is concerned, in which mediated communication would paralyse the operational efficiency of management, work safety and a smooth understanding of local legislation.*

3. The Slovak legal context

3.1 Legal framework

The Slovak legal framework for assessing language requirements in public procurement is determined by a combination of three key provisions of Act No. 343/2015 Coll. on Public Procurement and on Amendments to Certain Acts (PPA) and, by way of reference, specific regulations governing the state language and regulated professional activities. Section 10(2) of the PPA establishes the principles according to which the contracting authority and the contracting entity must observe the principle of equal treatment, the principle of non-discrimination against economic operators, the principle of transparency, the principle of proportionality, and the principle of economy and efficiency[7] . Section 34(1)(g) of the PPA establishes technical or professional competence, which, in the case of construction works and services, is demonstrated by information on the education and professional experience or professional qualifications of the persons designated to perform the contract or concession contract or of the managerial staff[8] .

Section 38(5) of the PPA further specifies that the conditions for participation set by the contracting authority to demonstrate technical or professional competence must be proportionate and must relate to the subject matter of the contract or concession[9] . With regard to specific conditions for the performance of the contract, Section 42(12) of the PPA transposes Article 70 of Directive 2014/24/EU and provides the contracting authority with a specific regulatory option[10] . These three provisions together create *a dual-track system* for the placement of language requirements: either as conditions for participation (Section 34 in conjunction with Section 38(5)), or as specific conditions for performance (Section 42(12)).

The existence of the described dual-track regime may, in practice, lead to the erroneous conclusion that by transferring a strict language requirement from the conditions for participation to the draft contract (and securing it, for example, by a contractual penalty), the contracting authority completely avoids supervision of compliance with PP principles. However, supervisory authorities in

---

[7] Section 10(2) of the Public Procurement Act. For the content of the principle of proportionality in Slovak case law, see also the methodological guidance of the Public Procurement Office No. 12582-5000/2017 of 25 July 2017.

[8] Section 34(1)(g) of the Public Procurement Act.

[9] Section 38(5) of the Public Procurement Act: “The conditions for participation which the contracting authority and the contracting entity lay down to demonstrate compliance with financial and economic standing and technical or professional competence must be proportionate and must relate to the subject matter of the contract or concession.”

[10] Section 42(12) of the Public Procurement Act; transposes Article 70 of Directive 2014/24/EU.

both Slovakia and the Czech Republic reject such a formalistic interpretation and, when assessing the limits of contractual freedom, proceed with exceptional doctrinal consensus.

The Slovak Public Procurement Office (PPO) has established this issue in its Interpretative Opinion No. 3/2016 on the Office's competence to review contractual terms. In it, the PPO explicitly states that although it does not examine the compliance of contractual terms with general commercial or civil law provisions, its review powers fully extend to examining the contract's compliance with the fundamental principles of the PPA (in particular the principles of transparency, non-discrimination and equal treatment). The Authority thus intervenes in contractual freedom to a 'limited extent', but uncompromisingly wherever the contractual terms artificially distort fair competition.

This shared Czech-Slovak perspective and the limits of supervisory authorities' intervention were defined with complete precision by the Czech Office for the Protection of Competition in its landmark first-instance decision in the Metro D case (Ref. No. ÚOHS-01899/2023/500, paragraph 279), where it aptly stated regarding the limits of the contracting authority's freedom of contract:

"The Office adds that the Act does not specify what contractual terms and conditions should be included in a contract concluded for the performance of a public contract. The law thus leaves the definition of contractual terms to the discretion of the contracting parties, where it is clear that the needs and requirements of the contracting authority will be reflected, as it is the contracting authority that best knows what it needs and under what conditions. It is therefore up to the contracting authority to determine the scope of the contractual terms. *It must, however, be emphasised that the contracting authority must not approach the definition of the contractual terms and conditions in a wholly arbitrary manner; that is to say, when defining them, it must also take into account the fundamental principles of the procurement procedure set out in Section 6 of the Act, which are intended to ensure that the contractual terms and conditions are not formulated by the contracting authority in a manifestly excessive manner."*

When assessing language barriers, a key conclusion emerges from the approach taken by both authorities: the inclusion of an excessive language requirement solely in the contract terms does not automatically provide the contracting authority with a safe harbour. If this condition is defined in a clearly excessive manner and without a legitimate objective reason (for example, an absolute ban on interpreters in a standard contract under threat of a high contractual penalty), the authority classifies it as hidden discrimination. In such a case, the supervisory authority will intervene just as strictly as if it were an unlawful condition of participation, and in accordance with the PPA, will order the contracting authority to remedy the unlawful situation (usually by amending the tender documentation), or may order the cancellation of the PP procedure used.

3.2 Related specific regulations

Act No. 270/1995 Coll. on the State Language of the Slovak Republic provides a supplementary legal basis for the legitimacy of language requirements. Section 8(3) of the Act requires that technical documentation, the preparation or submission of which is required for the purposes of proceedings under a specific regulation, be kept in the state language[11] . This provision legitimises the language requirements for output documents in Slovak, but does not automatically impose an obligation on the contractor to provide Slovak-speaking experts.

Act No. 138/1992 Coll. on authorised architects and civil engineers, in conjunction with Act No. 50/1976 Coll. (the Building Act), constitutes the second relevant special regime[12] . Site management is a regulated activity in the Slovak Republic (as it is in the Czech Republic); for foreign nationals, the regime for the recognition of professional qualifications under Directive 2005/36/EC applies, which means that language proficiency cannot be indirectly assessed as a condition for the performance of an activity which a foreign professional has already acquired in another Member State.

3.3 Previous case law: the limits of the 'native language level'

Slovak decision-making practice regarding language requirements has its roots in decisions of the PPO from 2007. In cases concerning contracts awarded by the Ministry of Labour, Social Affairs and Family of the Slovak Republic for expenditure verification services and by the Ministry of Agriculture of the Slovak Republic for the analysis of implementation procedures, the Office unanimously found that the requirement for knowledge of the Slovak language 'at native speaker level' was disproportionate (PPO decision of 19 October 2007, No. 924-120/121-7000/2007; PPO decision of 29 October 2007, No. 1104-152-7000/2007).

---

[11] Section 8(3) of Act No 270/1995 Coll.: "Accounts shall be kept, financial statements drawn up, and technical documentation prepared or submitted as required for the purposes of proceedings under a specific regulation, as well as the statutes of associations, societies, political parties, political movements and commercial companies required for registration purposes, in the official language; in addition to the version in the official language, a version with identical content may also be drawn up in another language."

[12] Act No. 138/1992 Coll. on authorised architects and authorised civil engineers, as amended, in particular Sections 4 and 4a (recognition of professional qualifications pursuant to Directive 2005/36/EC). For the regulated activity of a site manager, see Act No 50/1976 Coll. on spatial planning and building regulations, as amended, and specific regulations governing professional competence.

The factual basis in these cases was the contracting authorities' blanket requirement for a large number of key experts (in one case, even all experts No. 1 to 15) to demonstrate proficiency in the Slovak language explicitly "at the level of a native speaker" . The key legal issue here was that the contracting authority required suppliers to demonstrate the absolute highest possible level of language proficiency, yet failed to define or explain this concept in more detail in the tender documents. The Office therefore had to assess whether such an extreme and vaguely defined condition constituted an unjustified barrier to foreign experts.

The Office assessed this requirement as manifestly discriminatory against potential key experts from other EU Member States, as it would be very difficult for them to achieve the level of proficiency in the Slovak language required by the contracting authority. The PPO explicitly concluded that the requirement is discriminatory against those experts who, whilst not proficient in the Slovak language at a native level, are nevertheless capable of performing the subject matter of the contract with equal competence. By such a procedure, the contracting authority unduly narrowed the pool of potential experts and restricted competition in the services market.

These decisions form a doctrinal parallel to the Czech Třinec case (analysed in sub-chapter III.3) – in both cases, there is a strict rejection of the highest intensity of language requirements for standard contracts. The Office later confirmed its consolidated position on the approach to reviewing participation conditions in its methodological guidance (PPO Methodological Guidance of 17 January 2022, No. 2865-5000/2022).

3.4 Decision of the PPO Chairman in the R4 Prešov case: key expert and limits of formal requirements

For a comprehensive understanding of the PPO's doctrine when assessing language barriers, it is essential to highlight the supervisory authority's systematic approach to the very concept of the 'key expert', which was defined by the Chairman of the Office in the case concerning the construction of the R4 Prešov Expressway – northern bypass (decision of the ÚVO Chairman dated 17 April 2023, No. 5470-P/2023). Although this decision does not directly concern language issues, its ratio decidendi is fully and analogously applicable to them.

In the tender conditions, the contracting authority required that the 'head of the construction supervision team' have experience in project implementation exclusively under FIDIC contract conditions, without allowing for any equivalent. The Chair of the Office assessed this formalistic requirement as discriminatory and disproportionate, and in his decision (in paragraph 41) formulated a fundamental rule regarding the nature of professional competence:

"The second-instance administrative authority is of the opinion that, in the case of key experts such as the chief site manager or the head of construction supervision, experience in implementing a project in accordance with specific contractual conditions is entirely irrelevant from the perspective of their professional competence. From the perspective of their role in the execution of the contract

, these key experts are responsible for the technical aspects of the construction work, regardless of the type of contractual conditions governing the execution."

It follows from this decision for practical application that the requirements placed on a key expert must always be directly and proportionately related to their actual material and professional capabilities in relation to the subject matter of the contract. Applying this by analogy to language requirements provides a clear framework for their assessment: rigid and extremely formalistic requirements (e.g. insisting on certificates at native-speaker level without the option of using an interpreter), which are unrelated to the nature of the expert's specialist technical work, do not stand up to scrutiny from a proportionality perspective.

3.5 The D1 Turany – Hubová case: exclusion of an interpreter as disproportionate

A landmark Slovak decision in this matter is the PPO's decision concerning a strategic above-threshold contract for the construction of the D1 Turany – Hubová motorway section (which includes the extensive Korbeľka and Havran tunnels). Here, the contracting authority set out differentiated language requirements for experts (levels C1 and B2) in the contract terms, allowing for the use of an interpreter, but with a single strict exception. For the key position of 'tunnel site manager', it explicitly required level C2 without the option of an interpreter, under threat of a substantial contractual penalty (PPO decision of 7 October 2024, No. 12978-6000/2024).

Whilst the applicant contested this requirement as discriminatory, the contracting authority defended it on the grounds of strict security considerations and the need for crisis management (e.g. in the event of a fire or cave-in). It argued that in such critical situations, allowing an interpreter would pose an immediate risk threatening the operational effectiveness and success of the emergency services' intervention.

The Office rejected this argument through a doctrinally sound construction, using the argument of internal inconsistency rather than a lengthy technical assessment. It noted that, in another part of the conditions, the contracting authority required the presence of this expert 'only' for 75% of the total tunnel construction period. The Office thus formulated its ratio decidendi in paragraph 220:

"If, therefore, the inspected party does not cover the entire duration of the tunnel construction period with the requirement for 100% presence of the expert in question at the tunnel construction site, the Authority does not consider it proven that the requirement in question is so important, as claimed by the inspected party (particularly in emergency situations), that the option of using an interpreter for the position of key expert in question could not also be permitted, just as the inspected party has already permitted for other positions of key experts."

From the perspective of the proportionality test, a clear conclusion follows: if the contracting authority accepts that, at the time an emergency arises, the expert may objectively be absent from the construction site, it thereby completely undermines its own argument regarding the irreplaceable nature of his immediate, direct communication without an interpreter.

For a comprehensive, dogmatic understanding of this judgment, it is important to highlight exactly how the Authority ruled on the matter. It rejected the applicant's objection (in section B11.1), in which he sought the complete removal of the language requirement, as unfounded. The Office therefore did not abolish the high language proficiency requirement itself (level C2 was retained), but ordered the removal of the rigid ban on the use of an interpreter. With this landmark decision, the D1 Turany – Hubová case thus represents a perfect Slovak parallel to the Czech Třinec case (subchapter III.3), albeit with one fundamental difference: whilst in Třinec the supervisory authority rejected the extreme stringency of the requirement itself ('native speaker'), in the D1 Tunnel case only the rigid contractual exclusion of an interpreter was rejected, whilst the high level of language proficiency was otherwise maintained**.**

3.6 The SAP Information System case: a differentiated approach and synthesis of decision-making practice

The most comprehensive decision in Slovak case law is the Public Procurement Office's decision in the case of the above-threshold contract awarded by *the Railways of the Slovak Republic (ŽSR)* for the development and support of the SAP information system (PPO decision of 21 April 2026, No. 8600-6000/2026). This decision is exceptional in that the supervisory authority directly summarised and distinguished all key historical and recent case law within it.

The contracting authority originally required, in the tender conditions, "active command of the Slovak or Czech language" (without the option of an interpreter) for six key experts. A crucial procedural moment arose when the contracting authority, as part of a self-correction, completely omitted this requirement for three strictly technical positions (developers and administrator). This implicitly confirmed the rule of proportionality in practice: for technically oriented, 'back-office' positions without the need for direct communication with users, a strict language barrier is not justified.

