Articles

Studia Iuridica Lublinensia vol. 34, 4, 2025
DOI: 10.17951/sil.2025.34.4.51-81

Gábor Hulkó
István Széchenyi University, Hungary
ORCID: 0000-0002-9139-6893
gabor.hulko@email.cz

András Lapsánszky
István Széchenyi University, Hungary
ORCID: 0000-0003-3555-6802
lapsanszky@nmhh.hu

Legislation on the Appointment of Heads of Autonomous Central Public Administration Entities in Hungary, the Czech Republic and Slovakia

Prawne aspekty powoływania kierowników autonomicznych jednostek administracji centralnej na Węgrzech, w Republice Czeskiej i na Słowacji

ABSTRACT

The research article offers a comparative analysis of the legislative frameworks governing the appointment of heads of autonomous central public administration entities in Hungary, the Czech Republic and Slovakia. The relevance of the subject matter lies at the intersection of administrative law and public governance, addressing the critical question of how legal provisions shape the institutional autonomy and professionalism of state bodies. Although the three countries share common historical and regional characteristics, the study reveals significant differences in the legal regulation and practical execution of appointments. The central thesis posits that legal frameworks alone are insufficient to guarantee institutional independence if political discretion and informal practices undermine transparency and merit-based selection. The research aims to evaluate the degree of formal autonomy, the safeguards against politicisation, and the effectiveness of legal norms in ensuring im-

CORRESPONDENCE ADDRESS: Gábor Hulkó, PhD, Assistant Professor, Széchenyi István University, Faculty of Law, Áldozat utca 12, 9026 Győr, Hungary; András Lapsánszky, PhD, Széchenyi István University, Faculty of Law, Áldozat utca 12, 9026 Győr, Hungary.

partiality. The originality of the research stems from its interdisciplinary and comparative approach, integrating doctrinal legal analysis with an examination of administrative realities. While the scope of the study is national, its relevance extends across Central Europe and the broader EU context. The findings contribute meaningfully to ongoing academic and policy debates on good governance, rule of law, and institutional integrity in public administration.

Keywords: autonomy; independent authorities; public service; central public administration

INTRODUCTION

The aim of this study is to compare the rules governing the appointment of directors of autonomous central public administration entities in Hungary, the Czech Republic and Slovakia. The special status of autonomous central public administration entities and the need to ensure their political independence is a particularly relevant issue in the Central European region, where historical, geopolitical and cultural factors have a significant impact on the development and functioning of public administration systems.

There are several reasons for analyzing and comparing the rules governing the appointment of directors of autonomous central public administration entities in the countries highlighted above. Firstly, the shared history of Hungary, the Czech Republic and Slovakia as part of the Habsburg Empire and later as members of the Communist bloc provides a basis for a comparative study. Common historical experiences have resulted in similar political and public administrative structures, which influence current public administrative systems. Secondly, the three countries are in geographical proximity and face shared geopolitical challenges. This can lead to similar public administrative solutions and challenges. Third, all three countries are members of the European Union, which means they operate within a similar legal and regulatory framework. EU membership has a significant impact on public administrative reform and autonomy, as EU regulatory requirements and standards influence the public administrative structures and functioning of Member States. Finally, it should be emphasized that Hungary, the Czech Republic and Slovakia have parliamentary democracies, which result in similar government structures and public administrative systems. Autonomy issues arise in a similar way in these countries, as all three states aim to ensure an independent public administration free from political influence.

Together, these factors explain why this study focuses on the public administrative systems of Hungary, the Czech Republic and Slovakia.

The aim of this analysis is to highlight the similarities and differences in the rules governing the appointment of directors of autonomous central public administration entities and to understand how the rules contribute to the efficiency and independence of public administration systems.

This study first reviews the theoretical foundations of public administrative autonomy. It then examines what guarantees are offered by the rules on the mandate of the directors of these entities in relation to autonomous status. After presenting the theoretical background for this topic, this study analyzes the relevant Hungarian, Czech and Slovak legislation and finally summarizes the main findings of the research.

THEORETICAL BACKGROUND

The concept of autonomy is found in several areas of law,[1] such as public international law,[2] which means that it cannot be considered as a concept of its own right within the scope of public administrative law. Autonomy in public administrative law originally emerged as a means of independence from central government, as the basis of decentralization as an organizational principle, in conjunction with the right to self-government. It emerged with the creation of local government systems,[3] as well as professional (functional) local governments[4] and public bodies with public legal personality.[5]

It was only much later, in the 1980s, that autonomy as an organizing principle for executive functions in central public administration, as a central element of New Public Management,[6] was widely promoted by the Organisation for Economic Co-operation and Development.[7] Central government bodies with autonomy are the most specific bodies of central state administration, since they lack the very

[1] See H. Hannum, R.B. Lillich, *The Concept of Autonomy in International Law*, "American Journal of International Law" 1980, vol. 74(4); J. d'Aspremont, *The Multifaceted Concept of the Autonomy of International Organizations and International Legal Discourse*, [in:] *International Organizations and the Idea of Autonomy*, eds. R. Collins, N.D. White, London 2011.

[2] See K. Möller, *Two Conceptions of Positive Liberty: Towards an Autonomy-Based Theory of Constitutional Rights*, "Oxford Journal of Legal Studies" 2009, vol. 29(4).

[3] See F. Fleurke, R. Willemse, *Approaches to Decentralization and Local Autonomy: A Critical Appraisal*, "Administrative Theory & Praxis" 2004, vol. 26(4).

[4] See M. Fazekas, *A köztestületek szabályozásának egyes kérdései*, Budapest 2008.

[5] See Zs. Árva, *Contributions to the Interpretation of the Concept of Autonomy in the Light of the Model Change in Hungary*, "Institutiones Administrationis – Journal of Administrative Sciences" 2022, vol. 2(1).

[6] K. Verhoest, B.G. Peters, G. Bouckaert, B. Verschuere, *The Study of Organizational Autonomy: A Conceptual Review*, "Public Administration and Development" 2004, vol. 24(2).

[7] G. Bouckaert, K. Verhoest, *A Comparative Perspective on Decentralization as a Context for Contracting in the Public Sector: Practice and Theory*, [in:] *La contractualisation dans le secteur public des pays industrialisés depuis 1980*, ed. Y. Fortin, Paris 1999; S. van Thiel, *Quangocratization: Trends, Causes and Consequences*, Utrecht 2000; T. Christensen, P. Lægreid, *Regulatory Agencies: The Challenges of Balancing Agency Autonomy and Political Control*, "Governance: An International Journal of Policy, Administration, and Institutions" 2007, vol. 20(3).

characteristics that are features of all other state administration bodies. Namely, that they are directly or indirectly subject to the hierarchical controlling powers of the government. Autonomy (independence) is a two-way street, as it must also be maintained from the market sectors they oversee.[8]

In order to define the autonomy and the bodies with autonomous legal status in the central public administrations of the Central and Eastern European states, this study reviews the general characteristics of administrative autonomy, then defines the types of public administrative autonomy and the typical content and requirements of public administrative autonomy.

1. General features of public administrative autonomy

From a theoretical point of view, in any event it is only possible to speak of public administrative autonomy and independence[9] where it represents a level of guaranteed independence from the government.[10]

It is necessary to emphasize that self-reliance in the public administrative organizational system does not imply autonomy or independence, but a kind of organizational separateness, i.e. the fact that the public administrative body has a separate organization and staff, a legally guaranteed set of tasks and competence (i.e. administrative legal capacity), and separate economic management from other administrative bodies.[11] However, it should also be stressed that in certain administrative tasks, the exclusion of instructions, the prohibition of withdrawal of powers or certain restrictions on the right of control do not constitute public administrative autonomy, since they do not guarantee, regulation and implementation of independence from the government, but rather a procedural or substantive rule of public administrative law which ensures that a given task can be carried out in the most professional and uninfluenced way, by the person to whom powers have been delegated.

The general characteristic of public administrative autonomy is that it is never linked to a specific organization, but always to a public task, i.e. a set of tasks and competences. In this sense, public administrative autonomy can be considered a sector-specific phenomenon.[12] By this, we mean that it is not a particular

[8] J. Fazekas, *Autonóm államigazgatási szervek*, http://ijoten.hu/szocikk/autonom-allamigazgatasi-szervek (access: 14.10.2025).

[9] S. Berényi, *Az európai közigazgatási rendszerek intézményei*, Budapest 2003, pp. 254–264.

[10] A. Lapsánszky, A. Patyi, A. Takács, *A közigazgatás szervezete és szervezeti joga*, Budapest 2017, p. 138.