The dispute thus remained limited to just three strategic management and methodological positions (project manager, application architect and methodologist). The applicant argued that the language of communication in IT is English. However, the contracting authority demonstrated that these experts form the core of the team, are in constant direct contact with end-users, directly translate Slovak legislation into the system, and use specific railway terminology. For these reasons, interpretation would pose an unacceptable risk to the state's critical infrastructure, a point the Office fully accepted.

The highlight of the Authority's legal argumentation in this decision was its precise engagement with existing case law (paragraph 56 et seq.), through which the Authority confirmed the two-pronged nature of the proportionality test:

1. *Distinguishing historical practice (the 'intensity' line):* The Office explicitly distinguished earlier decisions from 2007 (which concerned an unreasonable requirement for an absolute

level of ‘native language’ proficiency), whereas in the current case the contracting authority reasonably requires only functional ‘active command’.

2. *Distinction from the D1 Tunnel case (formalism):* The Office also distinguished the case under consideration from the Turany – Hubová case. It pointed out that whilst the tunnel case involved a specific contractual condition taken to a formalistic extreme (C2 level), the SAP system involved a participation condition defined exclusively in functional terms, without a strict bureaucratic specification of CEFR levels.

The Office subsequently rejected the proposal. The decision draws a clear conclusion: the key to the lawfulness of a language requirement is a differentiated approach based on the expert’s specific job description, underpinned by a genuine practical need without unnecessary formalism.

3.7 Summary of Slovak case law

Slovak case law on language requirements can be summarised in three basic points. Firstly, the requirement for the Slovak or Czech language is, in principle, legitimate if it is linked to specific and objectively justified needs of the contract (PPO decision No. 8600-6000/2026). Secondly, the level of the language requirement must be strictly proportionate to the subject matter of the contract and the nature of the post, whilst earlier case law has unequivocally rejected the absolute ‘native language level’ as manifestly disproportionate (PPO decisions No. 924-120/121-7000/2007 and No. 1104-152-7000/2007). Thirdly, the rigid contractual exclusion of an interpreter for experts who do not have the required continuous (100%) presence on site constitutes an unlawful barrier to competition (Public Procurement Office decision No. 12978-6000/2024). Together, these propositions form a three-part test which is exceptionally precise and effective in practical application.

4. Comparative synthesis

4.1 Operational test of the admissibility of a language requirement

From a detailed analysis of European, Czech and Slovak case law, it is possible to distil a precise operational test of admissibility for practical application. For a language requirement for a key expert to pass the proportionality test and not distort competition, it must cumulatively meet four criteria:

(i) Substantive connection to the subject matter of the contract: The language requirement must be strictly justified by a specific material need of the contract (e.g. intensive communication with users, working with local legislation or security requirements). As confirmed by the Office on the basis of a structural analysis of the job description, for positions involving intensive contact and specific technical terminology, a strict requirement is justified, whereas for technical ‘back-office’ positions (developers, administrators), such a requirement is unjustified (PPO Decision No. 8600-6000/2026).

(ii) Reasonable intensity of the requirement: The level of language proficiency required must be calibrated according to the CEFR and must not be excessive. Practical consensus confirms that the requirement for a ‘native speaker’ or ‘native language level’ is excessive and discriminatory in standard contracts (decision of the Chairman of the Office for the Protection of Competition No. ÚOHS-19109/2020/322/HSc; PPO decisions No. 924-120/121-7000/2007 and No. 1104-152-7000/2007). The standard level for professional communication is B2 or C1. The highest level, C2, is justifiable only in exceptional cases involving extraordinary security or crisis requirements (PPO decision No. 12978-6000/2024).

(iii) Openness to equivalent forms of evidence: In accordance with primary EU law, the contracting authority must allow for several equivalent means of demonstrating competence and must not turn this into a formalistic obstacle by requiring exclusively a single local certificate. It must allow for the submission of equivalent evidence (e.g. CEFR certificates, proof of education or experience in the relevant language), which follows directly from established European case law (CJEU judgment C-281/98)

(iv) The possibility of an interpreter for positions not requiring continuous presence: A rigid contractual exclusion of an interpreter is justifiable only for contracts involving heightened security risks for those experts who are required to be continuously present at the workplace. If the contracting authority does not require the expert to be present on site 100% of the time, the exclusion of an interpreter in the event of a sudden emergency is internally inconsistent and disproportionate (PPO Decision No. 12978-6000/2024). Furthermore, the contracting authority must always compare the proposed alternative solutions (such as providing a certified interpreter) individually and objectively with the objectives of the contract, and must not reject them across the board without assessing their substantive purpose (Judgment of the CJEU C-298/14).

4.2 Condition of participation vs. specific performance condition: choice of placement within the system

The most important operational choice when formulating a language requirement is the contracting authority’s decision on its systemic placement. The contracting authority must decide whether the requirement should be enshrined at the level of a condition for participation (Article 58 of Directive 2014/24/EU / Section 34(1)(g) of the PPA), or at the level of a specific condition for the performance of the contract (Article 70 of the Directive / Section 42(12) of the PPA).

A comparative analysis and the methodology of supervisory authorities give rise to three application scenarios with different risk profiles and procedural limits.

Scenario A: Language as a condition for participation (Qualification, ex ante approach): In this scenario, the language requirement is enshrined directly as a condition for participation and is strictly applied ex ante during the evaluation of tenders. The Office has defined strict limits for this procedure and stated that conditions for participation do not, as a rule, ‘relate to language skills’. It allows for an exception only if “without knowledge of the Slovak language, it is objectively impossible to properly perform the subject of the contract or the performance of the contract would be associated with unreasonable difficulties” (PPO Methodological Guideline No. 9930-5000/2026).

This restrictive approach is therefore justifiable only for positions where there is a demonstrable necessity for communication. This was perfectly confirmed in the most recent case concerning the SAP information system, where the Authority allowed language as a condition for participation only for managerial positions, and for technical and support positions, the contracting authority removed the requirement by self-correction (PPO Decision No. 8600-6000/2026). European case law subjects this qualification criterion to the strictest possible proportionality test (judgments of the CJEU C-281/98 and C-379/87).

Scenario B: Language as a contractual condition verified prior to signature (pre-contractual, hybrid approach): If the contracting authority is unable to objectively justify a strict qualification approach (Scenario A), it may use an alternative and set language proficiency exclusively ‘as a specific requirement for the performance of the contract (...) or as a contractual condition not linked to a specific person’ (PPO Methodological Guideline No. 9930-5000/2026).

From a legal perspective, compliance with this contractual requirement is verified exclusively with the successful tenderer within the framework of the pre-contractual cooperation procedure. In this procedure, it is crucial to respect the limits of cooperation, according to which “the documents in question must not fall under any of the conditions for participation or the requirements for the subject matter of the contract” (PPO Council Decision No. 6693-9000/2018). However, this prohibition on circumventing the law does not apply to Scenario B, as the relevant methodological guidance explicitly removes the nature of a condition for participation from the language used in standard clauses and reclassifies it as a specific condition for the performance of the contract.

At the same time, a fundamental rule applies to this mechanism, namely that the documents required under the cooperation arrangement may be demonstrated by the successful tenderer ‘both through its own capacities and through the capacities of other persons (subcontractors)’. In this procedure, the contracting authority must therefore not prohibit the successful tenderer from demonstrating compliance with the contractual language requirement by engaging a third party (Decision of the PPO Council No. 6693-9000/2018).

Scenario C: Language as a standard contractual condition (Implementation, ex post approach): From a legal perspective, this scenario is based on the same foundation as Scenario B (specific condition for contract performance), but differs solely in terms of the timing of verification. The contracting authority does not verify compliance with the language requirement during the PP process (neither in tenders nor during pre-contractual cooperation), but this is an obligation implemented and monitored only ex post during the actual performance of the contract. This approach maximally protects competition and market openness, but for the contracting authority it carries the risk of discovering a communication failure only once work has commenced on site, which in practice is addressed with strict penalties.

It was precisely this model that was assessed in the landmark case of D1 Turany – Hubová, where the contracting authority enshrined the language requirement (including the obligation to provide interpreters and the threat of severe contractual penalties for breach) exclusively in the commercial terms of the works contract (PPO decision No. 12978-6000/2024).

Conclusion

This study has demonstrated that a language requirement for the contractor's key experts in public procurement is, in principle, legally permissible, but is subject to a strict multi-stage proportionality test. The foundations of this test were laid down by the CJEU in the Groener judgment and subsequently developed in the Angonese, Las, New Valmar and Brouillard cases (CJEU judgments Nos. C-379/87, C-281/98, C-391/09, C-15/15, C-298/14). The Czech and Slovak legal systems have successfully transposed this European test, and their application practice has fully operationalised it. The latest case law of the Public Procurement Office has established a stable and predictable framework of reasoning confirming the existence of a two-track approach, which provides contracting authorities with methodological certainty and guarantees tenderers protection against disproportionate restrictions.

A set of practical recommendations for the drafting practice of contracting authorities emerges from the analysed case law and methodology. When setting conditions, the contracting authority should:

1. strictly differentiate the language requirement and link it exclusively to positions with demonstrable communication intensity;
2. set the required level precisely in accordance with CEFR standards (usually B2 or C1, with the highest level, C2, justifiable only in exceptional cases involving specific security requirements);
3. unconditionally allow for multiple equivalent methods of demonstrating language competence;
4. justify the requirement by explicitly referring to the expert's specific job duties;
5. allow the use of an interpreter for positions that do not require continuous presence at the workplace;
6. strategically consider its systemic placement, giving preference to specific contractual terms that offer greater flexibility and the possibility of legal verification within the framework of pre-contractual cooperation, whilst maintaining full regulatory effectiveness.

In conclusion, it is essential to reiterate that, despite a wealth of case law, there is still no landmark judgment from the CJEU that directly addresses the language requirement for a contractor's staff solely from the perspective of the Public Procurement Directive (Directive

2014/24/EU of the European Parliament and of the Council). The task of filling this doctrinal vacuum currently rests with national supervisory authorities, which are fulfilling it with increasing methodological precision. In the context of the announced reform of the European public procurement framework, however, it would be highly desirable de lege ferenda for future legislation to provide an explicit methodological consideration of language barriers directly at the level of primary EU law. Such a legislative step would definitively strengthen legal certainty for all entities participating in public procurement in a cross-border context.

References

Academic literature
ARROWSMITH, Sue. The Law of Public and Utilities Procurement. 3rd ed. London: Sweet & Maxwell, 2014. ISBN 978-0414025208.

SANCHEZ-GRAELLS, Albert. Public Procurement and the EU Competition Rules. Oxford: Hart Publishing, 2019. ISBN 978-1782257263.

Legislation and international treaties
EUROPEAN UNION. Treaty on the Functioning of the European Union (consolidated version). In: Official Journal of the European Union, C 202, 7 June 2016.

EUROPEAN UNION. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC. In: Official Journal of the European Union, L 94, 28 March 2014.

CZECH REPUBLIC. Act No. 134/2016 Coll. on public procurement, as amended.

SLOVAK REPUBLIC. Act No. 343/2015 Coll. on public procurement and amending certain acts, as amended.

Case law of the Court of Justice of the European Union (CJEU)
COURT OF JUSTICE OF THE EUROPEAN UNION. Judgment of the Court of 17 December 1970, Internationale Handelsgesellschaft mbH, 11/70, ECLI:EU:C:1970:114.

COURT OF JUSTICE OF THE EUROPEAN UNION. Judgment of the Court of 28 November 1989, Anita Groener v Minister for Education and City of Dublin Vocational Education Committee, C-379/87, ECLI:EU:C:1989:429.

COURT OF JUSTICE OF THE EUROPEAN UNION. Opinion of Advocate General Darmon delivered on 16 May 1989 in Case C-379/87 (Groener).

COURT OF JUSTICE OF THE EUROPEAN UNION. Judgment of the Court of 6 June 2000, Roman Angonese v Cassa di Risparmio di Bolzano SpA, C-281/98, ECLI:EU:C:2000:296. 11. COURT OF JUSTICE OF THE EUROPEAN UNION. Judgment of the Court (Grand Chamber) of 16 April 2013, Anton Las v PSA Antwerp NV, C-202/11, ECLI:EU:C:2013:239.

COURT OF JUSTICE OF THE EUROPEAN UNION. Judgment of the Court (Second Chamber) of 6 October 2015, Alain Brouillard v Jury du concours de recrutement de référendaires près la Cour de cassation and Others, C-298/14, ECLI:EU:C:2015:652.

COURT OF JUSTICE OF THE EUROPEAN UNION. Judgment of the Court (Grand Chamber) of 21 June 2016, New Valmar BVBA v Global Pharmacies Partner Health Srl, C-15/15, ECLI:EU:C:2016:464.

COURT OF JUSTICE OF THE EUROPEAN UNION. Judgment of the Court of Justice of 2026, Vilniaus tarptautinė mokykla, C-48/24.

Case law of national courts and authorities
SUPREME ADMINISTRATIVE COURT OF THE CZECH REPUBLIC. Judgment of the Supreme Administrative Court of the Czech Republic of 5 June 2008, ref. no. 1 Afs 20/2008-152 (Lumius case).

OFFICE FOR THE PROTECTION OF ECONOMIC COMPETITION. Decision of the Office for the Protection of Economic Competition dated 20 December 2012, ref. no. ÚOHS-S339/2012/VZ-21769/2012/523/Krk (Most cez Úhlavu case).