[11] J. Fazekas, *Autonóm államigazgatási szervek…*

[12] R. Elgie, I. McMenamin, *Credible Commitment, Political Uncertainty or Policy Complexity? Explaining Variations in the Independence of Non-majoritarian Institutions in France*, "British Journal of Political Science" 2005, vol. 35(3), p. 533.

organization that needs to be guaranteed independence from the government, but rather that autonomy always needs to be guaranteed and established with regard to a certain set of public administrative tasks and competences (obviously, for the organization that performs the task requiring autonomy).[13] Autonomy from the government must therefore not be guaranteed in a self-serving manner for a public administrative organization. Thus, "classic" or constitutional organizational autonomy is an unknown concept in public administrative law. This is because, on the one hand, the government – as the representative of the executive branch and as a consequence of the fundamental principles of constitutional law – has the freedom to form public administrative organizations, and on the other, it has full control over public administrative bodies in principle, in order to ensure the flexible and efficient operation of the public administrative organizational system. Consequently, there is no public administrative legal justification or basis for granting autonomy from the government to a public administrative body *per se*; it is rather that autonomous operation must always be granted to a body performing a particular public function because of the content of the public function.

This also means that it is conceivable and often the case (especially in Anglo-Saxon jurisdictions) that in respect of a public administration organization with several public functions, independence is only granted in respect of the public function requiring autonomy, while in respect of the public function not requiring independence, the same organization is not independent of the government. In other words, there is "split" autonomy within the same organization, which means that one part of the organization is independent and another part is not independent of the government. Split autonomy is typically ensured by the division of powers within a body.

Public administrative autonomy never implies full autonomy at the level of government or autonomy reaching the level of powers, because of the responsibility and guarantees for the proper provision of public services. In other words, autonomous public administrative bodies cannot be left without supervisory powers, lest the delivery of public services without effective supervisory powers be compromised. Thus, at the government level, although it is typically not the government, there is always a supervisory state body that oversees the autonomous public administration bodies' performance of tasks, organizational functioning and budget, and has a robust right to intervene within that framework. Indeed, in general, several bodies may exercise shared supervisory powers over these bodies. A typical supervisory system is such that parliament exercises general oversight over these bodies, while the courts are the forum for appeal in the performance of public functions by these bodies. The court of auditors can monitor the financial management of autonomous

[13] A. Lapsánszky, A. Patyi, A. Takács, *op. cit.*, p. 100.

public administration bodies, and the ombudsman can monitor the application of fundamental rights in the operation of autonomous public administration bodies.

Public administrative autonomy never presupposes or implies, in itself, the power to legislate. Public administrative autonomy is therefore not conditional upon the power to legislate and to guarantee that power. The reverse is also true, i.e. the power of a public administrative body to legislate does not mean that it is autonomous. In many cases, of course, the autonomous public administrative body is given the power to legislate, but this is not a precondition for autonomous legal status; rather, it is an "additional" power supplementary to that status.

The content of public administrative autonomy is an important issue for the sovereignty of a given country, so of course it varies considerably from country to country; that said, its common, generalizable foundations and content can be systematized and analyzed on the basis of theoretical criteria.

2. Types of public administrative autonomy

From a theoretical point of view, when considering the public administration system as a whole, the totality of the public administrative organizational system, several types of public administrative autonomy and independence can be distinguished in terms of content. These types are the following:

- constitutionally-based, *ex ante* autonomy;
- autonomy based on decentralization;
- autonomy that is not constitutionally-based and is individually granted.

The first, fundamental type includes those public administrative functions, i.e. bodies performing public functions, which "necessarily" require autonomy, i.e. independence from the apex executive, on the basis of constitutional law, rule of law guarantees or the exercise of a fundamental right. These public functions cannot be established in a "constitutional" way in the European Union without ensuring autonomy. Of course, there may be differences in the scope of these public administrative tasks and bodies and in the content of autonomy according to the public administrative organization of each country, but there is a set of public tasks for which every state under the rule of law is obliged to guarantee organizational and operational autonomy, whether under international conventions or under EU law. These public tasks include the administration of economic competition, the administration of public procurement, the guarantee of equal opportunities and fundamental rights in the performance of public tasks by public authorities, the administration of the media, the administration of science, the administration of higher education as a public service (university and college autonomy)[14] and the

[14] See Zs. Árva, *op. cit*.

administration of data of public interest and personal data processed by public administrations.

Of course, each country is free to set up the organizations that carry out these public functions, but there should be no difference in the way that the organizations that carry out these functions must be guaranteed independence, both organizationally and in their activities, from the apex executive, as well as administrative autonomy.

The second basic type of autonomy, which is not necessarily applied at international or EU level or in respect of the performance of a public administrative task, does not necessarily require autonomy under the guarantees of the rule of law, but if, in a given country, the representative body of the people entrusts the public task in question on a professional or territorial basis to the "self-organization" of the population or to some form of self-government, then autonomy, i.e. independence from the apex body of the executive, must necessarily be guaranteed. This means that although this is not necessarily the way in which the performance of a given public task must be organized, if a country decentralizes this public task, i.e. entrusts it to some form of organization of the population or self-government (or to an individual state in a federally organized country), this must always be accompanied by public administrative autonomy.

In addition to local government administration, some states also "outsource" (decentralize) the provision of public administration tasks on a professional basis, thus entrusting many public tasks to the "self-organization" of those practicing a given profession – in Hungary, the so-called public bodies. It is also mandatory to ensure the functioning of local government and thus autonomy.

The third type of basic autonomy is not constitutionally-based, but individually granted. Parliament and government, by virtue of their freedom to organize, may grant autonomy to any administrative body or function, involving any kind of content. The autonomy associated with these public functions and bodies is therefore granted on a discretionary, individual basis and can be granted to any public administrative body. In this sense, autonomy is "not necessarily" granted for the performance of tasks, in view of which autonomy may also be withdrawn. For example, autonomy is specifically granted by EU law to the authority responsible for micro-prudential supervision of the banking sector,[15] and the national regulatory authority of the electronic communications administration.[16]

[15] See, e.g., Article 4 (4) of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176/338, 27.6.2013).

[16] See Articles 6 and 8 of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321/36, 17.12.2018).

3. Conceptual distinction between autonomy and independence

In the context of this study, the terms "autonomy" and "independence" are closely related but not synonymous. Their usage reflects different dimensions of the institutional status and functional guarantees of central public administration entities.

Autonomy generally refers to the structural and legal status of an entity that operates outside the direct hierarchical control of the executive. It includes organizational, financial, and decision-making self-governance, as defined by constitutional or legislative provisions. Autonomy, in this sense, implies a formally recognized institutional separateness and the existence of legal safeguards that limit external interference in both organizational functioning and the execution of public tasks.

Independence, by contrast, refers primarily to the functional freedom of the entity in performing its public duties, particularly in relation to its freedom from political or governmental influence in specific decisions or regulatory actions. Independence may exist without full autonomy, e.g., when an institution is hierarchically subordinate but protected in the exercise of certain decision-making powers.

Therefore, while autonomy typically implies independence, the reverse is not necessarily true. In this study, the two terms are used carefully to reflect whether the examined institutions are legally and structurally autonomous (autonomy), or whether they merely enjoy procedural or operational safeguards from political interference (independence). The comparative analysis thus takes into account both the institutional design and the practical guarantees of functional impartiality.

4. Public administrative autonomy, content and requirements for independence

Public administrative autonomy fully includes organizational and professional autonomy.[17] To summarize, this means that the government may not interfere with or influence the functioning of an administrative body with an autonomous legal status, neither in respect of its organization nor in the performance of its activities. This freedom from influence must also be ensured and guaranteed by the legal regulation governing the autonomous body and its tasks, which is made up of a number of guaranteeing elements, in accordance with the relevant requirements of the European Union.

The most important guarantees of autonomous legal status and operation are as follows:

[17] K. Verhoest, B.G. Peters, G. Bouckaert, B. Verschuere, *op. cit.*, pp. 103–106; K. Bersch, F. Fukuyama, *Defining Bureaucratic Autonomy*, "Annual Review of Political Science" 2023, vol. 26, pp. 213–232.

1. Legal regulation of the guarantees and framework for the provision of functions (tasks) and "independence" by the representative government body.
2. The legal rules governing the organization and functioning of public authorities should clearly and unambiguously set out their legal status, their scope of tasks and powers, their enforcement methods, their means, their procedural mechanisms and the detailed rules thereof.
3. The most important guarantee of independence is that this organization is not subject to the government's control and/or supervisory powers and cannot therefore be instructed from an organizational or technical point of view.
4. Nor can the government or any other state administration body under the government's control exercise any review of acts regarding their decisions.
5. An important part of autonomy is the specific responsibility of these bodies in the context of the separation of powers and the independent exercise of state functions.
6. The appointment and removal of the directors, members and staff of these organizations should be ensured in a transparent manner that guarantees professionalism (e.g. through tendering, involvement of representative bodies, strict qualification criteria, etc.) and in the framework of detailed legal regulation. Another important guarantee is the appointment of directors of such bodies for a fixed term or for a term that extends beyond the election cycle. In order to ensure professional independence, the removal of directors and members of the authority and the "withdrawal of their mandate" must be regulated by a guarantee ensuring the exclusion of politically motivated decisions, instruments and practices which could undermine independence.
7. Conflict of interest rules for the members of the authority, whose most important function for the professional independence of the authority is to establish the basis for objective activity free from "external" influence over the members of the authority (i.e. to exclude the direct influence of political, economic, market players and representative bodies, and effective lobbying). When regulating conflict of interest, there are generally applied guarantee and content elements at the level of principles, in particular a member of the authority, especially the director of the authority, may not be a member of the legislature, a member of the government or a member of political parties, may not hold political office, may not enter into legal relationships with or have interests in or influence over market players, economic entities or entities closely linked to them (the latter is a key guarantee of independence from market players).
8. From both an organizational and a technical point of view, the independence of the authority may be guaranteed by the governance and decision-making of the body.