OFFICE FOR THE PROTECTION OF ECONOMIC COMPETITION. Decision of the Office for the Protection of Economic Competition dated 9 April 2020, ref. no. ÚOHS-10367/2020/542/VHu.

Contact addresses

JUDr. Róbert Gyuri, PhD.
ORCID ID: 0000-0002-9362-7501
Pavol Jozef Šafárik University in Košice
Faculty of Public Administration
Department of Public Law Disciplines
Popradská 66
041 32 Košice
Email: robert.gyuri@upjs.sk

Mgr. Michal Roháč
Representation of the Košice Self-governing Region to the European Union
Košice Self-governing Region
Rue d'Arlon 63
1040 Brussels Belgium
Email: rohac.michael@gmail.com

Digital Infrastructure of Public Services and the Once-Only Principle: A Sectoral Analysis of Portals Connected to the National Identity Authority in the Czech Republic

Lucie Burianová

https://doi.org/10.33542/VSS2026-1-5

Abstract

The Once-Only Principle (OOP), according to which citizens provide information to public authorities only once, is a key objective of European eGovernment policy. This article analyses organisations connected to the National Identity Authority (NIA) in the Czech Republic and identifies sectoral and geographical differences in the adoption of this digital infrastructure. The analysis is based on publicly available data from the Service Providers Register (SEP), comprising 1,085 portals operated by 1,032 organisations. The findings reveal substantial variation in adoption across sectors, regions and municipality size categories. Municipal government accounts for almost two-thirds of all identified portals, while municipality size appears to be strongly associated with adoption. International comparison suggests that countries with extensive digital public service coverage combine advanced technical infrastructure with a high degree of institutional coordination. The study provides the first systematic mapping of NIA-connected organisations in the Czech public sector and contributes to research on the implementation of the Once-Only Principle.

Keywords: *once-only principle, egovernment, digital identity, public administration, national digital identity system.*

Introduction

The digitalisation of public administration has become one of the key priorities of public policy at both European and national levels over the past decade. A central component of this transformation is the Once-Only Principle (OOP), according to which citizens and businesses should provide certain information to public authorities only once, while public institutions subsequently reuse and exchange these data through interoperable information systems. The principle has been promoted at the European level through the eGovernment Action Plan 2016–2020 and the Tallinn Declaration on eGovernment of 2017, where it was identified as one of the key objectives for the development of digital public services. In the Czech Republic, the implementation of this principle is reflected in Act No. 12/2020 Coll. on the Right to Digital Services.

Existing research on the OOP has focused primarily on its conceptual foundations, institutional embedding and technical implementation (Wimmer et al., 2017; Kalvet et al., 2018). Particular attention has been devoted to interoperability, cross-border data exchange and the development of digital infrastructures enabling the reuse of information across public administrations, especially within the framework of the TOOP project (Krimmer et al., 2021). However, empirical evidence concerning the organisational adoption of such infrastructures remains limited. While comparative studies frequently examine countries with highly developed digital government systems, less attention has been paid to patterns of adoption in environments where participation in shared digital identity infrastructures is not uniformly mandated across all levels of public administration.

This gap is particularly relevant in the Czech context. The country has developed a relatively advanced digital government infrastructure, including basic registers, data boxes and NIA, which enables electronic identification for access to digital public services. Nevertheless, empirical evidence remains limited regarding the extent to which this infrastructure has been adopted across different sectors of public administration and whether significant territorial differences exist.

The aim of this article is to analyse the distribution of organisations connected to NIA in the Czech Republic and to identify sectoral and geographical differences in the adoption of this digital infrastructure. The analysis is based on data from SEP, a publicly available administrative database maintained by the Digital and Information Agency.

This article builds upon earlier research by Burianová and Štěrba (2026), which examined the implementation of the OOP within municipal government. The present study expands the scope of analysis to all major sectors of public administration and provides the first comprehensive mapping of organisations connected to NIA in the Czech Republic. By identifying sectoral and territorial patterns of adoption, the article contributes to the broader discussion on digital government infrastructure and the implementation of the OOP in contemporary governance systems.

The remainder of the article is structured as follows: the next section presents the theoretical background and relevant literature. This is followed by a description of the data and methodology. The subsequent sections present the empirical findings and discuss them in the context of existing research. The final section summarises the main conclusions and outlines implications for future research.

1 Theoretical framework

The Once-Only Principle (OOP) is widely regarded as one of the core concepts of contemporary digital government. Its fundamental objective is to reduce administrative burdens on citizens and businesses by ensuring that information already provided to one public authority can be reused by other public institutions, subject to legal and organisational safeguards (Wimmer et al., 2017; Kalvet et al., 2018). In practical terms, the principle seeks to replace repeated requests for the same information with data sharing and interoperability among public sector information systems.

The growing importance of the OOP is closely linked to broader efforts aimed at modernising public administration through digital technologies. The principle has been incorporated into key European policy documents, including the eGovernment Action Plan 2016–2020 and the Tallinn Declaration on eGovernment. These initiatives emphasise the need to improve the accessibility, efficiency and user orientation of public services while reducing administrative burdens for citizens and businesses. The academic literature on the OOP has developed along several complementary lines. One stream of research focuses on the conceptual and institutional foundations of the principle and its role in digital government strategies (Wimmer et al., 2017). A second stream examines the technical and organisational requirements for implementation, particularly interoperability, data governance and digital identity systems (Kalvet et al., 2018). A third area of research is represented by studies associated with the European TOOP project, which explored the application of the OOP in cross-border administrative processes and demonstrated the potential of shared digital infrastructures for public service delivery (Krimmer et al., 2021).

Existing research also suggests that the implementation of the OOP depends not only on technological capabilities but also on institutional and organisational conditions. Previous studies highlight the importance of interoperability frameworks, common standards, administrative coordination and the availability of trusted digital identity systems that enable secure access to public services (Kalvet et al., 2018; Krimmer et al., 2021). Consequently, the adoption of digital infrastructures supporting the OOP may vary across administrative sectors and territorial units depending on their organisational capacities and institutional arrangements.

Within this context, digital identity systems play a particularly important role. They provide a secure mechanism for verifying users and facilitating access to electronic public services. In the Czech Republic, NIA serves as a central component of the digital identity infrastructure by enabling authentication through recognised electronic identification methods. From the perspective of the OOP, NIA constitutes an important enabling infrastructure that allows public institutions to provide authenticated digital services and to participate in broader processes of digital interaction with citizens. Existing research on digital government adoption suggests that organisational capacity may influence the implementation of digital infrastructures. Public organisations with greater administrative, financial and technical resources are generally better positioned to adopt and maintain digital services (Gil-Garcia and Pardo, 2005; Mergel et al., 2019). Similarly, innovation diffusion research suggests that larger organisations often act as early adopters of technological innovations because they possess greater capacity to absorb implementation costs and organisational change (Rogers, 2003). Institutional factors, including regulatory frameworks, coordination mechanisms and inter-organisational networks, may also shape adoption patterns across sectors and territories (Tolbert et al., 2008). From this perspective, variation in NIA adoption may be associated with differences in organisational scale, administrative capacity and institutional conditions.

Despite the growing importance of digital identity systems, empirical evidence regarding their adoption across different sectors of public administration remains limited. Existing studies have largely concentrated on national strategies, technical architectures and international comparisons, whereas comparatively little attention has been paid to the organisational distribution of digital identity infrastructures within individual countries. This study addresses this gap by examining the distribution of organisations connected to the NIA across sectors and regions of the Czech Republic. Rather than testing a specific causal theory, the article adopts an exploratory and descriptive perspective. It assumes that patterns of adoption may differ across sectors and territories and seeks to identify and interpret these differences in light of existing knowledge on the implementation of the Once-Only Principle and digital government infrastructures.

It is important to distinguish between digital identity infrastructure, digital service provision and the actual implementation of the OOP. While NIA provides a key enabling infrastructure for authenticated digital services, its existence alone does not demonstrate the automated reuse of data between public authorities. Consequently, NIA connectivity is interpreted in this study as an indicator of organisational readiness for digital service delivery and OOP-related capabilities rather than direct evidence of OOP implementation.

2 Data and methodology

The analysis is based on data obtained from SEP of the Citizen Identity system, maintained by the Digital and Information Agency of the Czech Republic. The register is publicly available and contains information on organisations and digital services connected to NIA. The dataset captures the state of the register in 2025. Duplicate records were identified using organisation identifiers and portal URLs. Ambiguous cases were manually reviewed to ensure consistency before the final dataset was created.

The final dataset contained 1,085 portals operated by 1,032 unique organisations. The available information included the name of the portal, the name of the operating organisation, the organisation identification number, the service URL and other administrative identifiers available in the register.

The study addresses the following research questions:

RQ1: How are NIA-connected portals distributed across sectors of public administration?

RQ2: What geographical differences can be identified within individual sectors?

RQ3: How can the observed patterns of adoption be interpreted in the context of existing approaches to digital government infrastructure and the OOP?

For analytical purposes, organisations were classified into six categories: (1) municipal government, (2) state administration, (3) healthcare, (4) education, (5) regional government and (6) other organisations. Classification was based on the legal status, institutional affiliation and publicly available information about the organisation. Ambiguous cases were verified manually to ensure consistency across the dataset.

The analysis was conducted at three levels. First, the distribution of NIA-connected portals across sectors of public administration was examined. Second, the geographical distribution of organisations was analysed at the regional level. Third, a more detailed analysis was carried out for municipal government in order to examine differences in adoption according to municipality size.

For municipalities, geographical assignment and population data were obtained directly from the dataset and complemented with data published by the Czech Statistical Office. The adoption rate was calculated as the proportion of municipalities operating at least one NIA-connected portal relative to the total number of municipalities within a region. In addition, population coverage was calculated as the share of regional inhabitants living in municipalities with at least one NIA-connected portal.

To analyse the relationship between municipality size and portal adoption, municipalities were divided into five population categories commonly used in Czech statistical reporting. Because the SEP register does not contain all information necessary for a precise measurement of adoption across size categories, the resulting figures should be interpreted as indicative estimates rather than exact values.

The study employs a descriptive analytical approach. Its objective is not to establish causal relationships between institutional factors and adoption outcomes, but rather to provide a systematic overview of the distribution of NIA-connected organisations across sectors and regions of the Czech Republic. Consequently, the findings identify observable patterns of adoption but do not allow conclusions regarding the specific causes of these patterns.

To place the Czech case within a broader European context, the study also draws on information published in the eGovernment Benchmark 2024 report and relevant literature on the implementation of the Once-Only Principle. This comparison serves as contextual background rather than a direct benchmark, as the indicators and methodologies used in different countries are not fully comparable.

3 Results

3.1 Sectoral distribution

A total of 1,085 portals connected to NIA were identified in the analysed dataset. Municipal government represented the largest category, accounting for 691 portals (63.7% of all recorded portals). State administration constituted the second largest category with 151 portals (13.9%), followed by education with 81 portals (7.5%), healthcare with 74 portals (6.8%), regional government with 42 portals (3.9%), and other organisations with 46 portals (4.2%).

The results indicate that NIA-connected digital services are present across all major sectors of public administration. However, their distribution is uneven. Nearly two-thirds of all identified portals belong to municipal government, while the remaining sectors account for substantially smaller shares of the total dataset.

Table 1: **The sectoral distribution of portals included in the analysis**

Category	Portals	Share (%)	Notable concentration
Municipal government	691	63.7	Distributed across all regions
State government	151	13.9	Predominantly Prague
Education	81	7.5	Relatively concentrated in Vysočina Region
Healthcare	74	6.8	Major hospitals and health insurance funds
Regional government	42	3.9	Present in 13 regions
Other	46	4.2	Predominantly Prague

Source: Digital and Information Agency (c2026), CSO (2023); own elaboration.

The findings demonstrate that the adoption of NIA-connected portals extends beyond state government institutions and includes organisations operating in healthcare, education and regional government. At the same time, considerable differences in the number of portals can be observed between individual sectors.

The final column of Table 1 summarises selected descriptive characteristics associated with the spatial or institutional distribution of organisations within each category. These observations are based on patterns identified in the dataset and serve as contextual information for the subsequent analysis. They do not imply causal relationships and should be interpreted as descriptive features of the observed distribution.

3.2 Geographic distribution

The geographical distribution of NIA-connected portals exhibits considerable variation across Czech regions. A total of 225 portals were associated with organisations headquartered in Prague, representing the largest regional concentration in the dataset. This reflects the location of most state government institutions and several national-level organisations.

Outside Prague, the highest numbers of portals were identified in the Středočeský Region (136), the Vysočina Region (98), the Jihočeský Region (92) and the Jihomoravský Region (83). Regional differences are also evident in the sectoral composition of portals. While Prague is dominated by state government institutions, other regions are characterised primarily by municipal government portals.

The Vysočina Region represents a particularly notable case. Although it is not among the most populous Czech regions, it records one of the highest numbers of NIA-connected portals. A substantial share of these portals is associated with educational institutions. In contrast, regions such as the Středočeský Region and the Jihočeský Region are characterised primarily by a high number of municipal government portals.

Table 2 presents the regional distribution of portals by organisational category. The figures are based on the registered headquarters of organisations and do not necessarily reflect the geographical scope of the services provided. This distinction is particularly relevant for state government institutions, many of which serve users nationwide despite being located in Prague.

Table 2: Distribution of portals by region and category of entity (selected regions)

Region	Municipalities	Other	State government	Healthcare	Education	Total (region)
Prague (Capital)	—	34	138	31	22	225
Vysočina	65	0	4	3	26	98
Jihomoravský	55	6	9	7	6	83
Středočeský	130	0	0	6	0	136
Moravskoslezský	49	0	0	5	5	59
Jihočeský	89	0	0	0	3	92
Zlínský	32	0	0	8	5	45
Pardubický	31	0	0	1	1	33
Olomoucký	30	0	0	2	4	36
Liberecký	24	0	0	3	1	28
Remaining 5 regions	132	6	0	13	14	165

Source: Digital and Information Agency (c2026), CSO (2023); own elaboration. Note: Regional assignment is based on the registered headquarters of organisations rather than the geographical coverage of services.

Overall, the results indicate that the spatial distribution of NIA-connected portals is uneven across the Czech Republic. Differences can be observed not only in the total number of portals but also in the relative importance of individual organisational categories within each region.

3.3 MUNICIPAL GOVERNMENT: Regional and population-based differences

Municipal government represents the largest category of NIA-connected portals and therefore warrants a more detailed analysis. A total of 691 municipal portals were identified in the dataset. Despite this relatively high number, only approximately 10.5% of Czech municipalities operate at least one portal connected to NIA.

At the same time, municipalities with at least one NIA-connected portal account for approximately one half of the Czech population. This difference between institutional and population coverage reflects the concentration of portal adoption in larger municipalities and cities.

Table 3 presents regional differences in municipal adoption rates. The indicator is calculated as the share of municipalities within a region operating at least one NIA-connected portal. Population coverage expresses the proportion of regional inhabitants living in municipalities with at least one NIA-connected portal.

Table 3: Adoption of NIA-Connected Portals by Region

Region	Municipalities with Portal	Total Municipalities	Share of Municipalities (%)	Population Coverage (%)	Number of Portals
Ústecký	60	354	17.0	55.1	62
Moravskoslezský	49	300	16.3	71.7	50
Karlovarský	20	132	15.2	57.0	21
Jihočeský	89	623	14.3	47.9	97
Středočeský	130	1,145	11.4	31.6	138
Liberecký	24	215	11.2	61.5	24
Zlínský	32	307	10.4	43.8	32
Vysočina	65	704	9.2	51.8	69
Jihomoravský	55	673	8.2	57.7	60
Olomoucký	30	399	7.5	49.8	32
Pardubický	31	451	6.9	32.9	34
Královehradecký	26	448	5.8	39.1	26
Plzeňský	28	501	5.6	43.3	29

Source: Digital and Information Agency (c2026), CSO (2023); own calculations. Population coverage = share of regional population residing in municipalities with at least one NIA-connected portal.

The results reveal substantial regional variation. The highest municipal adoption rates were recorded in the Ústecký Region (17.0%) and the Moravskoslezský Region (16.3%), whereas the lowest rates were observed in the Plzeňský Region (5.6%) and the Královehradecký Region (5.8%).

Differences between municipal adoption rates and population coverage are also notable. For example, the Moravskoslezský Region exhibits a municipal adoption rate of 16.3%, yet municipalities with at least one NIA-connected portal account for 71.7% of the regional population. By contrast, the Středočeský Region records a relatively similar municipal adoption rate (11.4%) but substantially lower population coverage (31.6%). These differences suggest that the distribution of portals is influenced not only by the number of municipalities adopting the infrastructure but also by the population size of those municipalities.

Overall, the findings indicate that municipal adoption of NIA-connected portals is unevenly distributed across regions. While some regions exhibit relatively high levels of adoption, others remain substantially below the national average. The observed differences are further explored through an analysis of municipality size categories in the following section.

Table 4: Estimated NIA portal adoption by municipality population size category

Population Size Category	Number of Municipalities	Estimated Municipalities with NIA portal	Estimated adoption rate (%)
Under 500	3,371	~5	~0.1
500–999	1,168	~30	~2.6
1,000–4,999	1,185	~195	~16.5
5,000–19,999	376	~240	~63.8
20,000 and over	158	~158	~100

Source: Czech Statistical Office (2023); Digital and Information Agency (2025); author's estimates. *Note:* Although approximately 185 portals were identified within this category, these portals were operated by approximately 158 municipalities, as larger cities frequently maintain multiple portals.

The results reveal a strong association between municipality size and the adoption of NIA-connected portals. Estimated adoption rates increase substantially across population categories, ranging from approximately 0.1% among municipalities with fewer than 500 inhabitants to nearly complete adoption among municipalities with more than 20,000 inhabitants.

The contrast is particularly pronounced between the two smallest categories and municipalities with more than 5,000 inhabitants. While adoption remains very limited among municipalities below 1,000 inhabitants, it becomes substantially more common in larger municipalities and cities. As a result, population coverage is considerably higher than institutional coverage, as a relatively small number of larger municipalities account for a substantial share of the Czech population.

These findings suggest that municipality size is closely associated with the likelihood of operating a portal connected to NIA. However, the descriptive nature of the analysis does not allow conclusions regarding the specific factors underlying this relationship.

3.4 Healthcare

The healthcare sector accounts for 74 NIA-connected portals, representing 6.8% of all portals identified in the dataset. Compared with municipal government and state government institutions, the healthcare sector constitutes a smaller but still significant component of the overall digital identity infrastructure.

The distribution of portals within the healthcare sector is concentrated among large public healthcare providers. University hospitals and major regional hospitals account for a substantial share of identified portals. Several health insurance funds are also represented in the dataset, reflecting their role in providing digital services to insured individuals.

Geographically, healthcare portals are concentrated in regions containing major healthcare institutions, particularly Prague and several regional centres. Smaller healthcare providers appear less frequently in the register.

The results indicate that the adoption of NIA-connected portals within the healthcare sector is unevenly distributed across organisations. While large public institutions are well represented, the register contains comparatively fewer portals operated by smaller healthcare providers.
Given the nature of the available data, it is not possible to determine the organisational, technical or regulatory factors underlying the observed distribution. The register records the existence of NIA-connected services but does not provide information on service usage, transaction volumes or implementation processes.

3.5 Education

The education sector accounts for 81 NIA-connected portals, representing 7.5% of all portals identified in the dataset. Compared with healthcare and regional government, education constitutes one of the larger non-municipal categories.
The sector exhibits considerable internal variation. Higher education institutions account for a substantial proportion of identified portals and are distributed across several regions of the Czech Republic. In contrast, portals operated by primary and secondary educational institutions display a more uneven geographical distribution.
A notable feature of the dataset is the concentration of educational portals in the Vysočina Region. Of the 81 educational portals identified, 26 are located in this region, representing approximately one-third of all educational portals included in the analysis. This concentration is substantially higher than in any other region.
The available data allow the identification of this pattern but do not provide information regarding the factors that may have contributed to its emergence. Consequently, no conclusions can be drawn concerning the organisational, administrative or policy mechanisms underlying the observed distribution.
Overall, the findings indicate that the adoption of NIA-connected portals within the education sector is geographically uneven. While higher education institutions are represented across multiple regions, a significant concentration of educational portals can be observed in the Vysočina Region.

4 Discussion

4.1 Interpretation of findings

The significance of these findings extends beyond the mere distribution of digital portals. The Once-Only Principle is intended to reduce the administrative burden placed on citizens and businesses by limiting the repeated submission of information already held by public authorities. The effective implementation of this principle requires digital infrastructures that enable secure identification, authenticated access to services and the exchange of information between public institutions. In the Czech Republic, NIA represents one of the key enabling components of this infrastructure. Consequently, the distribution of NIA-connected portals provides insight into the organisational reach of digital infrastructure that may support the implementation of the OOP. However, NIA connectivity alone should not be interpreted as direct evidence of OOP implementation.

The analysis revealed substantial variation in the distribution of NIA-connected portals across sectors, regions and municipality size categories. The findings suggest that the adoption of digital identity infrastructure in the Czech public sector is uneven and differs considerably among organisational settings.

The first notable finding concerns sectoral variation. Although NIA-connected portals were identified in all major sectors of public administration, municipal government accounted for almost two-thirds of all portals included in the dataset. At the same time, healthcare, education and regional government exhibited considerably lower levels of representation. These results indicate that the adoption of digital identity infrastructure does not occur uniformly across sectors and may be influenced by differences in organisational structures, service portfolios and administrative capacities.

The second finding relates to territorial variation. Significant regional differences were observed both in the number of portals and in their sectoral composition. Prague represents a distinct case due to the concentration of state government institutions and national-level organisations. Outside Prague, notable differences were identified among regions in both municipal adoption rates and the distribution of portals across sectors. Several factors may contribute to these regional differences, including variation in administrative capacity, regional digitalisation strategies, inter-municipal cooperation networks and the availability of technical support mechanisms. Although the present dataset does not allow these explanations to be tested directly, they represent plausible avenues for future research.

The third and most pronounced finding concerns municipality size. Adoption rates increase substantially with population size, ranging from negligible levels among municipalities with fewer than 500 inhabitants to near-complete adoption among cities with more than 20,000 inhabitants. This pattern suggests a strong association between organisational scale and the likelihood of operating an NIA-connected portal. At the same time, the contrast between institutional coverage and population coverage indicates that a relatively small number of larger municipalities account for a substantial share of the population served by NIA-connected services.

Finally, the education sector displayed a distinctive pattern of regional concentration. A significant proportion of educational portals were located in the Vysočina Region. While the available data do not allow conclusions regarding the causes of this distribution, the finding demonstrates that adoption patterns may vary considerably even within individual sectors of public administration.

Taken together, the results highlight the importance of examining digital government implementation below the national level. Aggregate indicators may conceal substantial variation among sectors, regions and organisational categories, which become visible only through a more detailed institutional analysis.

4.2 Czech findings in a European context

The findings of this study can be situated within broader European discussions concerning the implementation of the Once-Only Principle and the development of digital public services. Previous research has emphasised that successful implementation of the OOP depends not only on technological infrastructure but also on institutional arrangements that facilitate interoperability, data sharing and organisational coordination (Kalvet et al., 2018; Krimmer et al., 2021).

The Czech Republic possesses a relatively advanced digital government infrastructure, including basic registers, data boxes and NIA. Nevertheless, the results presented in this article demonstrate that the adoption of NIA-connected portals varies substantially across sectors and territorial units. Similar challenges have been identified elsewhere in Europe, particularly at local and regional levels of government.

The eGovernment Benchmark 2024 report notes that local and regional authorities frequently lag behind state government institutions in the provision of integrated digital services and the use of electronic identification mechanisms (Capgemini et al., 2024). The differences observed among Czech municipalities therefore appear consistent with broader European trends documented in comparative research.

At the same time, countries often cited as leaders in digital government, such as Estonia, Denmark and Finland, have developed long-standing institutional frameworks supporting digital identity and interoperability. While the specific arrangements differ across countries, existing research suggests that coordination mechanisms and shared infrastructures are important components of successful digital service delivery (Krimmer et al., 2021).

The Czech case contributes to this debate by providing empirical evidence on the organisational distribution of digital identity infrastructure within a single national context. Rather than focusing on national-level strategies alone, the findings draw attention to variation across sectors and municipalities, highlighting the importance of organisational and territorial perspectives in the study of digital government implementation.

5 Limitations

Several limitations should be acknowledged. First, the analysis is based on the registered headquarters of organisations rather than the geographical coverage of the services they provide. This limitation is particularly relevant for state government institutions, many of which serve users nationwide.

Second, the analysis is based on a cross-sectional dataset representing a single point in time. Consequently, it does not allow the examination of adoption trends or changes over time.

Third, the register records the existence of NIA-connected portals but does not provide information on service usage, transaction volumes or service quality.

Finally, the data allow the identification of adoption patterns but do not permit conclusions regarding the organisational, technical or policy factors that may have contributed to these patterns. Consequently, the study should be interpreted primarily as a descriptive mapping of adoption patterns rather than an explanatory analysis of the factors driving adoption.

Conclusion

This article presented the first systematic mapping of organisations connected to NIA in the Czech Republic. Based on an analysis of 1,085 portals, it examined the sectoral and geographical distribution of NIA-connected services across major sectors of public administration and identified differences in adoption among regions and municipality size categories.

The study sought to answer three research questions. Regarding RQ1, the analysis demonstrated that NIA-connected portals are distributed across all major sectors of public administration, although municipal government clearly dominates in terms of the number of identified portals. Regarding RQ2, substantial geographical differences were identified both between regions and within individual sectors, indicating uneven adoption of digital identity infrastructure across the Czech Republic. Regarding RQ3, the findings suggest that organisational and territorial characteristics are associated with differing levels of adoption. However, as NIA connectivity represents an indicator of digital service readiness rather than direct evidence of OOP implementation, the results should be interpreted as reflecting the distribution of enabling digital infrastructure rather than the implementation of the OOP itself.

The findings reveal substantial variation in the adoption of NIA-connected portals. Municipal government accounts for the majority of identified portals, while adoption rates differ considerably across regions and increase markedly with municipality size. Significant territorial differences were also observed within specific sectors, particularly in education, where a notable regional concentration of portals was identified.