9. Another important guarantee is financial, economic and budgetary autonomy.[18] Here, the most important guarantee of independence is that the government cannot remove the financial basis of this organization and cannot influence its economic management, i.e. its independence cannot be removed by economic, financial or budgetary means. Consequently, there is a need for safeguards in the legislation to ensure that the government cannot influence the operation of these bodies on budgetary or other financial means.

METHODOLOGY

This study applies a comparative legal methodology to examine and assess the rules governing the appointment of directors of autonomous central public administration entities in Hungary, the Czech Republic and Slovakia. The countries were selected based on their shared historical background (common legacy of the Habsburg Empire and state-socialist systems), geographical proximity, and similar legal-political contexts as EU Member States operating under parliamentary democracies.

The selection of entities examined was guided by the criteria of institutional autonomy, central-level competence, and the existence of legal guarantees of independence from the executive. Both constitutional and sub-constitutional status laws were reviewed to identify bodies with *de jure* or *de facto* autonomy, based on national categorizations and academic classifications.

The comparison is structured around key legal and institutional variables, including:

- the legal basis and constitutional or legislative origin of the body;
- the appointing authority and procedures;
- the professional requirements for directors;
- the length and stability of mandates;
- the possibility and conditions of premature dismissal;
- the conflict of interest and incompatibility rules applicable to leadership.

Primary sources include national legislation (organic laws and sectoral statutes), constitutional provisions (where applicable), and relevant judicial interpretations. Secondary sources consist of doctrinal literature and comparative public administration studies. The study emphasizes *de lege lata* legal structures, with references to *de lege ferenda* debates where appropriate.

The methodological focus is on structural and functional autonomy, rather than output legitimacy or administrative performance. The aim is to provide a nor-

[18] P. Bezes, G. Jeannot, *Autonomy and Managerial Reforms in Europe: Let or Make Public Managers Manage?*, "Public Administration" 2018, vol. 96(1), p. 6.

mative-legal comparison of the extent and nature of institutional guarantees of independence through the lens of director appointment rules.

RESEARCH AND RESULTS

1. Regulation of director mandates as a guarantee of autonomy

An important element of the complex system of guarantees – personal, professional, financial – for the autonomy of public administration bodies described in detail above is the system of guarantee rules for appointing directors.

Regulation regarding appointing directors of autonomous bodies is key to ensuring the autonomy of such bodies because the director of an autonomous body, by virtue of their personal characteristics, has a significant impact on the independence, effectiveness and decision-making integrity of that body in practice.

The rules for appointing the director of an autonomous body, coupled with transparent and objective criteria, the duration of the mandate and strict rules for any termination before the end of the mandate, ensure that autonomous central public administration entities are able to take decisions in their areas of competence, to the extent necessary for the sector they administer, free from political or other undue external influence; this additionally strengthens the integrity of public administration in the specialized sectors which they administer.

A central element of the regulation of the appointment of directors concerns how the director's mandate is established, i.e. the regulation concerning the person who appoints them. Closely linked to the appointment is the question of who or what specific forum may make a proposal as to the person to run the autonomous central administration body, and to what extent the appointing body or person is bound by such a proposal. The regulatory elements related to the appointment are the requirements for the professional background and professional and leadership experience of candidates relevant to the sector managed, ensuring that the most appropriate persons for the sector managed are appointed as directors.

Strict regulation of the appointment process may limit the possibility of political influence in public administrative decision-making, thus guaranteeing that objective and professional considerations prevail in the functioning of public administration bodies. Transparent rules on the appointment process ensure accountability and increase citizens' trust by making it clear that persons who are appointed to decision-making positions have been selected according to professional criteria.

Overall, the regulation of the appointment of directors plays a key role in preserving the autonomy of public administration bodies, promoting institutional integrity and efficient functioning.

This study examines the rules governing the appointment of directors of autonomous central public administration bodies, irrespective of the type of body, using a comparative legal methodology.