The contribution of the study extends beyond the mapping of digital services. NIA represents a key component of the Czech digital government infrastructure, enabling secure electronic identification and access to authenticated public services. Together with other elements of the Czech eGovernment ecosystem, such as basic registers and data-sharing mechanisms, it provides the technological foundation for implementing the Once-Only Principle, according to which citizens and businesses should not be required to repeatedly provide information already available to public authorities. Examining the distribution of NIA-connected portals therefore offers insight into the organisational reach of the infrastructure through which this principle can be implemented in practice.

The study contributes to the literature on digital government and the Once-Only Principle by shifting attention from national strategies and technical architectures to the organisational level of implementation. While previous research has focused primarily on legal frameworks, interoperability and cross-border data exchange, empirical evidence on how digital identity infrastructures are adopted across different types of public organisations remains limited. The Czech case demonstrates that important differences may exist even within a single national digital government system.

At the same time, the findings point to a significant research gap. The present study is based on administrative data and adopts a descriptive analytical perspective. Consequently, it makes it possible to identify where adoption occurs and how it varies across sectors, regions and municipality size categories, but it does not allow conclusions regarding the causal factors underlying these patterns. Future research should therefore focus on the organisational, institutional and policy factors associated with adoption, including the role of administrative capacity, municipality size, intergovernmental coordination and sector-specific conditions. Such research would contribute to a better understanding of how digital identity infrastructures support the practical implementation of the OOP within contemporary public administration.

References

Act No. 12/2020 Coll. on the Right to Digital Services and on Amendments to Related Acts. 2020. Czech Republic.

AGENCY FOR DIGITAL GOVERNMENT. 2023. Digital Strategy 2024–2027. Copenhagen: Agency for Digital Government.

BURIANOVÁ, L. and ŠTĚRBA, P. 2026. Princip „pouze jednou“ v české územní samosprávě: implementace, regionální rozdíly a role portálů samospráv. In: SBORNÍK 28. ROČNÍKU KONFERENCE ISSS. Hradec Králové.

CAPGEMINI; SOGETI; IDC; POLITECNICO DI MILANO. 2024. eGovernment Benchmark 2024 Insight Report. Brussels: European Commission. Available at: https://www.capgemini.com/wp-content/uploads/2024/07/eGovernment-Report-2024.pdf.

CZECH STATISTICAL OFFICE. 2023. Number of Municipalities and Population by Region, as at 1 January 2023. Prague: CSO.

DIGITAL AND INFORMATION AGENCY. c2025. Service Provider Register (SEP). Available at: https://info.identita.gov.cz/sep/.

EUROPEAN COMMISSION. 2016. EU eGovernment Action Plan 2016–2020: Accelerating the Digital Transformation of Government. COM(2016) 179 final. Brussels: European Commission.

GIL-GARCIA, J. R.; PARDO, T. A. 2005. E-Government Success Factors: Mapping Practical Tools to Theoretical Foundations. Government Information Quarterly, 22(2), pp. 187–216.

KALVET, T.; TOOTS, M.; VAN VEENSTRA, A. F.; KRIMMER, R. 2018. Cross-border e-government services in Europe: expected benefits, barriers and drivers of the once-only principle. In: Proceedings of the 11th International Conference on Theory and Practice of Electronic Governance (ICEGOV2018). New York: ACM, pp. 69–72.

KRIMMER, R.; PRENTZA, A.; MAMROT, S. (eds.) 2021. The Once-Only Principle. Lecture Notes in Computer Science. Cham: Springer.

MERGEL, I.; EDELMANN, N.; HAUG, N. 2019. Defining Digital Transformation: Results from Expert Interviews. Government Information Quarterly, 36(4), Article 101385.

Ministerial Declaration on eGovernment — Tallinn Declaration. 2017. Tallinn, 6 October 2017. Available at: https://digital-strategy.ec.europa.eu/en/news/ministerial-declaration-egovernment-tallinn-declaration.

NORDIC INSTITUTE FOR INTEROPERABILITY SOLUTIONS (NIIS). n.d. X-Road global. Available at: https://x-road.global.

NORTAL. 2025. Why digital sovereignty matters and how X-Road makes it happen. Available at: https://nortal.com/insights/why-digital-sovereignty-matters-and-how-x-road-makes-it-happen.

QUEUE-IT. 2025. How Denmark Became a Digital Government Global Leader. Available at: https://queue-it.com/blog/government-digital-transformation-denmark/.

ROGERS, E. M. 2003. Diffusion of Innovations. 5th ed. New York: Free Press.

TOLBERT, C. J.; MOSSBERGER, K.; MCNEAL, R. 2008. Institutions, Policy Innovation, and E-Government in the American States. Public Administration Review, 68(3), pp. 549–563.

WIMMER, M. A.; TAMBOURIS, E.; KRIMMER, R.; GIL-GARCIA, J. R.; CHATFIELD, A. T. 2017. Once Only Principle: Benefits, Barriers and Next Steps. In: Proceedings of the 18th Annual International Conference on Digital Government Research. Staten Island, NY.

Contact address

Lucie Burianová
ORCID ID: 0009-0007-2346-2215
Katedra regionálních studií VŠE v Praze
nám. W. Churchilla 1938/4
130 67 Praha 3 - Žižkov
Email: lucie.burianova@vse.cz

Implementation of Artificial Intelligence and Automation in Slovak Local Governments

Milan Douša

https://doi.org/10.33542/VSS2026-1-6

Abstract

The article analyzes the current state of implementation of artificial intelligence (AI) tools, automation and robotization in the environment of Slovak cities and municipalities. It is based on the results of an extensive questionnaire survey conducted between April and May 2025, in which 535 local governments from all over Slovakia participated, as well as on qualitative knowledge collected through informal interviews with representatives of cities and municipalities. The article identifies areas in which AI finds practical application - from administrative processes to communication with citizens to public infrastructure management and environmental monitoring. Special attention is paid to the analysis of local governments' attitudes towards new technologies, including the identification of barriers that slow down their wider implementation. Based on the data obtained and identified patterns, specific political and institutional recommendations are formulated aimed at a systematic, responsible and inclusive digital transformation of local government in Slovakia.

Keywords: *artificial intelligence, automation and robotisation, local government, digital transformation, public administration.*

Introduction

The rapid development of artificial intelligence (AI), automation and robotisation technologies has significantly affected the functioning of the private sector in recent years, while it is increasingly visible in the sphere of public administration. In the context of the European digital transformation agenda, defined, among others, by the EU Digital Compass for 2030 and the EU eGovernment Action Plan, local and regional governments are expected to actively participate in the modernisation of public services and administrative processes (European Commission, 2021). In Slovakia, the debate on the digitalization of public administration has long focused on the central and regional levels, while the potential of local governments remains largely unused and unexplored. At the same time, municipalities and cities are the level of administration that citizens encounter most often and where the efficiency, speed and quality of service provision directly affect the everyday quality of life (Klimovský, 2019). The introduction of smart technologies into municipal practice is therefore not only a question of administrative modernization, but also a key prerequisite for building citizens' trust in public institutions (Douša, 2026).

The aim of this article is to provide a systematic overview of the current state of introduction of AI, automation and robotization in Slovak municipalities based on empirical data obtained from a questionnaire survey and additional qualitative findings. The article identifies areas of practical application of these technologies, analyzes attitudes and barriers on the part of local governments and formulates specific recommendations for policy making and institutional support for this transformation.

1 Literature review

The integration of artificial intelligence (AI) technologies into public administration is a subject of growing academic interest, with researchers approaching the issue from multiple perspectives – technological, organizational, legal and ethical. Sun and Medaglia (2019) identify key dimensions of AI implementation in the public sector: process efficiency, decision-making quality, transparency and accountability of algorithms. They emphasize that technological adoption in the public sector is conditioned by the institutional context, organizational capacities and stakeholder trust. In the environment of public institutions, artificial intelligence has established itself as a strategic factor of transformation, modernization and rationalization, which directly responds to the increasing pressure for performance and transparency. This technological shift allows employees to be relieved of routine, time-consuming administrative activities, thereby creating space for solving more complex and creative tasks. (Čepelová, Chmelařová, 2024)

In the European context, the debate on AI in public administration is developing intensively following the adoption of the EU Regulation on Artificial Intelligence (AI Act, 2024), which introduces a classification of AI systems according to the level of risk and sets obligations for their operators, including in the public sector (Doshi-Velez et al., 2017). This regulatory framework has a direct impact on the possibilities and conditions for deploying AI in local governments, as many applications in the field of monitoring public order or assessing the eligibility of applications could be classified as high-risk systems. In this context, the European Commission (2019) defined basic ethical guidelines, according to which trustworthy artificial intelligence must be legal, ethical, and technically and socially resilient. Priority requirements include preserving human oversight, protecting user privacy, and ensuring environmental and social sustainability so that the technologies serve future generations. Koreňová (2026) adds that although the European legal framework (AIA) unifies the rules, success in national conditions depends on the legislative implementation of specific laws, such as the proposed regulations on the organization of state administration in the field of AI or on the management of selected categories of public sector data.

Regarding local government specifically, research from countries with a higher level of digital maturity – such as the Scandinavian countries, Estonia or the Netherlands – suggests that successful digital transformation at the municipal level depends on the interplay of several factors: the availability of financing, digital competences of employees, political support from the local government leadership and the ability to involve citizens themselves in the process (Wirtz et al., 2019; Janssen et al., 2020). According to international studies (Misch et al., 2025), the macroeconomic benefits of AI in European regions are conditioned by the institutional quality and readiness of the workforce. The lack of these capacities raises the risk of deepening regional disparities between the so-called “technological leaders” and “digital laggards”.

Current research in the field of regional economics confirms that technological innovations alone cannot operate in isolation. Budová et al. (2026) demonstrated, using a panel model with fixed effects, a statistically significant and positive relationship between the rate of use of AI in enterprises, the level of intellectual capital and the economic performance of regions (measured through GDP per capita). Intellectual capital – including human skills, organizational structure and relational networks – forms the absorption base without which AI technologies cannot be effectively implemented. This insight is of fundamental importance for the strategic management of public administration: if local governments do not have qualified human potential, the return on public investments in digitalization drops sharply. As van Noordt and Tangi (2023) state, the key barrier to deploying AI in the public sector is not primarily a lack of finance, but the absence of organizational “AI capability” (a combination of technical, managerial and ethical skills of employees).

A significant trend at the municipal level is the use of AI to strengthen civic participation and the development of so-called citizen science. Štuller (2026) emphasizes that the combination of public involvement and artificial intelligence algorithms is causing a revolution in data collection and validation, especially in environmental policies. Modern applications (e.g. CrowdWater, Naturkalender, spotFIRE or iNaturalist) allow citizens to monitor hydrological conditions, phenological changes or the occurrence of protected species, while integrated AI models filter, validate and clean up this unstructured data. The resulting predictive models subsequently provide municipalities with exact data-based decision-making (evidence-based policy). This approach increases the legitimacy of decisions taken and deepens citizens' trust in public institutions, although researchers warn of the persistent digital divide and inequalities in digital literacy between different social groups. (Asimakopoulos, 2025)

From the perspective of practical city and municipal management (Smart City concept), artificial intelligence offers a wide range of tools divided according to technological complexity. Douša (2026) classifies these systems into categories such as generative AI (creation of official documents, summarization of minutes), natural language processing (conversational chatbots for local tax and fee management), geospatial AI (territorial planning and environmental monitoring), and custom machine learning models (Custom ML) that manage smart city infrastructure, such as transportation or waste management. Multi-criteria assessments (MCA) show that prioritizing more affordable tools, such as conversational NLP chatbots, can immediately relieve the burden on local government contact centers, while implementing complex ML systems requires high personnel and technical capacities, which smaller municipalities often lack. Research from the practice of European cities confirms that conceptual digitalization and the deployment of AI can bring operating cost savings to local governments of up to 25%.

In the Slovak academic discourse, the topic of AI in local government has been relatively new and marginalized so far. Existing works have mainly focused on issues of eGovernment and electronic public administration at the central level (Mináč, 2021), while systematic research on the implementation of AI at the level of municipalities and cities has been absent. However, the latest domestic studies from 2026 point to ongoing conceptual progress. The central coordinator of digitalization in the Slovak Republic has become the Ministry of Investments, Regional Development and Informatization of the Slovak Republic (MIRRI SR), while the institutional umbrella of the issue has been strengthened by the Plenipotentiary of the Government of the Slovak Republic for Artificial Intelligence. The approved National Concept for the Informatization of Public Administration (with an implementation horizon of 2026–2030) already explicitly envisages the building of national data registers and the deployment of AI assistants to address specific life situations of citizens. Despite this strategic progress, the Slovak environment encounters specific systemic barriers. As Koreňová (2026) states, the implementation process is hampered by deep-rooted sectoralism and rigid bureaucracy. Slovak public administration and local governments have long faced an acute lack of capital investment, limited personnel capacities, and fragmentation of data registers. Researchers (Hickok, 2022, Šimko and Mesarčík, 2024) also point to critical risks in the area of cybersecurity and the vulnerability of data systems, which are becoming the main source of uncertainty for managers in the public sector. Another risk is the phenomenon of automating human biases – if machine learning models are trained on historically biased data, there is a risk of deepening discrimination in decision-making (Kankanhalli et al., 2019), which requires strict application of the principle of algorithmic transparency.

Summarizing the knowledge gained to date, it can be stated that the successful integration of artificial intelligence into the structures of local government is not just a question of purchasing software licenses, but represents a complex socio-technical process. It requires a cyclical connection of legislative anchoring, permanent education of employees, elimination of bureaucratic processes and development of digital literacy of the inhabitants themselves. It is precisely the deficit of comprehensive research that would reflect these interconnected factors in the specific conditions of Slovak cities and municipalities that defines the research gap to which this article responds.

2 Research methodology and data

The empirical basis of this article is based on two complementary data sources, which corresponds to a mixed research strategy (Creswell & Plano Clark, 2018), combining quantitative and qualitative approaches.

1. Quantitative component (questionnaire survey), where the main source of data was an online questionnaire survey entitled "Usage of artificial intelligence, automation and robotization in

local government", which took place from April 22 to May 14, 2025. The survey was addressed to all member cities and municipalities of the Association of Cities and Municipalities of Slovakia (ZMOS). In total, the questionnaire was completed and sent by 535 local governments from all over Slovakia, which represents a representative sample of Slovak municipalities with different population sizes, geographical locations and administrative capacity. The questionnaire contained 21 questions focused on specific AI, automation and robotization tools and technologies, with respondents having the opportunity to indicate which of the listed tools they actively use in their local government. In addition to closed questions with the option of choice, the questionnaire was supplemented with space for free comments and statements. The data were processed using descriptive statistical methods. The data was supplemented and combined with the results of the project VVGS 2024-3421 Modernization and Rationalization of the Local Governments through AI, focusing on the city of Žilina.

2. The quantitative findings were complemented by qualitative insights from a series of informal interviews with city and municipality representatives conducted as part of the Investing in Sustainable and Vibrant Regions project. These interviews provided a better understanding of the attitudes, motivations, concerns and specific experiences of local government staff with new technologies. The insights gained were used primarily to interpret and contextualize the quantitative data, as well as to formulate recommendations.

3 Experience of local governments with artificial intelligence

The survey results clearly show that the introduction of AI in Slovak local governments is still in its early stages, with relatively simple and accessible applications prevailing. The most widely used tools are common information search and conversational AI tools, such as ChatGPT, which is used by 333 (62.2%) of the 535 local governments surveyed. This is followed by translation tools with 238 users (44.5%), tools for text recognition from scanned documents using OCR and AI analysis (93 local governments, 17.4%), and office suite tools such as Microsoft Copilot (90 local governments, 16.8%). (ZMOS, 2025)

The introduction of AI in the local government environment is most often associated with the effort to speed up and streamline administrative activities. Municipalities have started to use AI tools in the creation of documents, especially when writing emails, designing questionnaires or compiling public announcements. The use of these tools allows local governments to process a higher volume of outputs with a smaller number of employees, while at the same time increasing the linguistic and stylistic quality of documents. In the area of municipal web presentation, artificial intelligence is applied in the generation of texts and structuring of content, which allows even less technically proficient employees to edit municipal websites in a simplified way. This increases the timeliness of published information and the accessibility of data for citizens. The application of AI in the processing of voice messages for municipal radio is also noteworthy - automatic speech synthesis allows for the generation of announcements from pre-prepared text, which are subsequently played at scheduled intervals.

The use of AI has proven particularly effective in the preparation phase of project proposals and applications for non-repayable financial contributions. Some municipalities use tools that can read the call for proposals and then recommend the structure of the application, create draft texts and identify key terms that increase the likelihood of success. Local governments also appreciate the ability of AI to summarize extensive documents, such as methodological guidelines, thereby saving valuable time for project staff and increasing the overall success rate of applications.

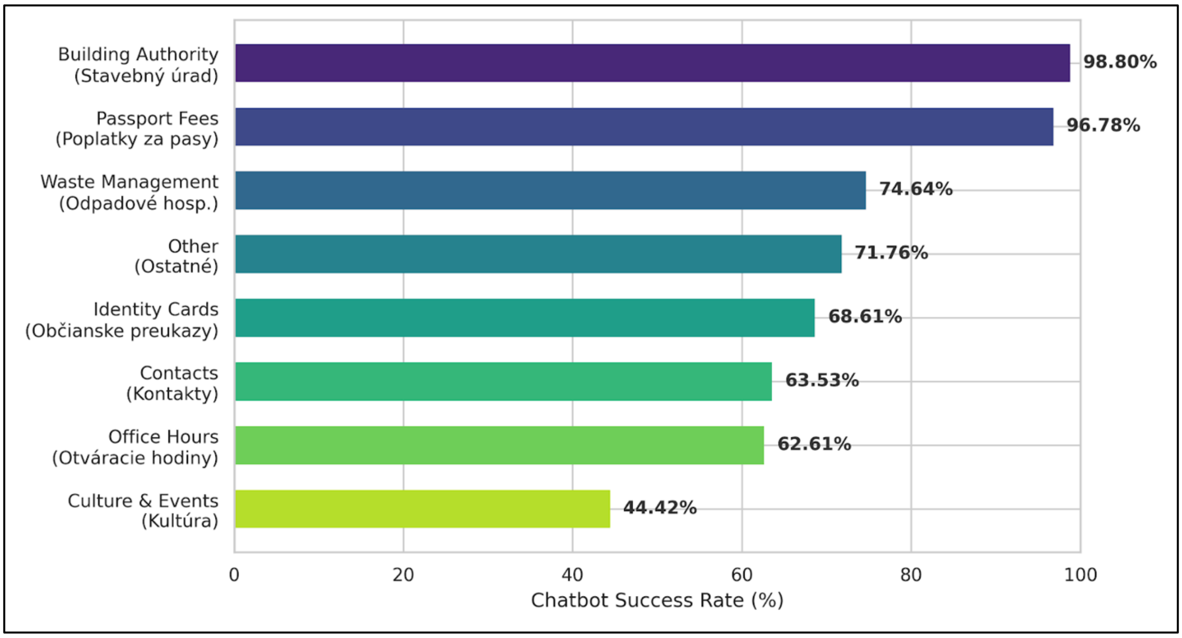
The use of AI in the field of monitoring changes in the territory brings remarkable results. Through camera systems or drone footage, algorithms can detect new potholes, illegal dumps, wear and tear on furniture, or unauthorized interventions in public green spaces. Automatic detection of anomalies in the image allows technical services to react before the condition of public space deteriorates. This capability is combined with geographic information systems (GIS) in some municipalities, which increases the efficiency of public infrastructure maintenance. AI tools for automatic transcription of spoken word are increasingly being used in connection with municipal council meetings. The systems can convert audio recordings into text in real time and then create stylistically edited minutes. This relieves the secretariat's agenda and improves public control over decision-making processes. Automated minutes of meetings also increase transparency and accessibility of information for citizens, which is one of the key principles of modern public administration.

The use of AI in big data analysis in the energy sector is of growing importance. Local governments analyze historical data on energy consumption, compare suppliers' price offers, and model price development scenarios, which directly feeds into public procurement processes. In the legal field, some local governments are experimenting with legal chatbots that can interpret the provisions of relevant legislation - from the Municipal Organization Act to the Construction Act. These tools are mainly used by smaller municipalities without their own legal advisors. In the field of foreign relations, AI supports the translation of documents and the drafting of formal responses in foreign languages, thereby increasing the quality of international cooperation.

4 Experience of local governments with automation and robotisation

Automation and robotization are complementary tools to artificial intelligence, which allow ensuring the efficiency of processes without the need for constant human intervention. The results of the survey show that their deployment in Slovak local governments is still scattered and focused on specific, limited areas.

One of the most common examples of automation is the use of chatbots on municipal websites (16 municipalities, 3.0%). These tools allow citizens to ask common questions about office hours, tax obligations or cultural events, with answers generated automatically. The introduction of chatbots significantly relieves office employees of routine interactions, especially during exposed periods such as tax season or election preparations. Automatic notifications via SMS or email messages inform about service outages, cultural events or changes in the organization of waste collection. This approach is also confirmed by the results of research conducted by the Pavol Jozef Šafárik University in Košice, Faculty of Public Administration, in the period from July 1, 2025 to January 1, 2026. Over six months, citizens asked a total of 8,603 questions via the AI chatbot on the websites of the city of Žilina. The estimated number of users served was approximately 1,850 citizens. The calculation was based on the assumption of an average of two conversations per citizen per month. Up to 47.3% of all conversations took place outside standard working hours, i.e. from 5:00 p.m. to 8:00 a.m. and during weekends. This figure clearly indicates the high added value of digital tools at a time when human operators are not available. Of the total number of relevant queries, 28% (2,363 questions) were directed to a human operator. These were mainly cases where the chatbot did not find an answer in the available content of the city's websites. Only 3.1% of queries (261 questions) remained unanswered, which indicates a high level of functionality and relevance of the implemented solution. The average number of conversations per day reached 48.



Graph 1: AI Chatbot Success Rate Across Different Municipal Agendas
Source: Own, 2026

Analysis of the thematic focus of queries showed that citizens were most interested in the issue of collection, loading and removal of solid municipal waste and small construction waste. The city registered 1,577 queries in this area. The chatbot successfully resolved 74.64% of them and redirected 24.35% to a human operator. Other significant areas included the agenda of identity cards (issuance and loss). Here, the chatbot resolved 68.61% of queries. For questions about passport fees (current rates, payment methods, taxes), it achieved a success rate of up to 96.78%. The building authority agenda, which includes building permits, zoning, and building approvals, recorded an exceptionally high success rate. The chatbot successfully answered 98.8% of queries here. In the area of providing contacts (telephone numbers and e-mail addresses), the chatbot solved 63.53% of questions directly and redirected 29.75% to a human. Topics classified as “other” achieved a success rate of 71.76%, with 24.81% of queries requiring operator intervention. The chatbot successfully answered the opening hours of the office and individual departments in 62.61% of cases. The greatest room for improvement was shown in the area of culture, i.e. with questions about cultural events, theaters, cinemas, museums and galleries. Here, the chatbot solved 44.42% of queries, while 53.05% of queries were directed to a human operator. The main reason was the absence or insufficient up-to-dateness of information on the city’s official website.

In the field of waste management, the use of sensors in containers that monitor their fullness is developing (20 municipalities, 3.7%). Data from the sensors is transmitted to the dispatching office, which uses them to plan the routes of collection vehicles. This optimizes fuel consumption, reduces road congestion and prevents containers from being overfilled. Some municipalities use RFID technology to record individual dumps, which increases transparency and fairness in waste fees. Municipalities are implementing sensors to measure air quality, which continuously monitor concentrations of particulate matter, nitrogen oxides or ozone. The data is processed in real time and published via web interfaces or mobile applications, thereby strengthening environmental transparency and citizen control.

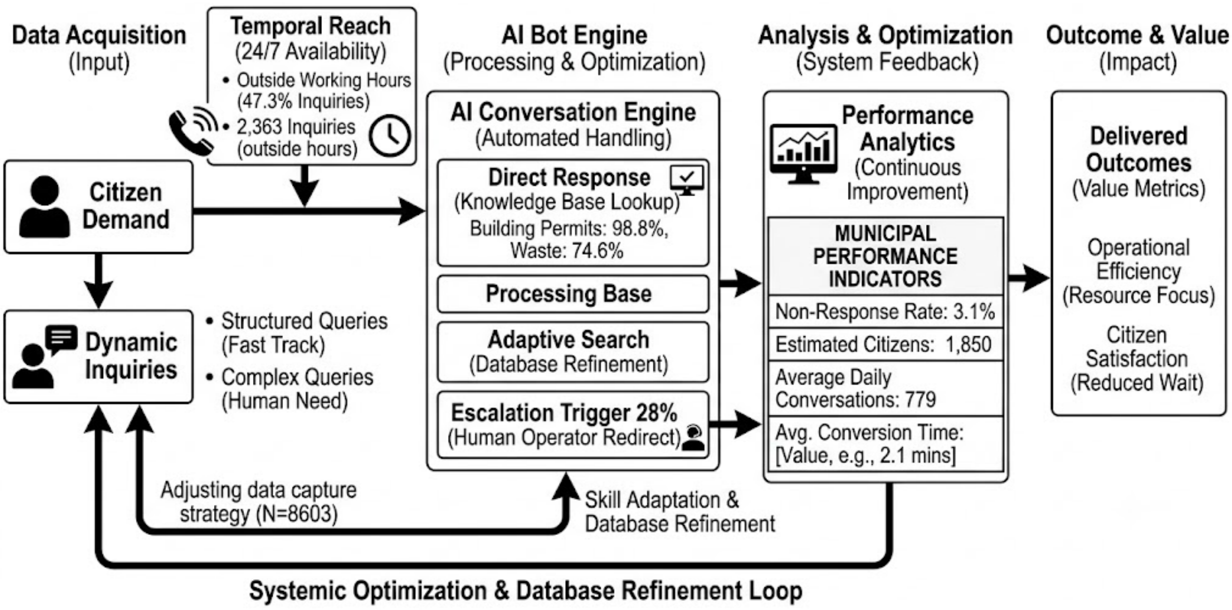


Figure 1: Integrated municipal conversation and performance optimization model
Source: Own, 2026

The most widespread group of barriers includes cultural and psychological concerns. Typical statements from local government representatives captured in interviews illustrate widespread attitudes that slow down the introduction of innovations into everyday practice. These concerns are rooted in a deeper distrust of technology, loss of control and automation of decision-making processes that have so far been exclusively the responsibility of people. Smaller municipalities face significant limitations in terms of human and financial resources. There is a lack of IT specialists, data analytics experts or project managers with digital transformation competencies. Funds for investments in new technologies are limited, while grants and calls specifically focused on AI and automation in local government are not sufficiently accessible and easily applicable for smaller municipalities. Local governments are aware of the existence of the regulatory framework – including the GDPR and the new EU AI Regulation – but its correct interpretation and application in the specific conditions of local government is not obvious to most of them (Európska komisia, 2019). Concerns about data breaches, unauthorized data processing, or lack of transparency in algorithms are leading many local governments to forgo potential benefits rather than risk legal consequences. Despite the prevailing skepticism, the survey also confirmed the existence of a group of more progressive local government representatives who are actively following this topic, testing new solutions, and are not afraid to experiment. Their experiences are proof that it is possible to consider the targeted and responsible integration of smart technologies even in local government settings. These technology enthusiasts also function as informal ambassadors for change, and their examples can inspire other local governments. (ZMOS, 2025)

5 Recommendations for systematic implementation of AI

Based on the analysis of empirical data and identified patterns, in this section we formulate concrete recommendations aimed at the systematic and responsible digital transformation of Slovak municipalities.