2. Hungary

In Hungary, the types of central state administration bodies, and thus the basic framework of the central public administration bodies' system, are defined by Act XLIII of 2010 on Central State Administration Bodies and the Legal Status of Members of the Government and State Secretaries.[19] This Act introduces the so-called autonomous state administration bodies as a type of central state administration bodies. It also defines the so-called independent regulatory bodies as another type of central state administration bodies; however, these latter bodies do not necessarily have autonomous legal status. The autonomy of independent regulatory bodies, the content and strength of their independence, is not identical – unlike autonomous state administration bodies. It is adapted to the technical content and to EU and constitutional requirements in the field of specialized administration for which the Fundamental Law gives Parliament the power to establish these bodies.[20]

In Hungary, the following shall be considered autonomous public administration bodies: the Hungarian Competition Authority (hereinafter: GVH),[21] the Public Procurement Authority (KH),[22] the National Authority for Data Protection and Freedom of Information (NAIH),[23] the National Election Office (NVI),[24] the Integrity

[19] See J. Fazekas, *Autonóm államigazgatási szervek*...

[20] A. Lapsánszky, A. Patyi, A. Takács, *op. cit.*, p. 100.

[21] The Hungarian Competition Authority was the first autonomous central administrative body in Hungary. It was established by Parliament with the adoption of Act LXXXVI of 1990 on the Prohibition of Unfair and Restrictive Market Practices. The Competition Authority commenced operations on 1 January 1991, the same day as the Act entered into force. The currently effective Competition Act, i.e. Act LVII of 1996 on the Prohibition of Unfair and Restrictive Market Practices, has maintained its autonomous status.

[22] The predecessor of the Public Procurement Authority, the Public Procurement Council, was established by the Parliament in 1995, when the first Hungarian public procurement act was created, as a body subordinate to the Parliament. With the entry into force of Act CVIII of 2011 on Public Procurement, the name of the Public Procurement Council was changed to the Public Procurement Authority on 1 January 2012, while the Act left the former autonomous status of the organization unchanged.

[23] The National Authority for Data Protection and Freedom of Information was established by Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information as the successor to the Parliamentary Commissioner for Data Protection and the specialized supervisory body of the parliament.

[24] The National Election Office was established by Act XXXVI of 2013 on the Election Procedure.

Authority (IH),[25] the Directorate-General for the Audit of European Aid (EUTAF),[26] and the Office for the Protection of Sovereignty (SZVH).[27] The following can be considered as autonomous independent regulatory bodies:[28] the National Media and Infocommunications Authority (NMHH)[29] and the Hungarian Energy and Public Utility Regulatory Authority (MEKH).[30] Autonomous state administration bodies and autonomous independent regulatory bodies are hereinafter collectively referred to as autonomous bodies.

In the case of autonomous bodies, parliament exercises the power to establish their organization, as they are established by an act of parliament, adopted by a two--thirds majority in the case of autonomous state regulatory bodies and by a simple majority in the case of autonomous state administrative bodies; this precludes the Government or any other state administrative body from creating, abolishing, appointing or reorganizing a state administrative body of this type. The status laws establishing each autonomous body define its objectives, powers, functions and the limits on the exercise of its powers. Autonomous bodies are usually not organized with such a legal status by the provisions of the fundamental law, in view of which they typically do not have a constitutional status: they do not necessarily have autonomy, rather it is granted to them on an individual basis. The exceptions to this are the NAIH, the NMHH and the SZVH, which are established by the fundamental law, which also expressly states the requirement of independent legal status for the NAIH and the SZVH.[31] Indirectly, the GVH can also be regarded as a necessarily

[25] The Integrity Authority is one of the newest autonomous state administration bodies, established in 2022 by Act XXVII of 2022 on the Control of the Use of EU Budgetary Resources.

[26] The EUTAF was established in 2010 by Government Regulation No. 210/2010 (VI.30.) on the Directorate-General for the Audit of European Aid. The EUTAF was originally set up as a central office under the hierarchical management authority of the Government, and separated from the Government Accountability Office. The EUTAF was transformed into an autonomous public administration by Act XLIV of 2022 on the Directorate-General for the Audit of European Aid and amending certain acts adopted at the request of the European Commission in order to ensure the successful conclusion of the conditionality procedure.

[27] The Office for the Protection of Sovereignty is the newest autonomous state administration body established by Act LXXXVIII of 2023 on the Protection of National Sovereignty. The SZVH commenced operations in 2024.

[28] J. Kálmán, *The Legal Status of Independent Regulatory Organs and Their Place in the System of Hungarian Public Administration*, "Public Governance, Administration and Finances Law Review" 2023, vol. 8(1), pp. 111–112.

[29] Act CLXXXV of 2010 on Media Services and Mass Media.