A key prerequisite for the successful implementation of AI is raising awareness about the possibilities of these technologies and their real benefits for local governments. It is not enough to present AI as an abstract technical concept – it is necessary to show specific applications that can simplify administration, improve communication with citizens and increase the transparency of decision-making processes. Systematic education of local government employees should take the form of practically oriented training courses, workshops and exchange of experiences between local governments. Educational programs should be differentiated according to the level of digital competencies and the specific needs of different categories of employees.

For smaller municipalities with limited capacities, it is essential to support the emergence of shared service centers that will allow them to access modern solutions without the need for high own financial or personnel capacities. These centers can ensure the development, operation and support of specific tools and applications, thereby achieving economies of scale and more equal access to innovations across municipalities of different sizes. The shared service model is a proven tool in countries with advanced administration, and its adaptation to Slovak conditions represents a realistic and effective path.

The introduction of technologies should be based on clearly defined frameworks and regular audits that ensure compliance with public administration values, personal data protection and the principles of responsible governance. Transparency, clarity and controllability of systems must be an integral part of each phase of implementation. Special attention should be paid to systems with the potential to influence decisions that impact on the fundamental rights and freedoms of citizens. The successful development of AI in local governments requires coordinated systemic support from the state. It is necessary to create a coordination framework that would ensure methodological guidelines, support for standardization and sharing of proven solutions. Equally important is the regular announcement of financial calls aimed at supporting innovative projects and the digital transformation of local government, including opportunities to engage in international partnerships and research initiatives. Slovakia could draw inspiration from the Estonian model of digital public administration.

Conclusion

The introduction of artificial intelligence, automation and robotization in Slovak local governments is a real, but still nascent process. The results of a large-scale questionnaire survey involving 535 local governments across Slovakia, together with qualitative findings from a series of interviews, reveal a heterogeneous picture: on the one hand, a group of progressive local governments that are actively experimenting with new technologies and achieving tangible results, and on the other hand, a majority group for which new technologies are still a source of uncertainty, fear and mistrust. The most widespread are relatively accessible and easy-to-use tools – conversational AI, translation tools and OCR – while more sophisticated applications in the areas of traffic management, crime prediction or advanced document processing remain the exception. This picture corresponds to the general trend of digital adoption in the public sector, where technological development typically outpaces institutional and cultural readiness. Barriers to adoption are complex and interdependent: cultural and psychological concerns intertwine with capacity and financial inadequacies, regulatory uncertainty with a lack of specific methodological guidelines. Overcoming these barriers requires a systemic approach that includes education, institutional support, ethical oversight, and adequate funding. If Slovakia is to fully exploit the potential of artificial intelligence and automation in local government, it is not enough to wait for the technologies to take care of themselves. Conscious, strategic, and inclusive steps are needed that remove barriers, dispel fears, and create conditions for the safe, effective, and fair introduction of innovations into the public sector. The experience of existing pioneers can be a valuable inspiration, but the key goal remains to make the technical innovation a common and trusted part of the daily activities of local governments throughout Slovakia. The article opens up space for further research, especially in the area of longitudinal monitoring of AI adoption in Slovak local governments, comparative studies with other V4 countries, and in-depth case studies of successful implementations.

References

ASIMAKOPOULOS, J., 2025. *Digital Divide and Civic Participation in the Algorithmic Age*. London: Academic Press.

BUDOVÁ, J. a kol., 2026. Analýza vplyvu umelej inteligencie na ekonomickú výkonnosť regiónov v kontexte intelektuálneho kapitálu. In: *Modernizácia a racionalizácia územnej samosprávy prostriedkami AI: recenzovaný zborník vedeckých prác*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, Fakulta verejnej správy, s. 12–28. Projekt VVGS-2024-3421.

CRESWELL, J. W., & PLANO CLARK, V. L. 2018. Designing and conducting mixed methods research (3rd ed.). SAGE Publications.

ČEPELOVÁ, A. a CHMELAŘOVÁ, M. 2024. *Economic Perspectives on Quality of Life and the Role of Artificial Intelligence*. Prague: Nakladatelství Leges. ISBN 978-80-7502-784-9.

DOSHI-VELEZ, F. et al., 2017. Accountability of AI Under the Law: The Case of Explainable AI. *Berkman Klein Center Working Paper Series*, No. 2017-3. Cambridge: Harvard University.

DOUŠA, M., 2026. Možnosti využitia nástrojov umelej inteligencie v prostredí samosprávy. In: *Modernizácia a racionalizácia územnej samosprávy prostriedkami AI: recenzovaný zborník vedeckých prác*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, Fakulta verejnej správy, s. 45–59. Projekt VVGS-2024-3421.

EURÓPSKA KOMISIA, 2019. *Etické usmernenia pre dôveryhodnú AI*. Brusel: Nezávislá expertnej skupina na vysokej úrovni pre umelú inteligenciu.

HICKOK, M., 2022. Public governance of AI: Ethics, policy, and compliance. *Telecommunications Policy*, vol. 46, no. 4, art. no. 102329.

JANSSEN, M. et al., 2020. Data-driven policy making: The potential of big data analytics for public policy. *Government Information Quarterly*, vol. 37, no. 2, art. no. 101455. https://doi.org/10.1016/j.jbusres.2016.08.007

KANKANHALLI, A., CHARALABIDIS, Y. and MELLOUKI, S., 2019. IoT and AI in Smart Cities: Trends, Challenges, and Opportunities. *Information Systems Frontiers*, vol. 21, no. 2, pp. 227–232.

KOREŇOVÁ, M., 2026. Inštitucionálne a legislatívne výzvy implementácie AI vo verejnej správe SR. In: *Modernizácia a racionalizácia územnej samosprávy prostriedkami AI: recenzovaný zborník vedeckých prác*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, Fakulta verejnej správy, s. 5–11. Projekt VVGS-2024-3421.

KLIMOVSKÝ, D. 2019. Miestna samospráva na Slovensku: Inštitucionálny vývoj a výzvy. In: Malíková, Ľ. & Spáč, P. (eds.), Politický systém Slovenska. Bratislava: Veda.
MINÁČ, J., 2021. *Elektronizácia verejnej správy a eGovernment na Slovensku*. Bratislava: Wolters Kluwer.

MISCH, T. et al., 2025. Macroeconomic Impacts of Artificial Intelligence on European Regions. *European Economic Review*, vol. 142, pp. 104-118.

NARIADENIE EURÓPSKEHO PARLAMENTU A RADY (EÚ) 2024/1689 z 13. júna 2024, ktorým sa stanovujú harmonizované pravidlá pre umelú inteligenciu (akt o umelej inteligencii).

SUN, T. Q. and MEDAGLIA, R., 2019. Mapping the challenges of Artificial Intelligence in the public sector: Evidence from public healthcare. *Government Information Quarterly*, vol. 36, no. 2, pp. 368–383. https://doi.org/10.1016/j.giq.2018.09.008

ŠIMKO, T. a MESARČÍK, M., 2024. Kybernetická bezpečnosť a ochrana osobných údajov pri nasadzovaní algoritmov strojového učenia vo verejnej správe. *Právny obzor*, roč. 107, č. 3, s. 210–228.

ŠTULLER, J., 2026. Občianska veda a umelá inteligencia ako nástroje modernizácie environmentálnych politík samospráv. In: *Modernizácia a racionalizácia územnej samosprávy prostriedkami AI: recenzovaný zborník vedeckých prác*. Košice: Univerzita Pavla Jozefa Šafárika v Košiciach, Fakulta verejnej správy, s. 30–44. Projekt VVGS-2024-3421.

VAN NOORDT, C. and TANGI, L., 2023. AI Capability in Public Organizations: Differentiating Drivers and Barriers for AI Adoption. *Government Information Quarterly*, vol. 40, no. 3, art. no. 101822.

WIRTZ, B. W., WEYERER, J. C. and GEYER, C., 2019. Artificial Intelligence and the Public Sector—Applications and Challenges. *International Journal of Public Administration*, vol. 42, no. 7, pp. 596–615.

ZMOS, 2025. Využívanie umelej inteligencie, automatizácie a robotizácie v samospráve [výsledky online dotazníkového prieskumu]. Združenie miest a obcí Slovenska. Bratislava: ZMOS.

Contact address

PhDr. Milan Douša, PhD.
ORCID ID: 0000-0002-5038-3893
Pavol Jozef Šafárik University in Košice
Faculty of Public Administration
Popradská 66, 040 11, Košice
Email: milan.dousa@upjs.sk

REVIEW

Participatory Public Policy Making

Katarína Vitálišová, Anna Vaňová

The scientific monograph entitled Participatory Public Policy-Making brings new dimensions to the study of participation in public administration and builds on the long-term scientific research and pedagogical activities of doc. Ing. Katarína Vitálišová, PhD. and prof. Ing. Anna Vaňová, PhD., who work at Matej Bel University in Banská Bystrica. The publication responds to the long-term underdevelopment of knowledge in the field of participation, as well as to the insufficiently reflected transformation of public administration, which in many local governments is increasingly applying the principles of cooperation, transparency, and active participation of citizens and other stakeholders.

The aim of the monograph is to provide a systematic explanation of the theoretical and methodological foundations of public policy, with a special emphasis on participatory approaches and new forms of governance. The publication is the result of long-term research and teaching activities by the authors, and therefore captures the issue of participatory public policy-making in a broad and complex context, offering an analysis of the tools and mechanisms of participation and supplementing them with examples of good practice from abroad and from the Slovak Republic at the national, regional, and local levels. The monograph is aimed at experts, young researchers, and students of political science, public administration, economics, law, and regional development, as well as public policy makers and implementers with a real impact on the development of participation, cooperation, and open government principles, while also creating a solid theoretical basis for the creation of strategic documents in this area. The publication has a logical and clear structure consisting of three thematically linked parts that follow on from each other in terms of content.

The first chapter focuses on the theoretical definition of the terms public policy and public governance. The authors characterize the development of these concepts, identify the main actors in public policy, and describe the process of its creation, including the individual stages, tools, approaches, and the most common problems that accompany this process. The chapter concludes with an analysis of Slovak activities aimed at promoting the principles of open government, implemented within the framework of the international Open Government Partnership. The authors systematically describe the structure and content of individual action plans and assess their significance for the development of transparent, participatory, and accountable public administration in the Slovak Republic.

The second chapter focuses on participation as an element of modern public governance. The authors elaborate on the theoretical definition of participation in a democratic society and characterize the participatory process, its phases, and the conditions for its successful implementation. A significant part of the chapter is devoted to the analysis of specific instruments of participation at the state, regional, and municipal levels, with an emphasis on their practical application in public administration. The chapter then systematically elaborates on approaches to evaluating participation, specifies its benefits for the quality of public decision-making, and critically analyzes the limits and risks of participatory processes.

The third chapter provides an overview of selected innovative tools and approaches in the field of public policy management and participation. The authors present the participatory budget in Banská Bystrica as a mechanism for direct citizen involvement in decision-making on public resources, innovative participatory planning tools applied in Tallinn, the concept of living labs as a platform for cooperation between the public sector, academia, and citizens, as well as the use of open data and the organization of hackathons, comprehensively elaborating on the mechanism of their implementation and practical application. They pay particular attention to the virtual walk method used by local governments in Denmark and Sweden to evaluate territory.

The monograph Participatory Public Policy Making provides a theoretically and methodologically grounded framework for a comprehensive analysis of participatory public policy making. The authors link conceptual foundations with current trends and innovative approaches in public governance and reflect on their applicability in the context of local government practice. The significance of the publication lies in linking theory with specific tools of participation and in analytically grasping their contributions to the transparency, openness, and quality of public decision-making. The monograph also creates a professional framework for further research and discussion on participatory forms of public administration. Overall, it is a significant contribution to the current discourse on participation in the public policy-making process.