[30] The MEKH is the regulatory authority of the Hungarian energy and public services market, supervising sectors of strategic importance to the national economy (natural gas market, electricity market, district heating, water utilities services, waste management). The MEKH was established by Act XXII of 2013 on the Hungarian Energy and Public Utility Regulatory Authority.

[31] Article VI (4), Article IX (6) and Article R (4) of the Fundamental Law.

established body, since the Constitutional Court stated in a decision[32] that although the GVH is not a state body regulated by the Constitution, its specific legal status has a role in providing constitutional guarantees.

Directors of autonomous bodies of the Hungarian central state administration are typically appointed by the President of the Republic, as a power independent of the executive. However, it is important to stress that the personal guarantee of autonomy in this case is relative, given that directors of autonomous bodies are typically proposed by the Prime Minister, with the exception of the KH and the IH. Under the Hungarian constitutional system, the President of the Republic may not refuse appointments in the case of autonomous state administration bodies for any reason. However, in the case of directors of independent regulatory bodies, the President of the Republic may refuse to appoint them if the legal conditions are not met, or if they have reasonable grounds to believe that this would result in serious disruption to the democratic functioning of State structures.[33] There is one case where the President of the Republic does not have the power to appoint the director of the autonomous body: the president of the KH is elected by the members of the Public Procurement Council.

The legislation partly sets specialized professional requirements for directors of autonomous bodies, but in the case of the GVH, the KH, the NVI and the SZVH, the legislation in force sets at most general requirements for their presidents (higher education degree, eligibility to stand in parliamentary elections, Hungarian citizenship), but it does not set professional requirements.

Terms of office for directors of autonomous bodies vary, but in all cases it extends beyond the term of government, and in some cases beyond several terms of government.

Directors of all autonomous bodies are subject to the prohibition of central public administrative interference within their term of office, i.e. a director's term cannot be shortened by central public administration entities.

[32] Decision No. 83/2010 (I.28.) AB.

[33] See Article 9 (6) of the Fundamental Law.

Table 1. Summary of the legislation pertaining to directors of autonomous bodies in Hungary

	GVH	KH	NAIH	NVI	IH	EUTAF	SZVH	NMHH	MEKH
Appointment of the president	They are appointed by the President of the Republic on a proposal from the Prime Minister	They are elected by the board of the public procurement authority by a two-thirds majority	They are appointed by the President of the Republic on a proposal from the Prime Minister	They are appointed by the President of the Republic on a proposal from the Prime Minister	They are appointed by the President of the Republic based on a proposal from the State Audit Office of Hungary	They are appointed by the President of the Republic on a proposal from the Prime Minister	They are appointed by the President of the Republic on a proposal from the Prime Minister	They are appointed by the President of the Republic on a proposal from the Prime Minister	They are appointed by the President of the Republic on a proposal from the Prime Minister
Professional requirements for the president	No	No	Yes	No	Yes	Yes	No	Yes	Yes
Duration of the mandate	6 years, may be reappointed	5 years	9 years, may be reappointed once	9 years	6 years	5 years, may be reappointed	6 years	9 years	7 years, may be reappointed
Is it possible for a central public administration body to terminate a mandate prematurely?	No	No	No	No	No	No	No	No	No

Abbreviations: GVH – Hungarian Competition Authority; KH – Public Procurement Authority; NAIH – National Authority for Data Protection and Freedom of Information; NVI – National Election Office; IH – Integrity Authority; EUTAF – Directorate-General for the Audit of European Aid; SZVH – Office for the Protection of Sovereignty; NMHH – National Media and Infocommunications Authority; MEKH – Hungarian Energy and Public Utility Regulatory Authority.

Source: Authors' own elaboration.

The status laws for autonomous bodies provide for stricter conflict of interest rules for directors and employees of autonomous bodies, both in public administration (and more broadly with regard to all powers) and in the market sector, compared to central state administration bodies. The function of conflict of interest rules is to ensure the independence of the body within public administration and, at the same time, from actors in the market it administers.

3. Czech Republic

In the Czech Republic, the definition of autonomous central state administration bodies is clarified in the general doctrinal conceptual framework, despite the lack of a constitutional or general legal definition of this type of body. Thus, the list of independent state administration bodies may vary according to the approach of different authors.[34] However, it is generally agreed that the Czech legal order recognizes and uses this characteristic of the status of a body, by emphasizing above all the political, organizational and economic aspects of independence.[35] From a dogmatic point of view, the following types of bodies with national powers can be highlighted in the central state administration: government, ministries, national competent bodies under the direction of the government (*správní úřad s celostátní působností přímo řízené vládou*), national competent bodies under the direction of a ministry (*správní úřad s celostátní působností přímo řízené ministerstvem*) and independent public administrative offices (*nezávislé správní úřady*).[36] The characteristics of the autonomous status are first and foremost demonstrated by the regulatory and supervisory authorities. They are independent from other state administration bodies – typically including from the government – and therefore are not subject to any superior body within the public administration. The requirement of independence is justified primarily in relation to their specific activity/performance of tasks (sectoral characteristic).