Information about publication:
doc. Ing. Katarína Vitálišová, PhD., prof. Ing. Anna Vaňová, PhD.
Participatory Public Policy-Making
Publisher: Belianum, Matej Bel University in Banská Bystrica
Year of Publication: 2025
Number of Pages: 172
ISBN 978-80-557-2281-8

Reviewer:
Mgr. Helena Boškajová
ID ORCID: 0009-0005-0727-4519
Univerzita sv. Cyrila a Metoda v Trnave
Fakulta sociálnych vied
Bučianska 4/A, 917 01 Trnava
Email: boskajova1@ucm.sk

VISEGRÁD: SOVEREIGNTY IN TIMES OF CHAOS

Petr Rožňák, Pavel Nečas

The scholarly monograph "Visegrád: Sovereignty in Times of Chaos" by Petr Rožňák and Pavel Nečas, published by the renowned Czech publishing house Leges, represents a significant contribution to the discourse on Central Europe's political and security identity. The significance of the work is underscored by its foreword, written by Assoc. Prof. JUDr. Zdeněk Koudelka, Ph.D., a renowned constitutional lawyer at Masaryk University, a professor at AMBIS University, and Deputy Minister of Justice of the Slovak Republic. Associate Professor Koudelka emphasizes that the book is not merely an academic exercise, but an in-depth reflection on the clash between the rigidity of the law and the dynamics of political power in the geographical heart of Europe. From his position as a constitutional official, he views sovereignty not as a theoretical construct, but as the state's practical ability to secure its existential needs - from energy security to digital and physical borders. The concept of the "Visegrád Fortress", which the authors develop, thus does not represent isolationism, but rather a necessary strategic autonomy in a fragmenting global order.

The work is firmly grounded in a clear methodology and identifies two key research questions, which it answers systematically and persuasively throughout the text. The authors ingeniously ground the clarity and vividness of the entire monograph in the legacy of J. A. Comenius and his timeless work "The Labyrinth of the World and the Paradise of the Heart". This literary-philosophical framework helps the reader navigate the chaos of the contemporary world and find firm points of stability within it. The book's internal structure is particularly valuable, as each chapter summarizes the findings in partial conclusions - an approach that facilitates continuous reflection on the information presented and significantly enhances the work's educational value.

The aim of the research was to link the deep historical experience of our nations with modern technologies such as artificial intelligence, drones, and nuclear energy. Central Europe is defined in this text as the "reasonable middle" - a unique place where dynamic modernity meets a deep respect for the sovereign nation-state. At the core of the argument is the utilization of the human and material potential of the V4 countries to implement a "multi-directional" policy that serves the national interest. The central imperative of the monograph is, therefore, the urgent desire for peace and the determination to bring about a diplomatic end to the conflict in Ukraine, which the authors consider a fundamental prerequisite for any further development of the region.

This work is the result of eight years of research conducted in close cooperation between Czech and Slovak research institutions. The text is structured into fourteen thematic sections that trace the development from the Poděbrady efforts at integration to the modern concept of the V4. A significant portion is devoted to the "Ukrainian laboratory" and the analysis of civilizational turning points, including the clash with Islamic legal and ethical thought. The monograph is also unique in its form and supplementary materials. The appendices are truly exceptional, particularly the section devoted to "Conceptual Issues" with a series of factual entries, which significantly enriches the book's scholarly potential. A multilingual summary in eight languages (CZ, SK, PL, HU, DE, EN, RU, UA) serves as an excellent conclusion, opening the work to a broad international audience of both scholars and the general public.

This publication opens up a wide range of opportunities for further academic work, particularly for law schools and departments of international law, security studies, and political science. The monograph's scholarly contributions give rise to thought-provoking topics for discussion: in the field of law, the transformation of sovereignty in a multipolar world; in the field of security, the transformation of the military and the development of a cyber shield or orbital sovereignty; and in political science, an analysis of the crisis of government legitimacy through a methodological triad. The work thus presents concrete tools for an adequate response to the challenges that will shape our world for decades to come.

This monograph can also be highly recommended as study material for a wide range of students. For **college students**, it serves as a methodologically sound model of scholarly work that teaches data synthesis and critical thinking. For students in **post-secondary programs**, it offers a practical insight into the workings of public administration and security management. For **high school students**, the book serves as an excellent guide to understanding the Slovak Republic's geopolitical position, thanks to its clarity, graphic design, and QR codes (which provide access to audiovisual archives). It develops their ability to navigate complex social processes and find clear answers to questions about the organization and distribution of power in a changing world order.

The book's internal structure is particularly valuable, as each chapter summarizes the key points in sub-conclusions, which allows for continuous reflection on the information presented and enhances the work's educational value.

The focal point of the work is the concept of the "Visegrád Fortress", which the authors develop not as an expression of isolationism, but as a necessary strategic autonomy in a multipolar world. The work is a rational response to the erosion of international structures and the emergence of hybrid threats. The goal of the research was to link the deep historical experience of the V4 nations with modern technologies, such as artificial intelligence and nuclear energy, and to create a space capable of ensuring security, food, and energy regardless of geopolitical upheavals. Central Europe is defined here as a "reasonable middle ground", where dynamic modernity meets respect for the sovereign nation-state.

This scholarly monograph is supplemented by an extensive collection of graphs, tables, and maps, including an innovative integration of QR codes for accessing audiovisual materials. The publication thus offers a broad scope for further academic research, particularly for law schools and departments of international law, security studies, and political science. The monograph's scholarly contributions provide thought-provoking ideas for deeper exploration in the university setting:

- *In the field of international and constitutional law:* An examination of the transformation of state sovereignty in the context of the "clash of civilizations" and the revision of international treaties in the 21st century.
- *In the field of security studies:* Analysis of the transformation of the military, the decline of mass army doctrines, and the development of a cyber shield and orbital sovereignty.
- *In Political Science and State Theory:* An Evaluation of the Sustainability of Asylum Policy and an Analysis of the Crisis of Government Legitimacy in a Time of Global Chaos Through the "Methodological Triad".
- *In the field of international relations:* A debate on the "multi-azimuth policy" and the limits of loyalty to supranational entities in situations where national interests are threatened.

In the concluding section of the paper, the authors move from theory to practice and present specific recommendations for political leaders, the government, and public administration for subsequent implementation into national policies. They approach this task with a sense of great responsibility and humility, offering a clear vision for those who have the courage to build the Visegrád Group as a pillar of prosperity. The scholarly reflection, synthesis of objectives, and analytical evaluation of research questions are presented at the highest level. This monograph is thus a significant contribution to the debate on the role of Central Europe and its sovereignty in the turbulent third decade of the 21st century.

Information about the publication:
Dr.h.c. RSDr. Petr Rožňák, CSc.
Dr.h.c. prof. Ing. Pavel Nečas, PhD., MBA
Visegrád: Sovereignty in Times of Chaos
(Visegrád: Suverenita v čase chaosu)
Publisher: Leges
Year of Publication: 2026
Number of Pages: 192
ISBN 978-80-7502-871-6

Reviewer:
doc. JUDr. Mgr. Michal Jesenko, Ph.D.
ID ORCID: 0000-0001-7608-7307
Pavol Jozef Šafárik University in Košice
Faculty of Public Administration
Popradská 66, 040 11 Košice
E-mail: michal.jesenko@upjs.sk

Public Policy – Practice and Critic

Stanislav Konečný

After publishing his monograph Teória verejnej politiky (The Theory of Public Policy, Košice: ŠafárikPress 2021), the author returned to the subject of his long-term interest from the opposite perspective. Looking at public policy from a practical perspective brings a more realistic understanding of what theory sometimes formulates only in abstract, general terms. This is why the title of this new monograph also carries a critical accent.

Just as public policy theory is a broader interpretative framework within modern public administration theory, this monograph presents not only the pure framework of public policy but also its overlaps with public administration practice. However, the author adheres to a structure that closely mirrors his previous theoretical monograph.

This is why the monograph begins with an excursion into history, emphasizing how politics became public policy. Without unnecessary references to theorists who, from antiquity through the medieval state and modern times to the present, have attempted to grasp the development of political thought, the author observes real practice, in which historically conditioned forms of what we now call the public sphere did not always successfully and linearly assert themselves in political decision-making. Without idealizing, he notes the extent to which the politics of ancient Athens was public, or how Roman collegia may have been the seeds of today's civil society. Still, especially how the administration of public affairs began to move further and further away from elements of co-decision-making, so that after more than a millennium, it was not allowed to return to them in the form of guild and city self-government, and finally, with the French Revolution, the return to the voice of the citizen began. The author perceives this process as irreversible and therefore critically evaluates attempts to re-enclose decision-making mechanisms within party structures.

In the second chapter, he shows how the public interest has become a political mantra and, again using practical examples, shows how the public interest actually arises from individual interests, how it is first legitimized at the level of group interests, and how it ultimately gains its final legitimacy through confirmation by the public – such as that which legitimized the end of politics administered by political (party) elites in November 1989.

The author devotes the third chapter to the wide range of actors who today co-create public policy practice. He emphasizes the importance of civic associations, trade unions, professional and academic self-government, and other legitimate representatives, initiators, and bearers of public interests, even though some political actors are reluctant to accept this reality in practice.

The fourth chapter then highlights several problems these actors encounter when implementing public policy – and how the tools intended to serve the public interest are sometimes distorted and abused.

Quite naturally, the monograph thus leads to one of its most critical parts, when the fifth and final chapter addresses the issue of corruption as an area in which public policy, or what passes for it, fails. Unlike a theoretical monograph, we do not find scientific classifications and theoretical considerations on the fight against corruption here. Instead, we encounter a harsh confrontation with proven facts, as well as a clear statement that corruption cannot be eliminated by addressing its consequences; instead, its causes must be tackled head-on. The author sees these causes primarily in the lack of respect for the public nature of politics, but also in the ossification and lack of reform in our public administration system.

The monograph was recommended not only by renowned experts as reviewers, but also by its highly qualified scientific editor. Finally, the comprehensive bibliography, which also provides an overview of the author's numerous publications on the subject, testifies to the high quality of this small monograph.

Information about the publication:
doc. PhDr. Ing. Stanislav Konečný, PhD., MPA
Public Policy – Practice and Critic
(Verejná politika – prax a kritika)
Publisher: Bratislava: Mayor
Year of publication: 2025
Number of pages: 117
ISBN: 978-80-99994-11-0

Reviewer:
Ing. Kristína Guzyová, PhD.
ORCID ID: 0009-0004-5694-1712
Pavol Jozef Šafárik University in Košice
Faculty of Public Administration
Popradská 66, 040 11 Košice
Email: kristina.guzyova@upjs.sk

Register of Authors

INSTRUCTIONS FOR AUTHORS

Public Administration and Society is a scientific reviewed Journal of the Faculty of Public Administration University of Pavol Jozef Šafárik in Kosice that publishes scholarly articles, discussion papers, and reviews focusing on theory and practice of Public Administration.
The mission of the Journal is to publish significant results of scholarly research in the fields of public policy and administration, social sciences, public law, economics, and public administration management.

Only the original contributions are accepted which have not been so far published or accepted for publishing by other journals, respectively by any other publications.
The author is responsible for the technical accuracy, grammatical correctness and compliance with the instructions of the text.
Based on the review, made by two reviewers, and considering the scientific contribution, quality and significance of an article, the Editorial Board will decide about acceptance/non-acceptance of the article.

STYLE SHEET

SizeA4
Marginsleft, right, top, bottom – 2.5 cm
Font Arial (normal, 11 points)
Spacing1.5
Article sizes **Scientific articles:** 10 – 20 pages
Contributions to the discussions: 8 – 13 pages
Reviews: 2 pages

STRUCTURE

Title
- 15 points, bold

Author`s First name and Surname
- 14 points, bold
- without academic or educational degrees

Abstract
- 11 points
- in English, framed
- 10 lines max.

KeyWords
- 5 words max.
- in English
- lower – case letters

Tables, diagrams and figures
- with clear identification according to the article template provided in the original format (e.g. *.xls, *.jpg, etc.)

References
- the correctness and completeness of the bibliographical data is within an author's responsibility while ISO 690:2012 must be followed
- the list must be in alphabetical order and without a numbering

Quotations
- the method of the first datum and date

Contact Address

- the author's name and surname including his/her degrees; ID ORCID, the name and address of his/her institution and e-mail

Language

- Slovak, Czech, (British) **English**

Footnotes

- they are allowed only for more detailed specification of a term used in the text. It is not allowed to include any mathematical expressions and references to the literature into the footnotes.

The articles must comply with publishing ethics and instructions for authors (including the template).
Any failure to comply with the instructions provided in the Style Sheet may result in rejecting the article.
Articles are to be submitted electronically by **31st March / 30th September.**
The article and signed Authorship and Copyright Transfer Statement is to be sent to e-mail address: fvs-vss@upjs.sk

Verejná správa a spoločnosť vychádza 2x ročne ako vedecký časopis.

Vydavateľ: Univerzita Pavla Jozefa Šafárika v Košiciach
vo Vydavateľstve ŠafárikPress

Sídlo vydavateľa: Šrobárova 2,
041 80 Košice
IČO: 00 397 768

Dielo bolo vytvorené na Univerzite Pavla Jozefa Šafárika v Košiciach, Fakulte verejnej správy.

Adresa redakcie:
Verejná správa a spoločnosť
Univerzita Pavla Jozefa Šafárika v Košiciach
Fakulta verejnej správy
Popradská 66, P.O.BOX C-2
041 32 Košice
Tel.: 055 / 788 36 17
Fax: 055 / 788 36 65
E-mail: fvs-vss@upjs.sk

Vydanie periodickej tlače: jún 2026

ISSN 2453-9236 (online)