The constitutional[37] foundations of Czech legislation are very restrictive regarding the organizational framework of the public administration, stating that the government is the apex executive, and that ministries and public administrative

[34] See O. Pouperová, *Nezávislé správní úřady*, 2014, https://www.mvcr.cz/clanek/nezavisle-spravni-urady.aspx (access: 2.6.2024); J. Handrlica, *Nezávislé správní orgány*, Praha 2009; H. Dušan et al., *Správní právo. Obecná část*, Praha 2016.

[35] O. Pouperová, *op. cit.*, pp. 219–225.

[36] H. Dušan et al., *op. cit.*, p. 79.

[37] See Articles 67 and 79 of the Constitution of the Czech Republic (Ústava České republiky). Available at https://www.zakonyprolidi.cz/cs/1993-1 (access: 8.1.2024).

offices (*správní úřad*[38]) can be established by law and their powers may also be defined by law. Regarding the legal status of central state administration bodies with respect to legal sources, Act No. 2/1969 of the Czech National Council on the Establishment of Ministries and Other Central State Administration Bodies of the Czech Republic, as regularly amended[39] (the so-called Competence Act) and the sectoral laws may be highlighted.[40] The Competence Act also stipulates that the activities of central state administration bodies are subject to the binding force of laws, acts and government decrees enacted under the constitution. However, according to the general legal-dogmatic approach, the sectoral legislation establishing independent authorities is *lex specialis* in relation to the *lex generalis* regulation of the Competence Act, i.e. the status law establishing the authority in question overrides the relevant provision of the Competence Act.[41]

In the Czech Republic, autonomous features – or a certain degree of autonomy – are demonstrated by the following bodies: the Radio and Television Broadcasting Council, the Office for Personal Data Protection, the Competition Authority (hereinafter: GVH, not to be confused with the Hungarian GVH), the Czech Statistical Office (CSSH), the Energy Regulatory Authority (ESZH), the Czech Telecommunications Authority (CSTH), the National Accreditation Board for Higher Education (NFAH), and the Supervisory Authority for the Management of Political Parties and Movements (PPMGFH). Some authors[42] also include other bodies in the category of independent authorities, such as the Czech Television Council or the Czech Radio Council. However, in the case of these bodies, although they show signs of autonomy, there is a general academic consensus that, since they are not established as a public administrative office (*správní úřad*) and do not have public powers, they are not considered to be state administration bodies, and within that they are not considered independent state administration bodies.

From a legal point of view, the above authorities are all established by law. Most of the authorities are named in the Competence Act, but there are no detailed rules provided on their legal status. Thus, the detailed rules for the activity and functioning of a given public administrative body are governed by a specific sectoral law. It

[38] The concept of the administrative office (*správní úřad*) is a specific approach to organizing and structuring the public administrative organization, typical for Czech public administration science. See H. Dušan et al., *op. cit.*, pp. 66–68.

[39] Available at https://www.zakonyprolidi.cz/cs/1969-2 (access: 8.1.2024).

[40] At this point, it should be noted that the Competence Act lists the central state administration bodies, but does not distinguish between independent state administration bodies or those under state control, as this is done by sectoral legislation.

[41] O. Pouperová, *op. cit.*, p. 216.

[42] See V. Sládeček, *Obecné správní právo*, Praha 2013, p. 303; J. Handrlica, *Ke koncepci tzv. „nezávislých regulačních orgánů" a k problematice jejich „nezávislosti"*, "Správní parvoč" 2005, no. 4, p. 239.

is a general feature of autonomous public administration bodies that the power of forming organizations is exercised by the parliament.[43] There is no constitutional basis for the establishment of independent authorities: the conditions for their operation are laid down in the status law establishing the body. It is characteristic of the legislation (and of the literature) that the adjective "independent" (*nezávislý*) is used to denote autonomous status, while the terms "autonomous" and "autonomy" do not appear in relation to central state administration bodies.

When taking a theoretical approach to autonomous state administration bodies, a distinction can be made between relative and absolute independent legal status, which refers to the degree of autonomy and independence from government. The dividing line is not entirely distinct, and even in the case of bodies with relative independence, it is characteristic that they enjoy immunity from influence over the way they conduct their activities and are protected in the exercise of their powers. It is typical that the rules for appointing a director (or governing body) are such that the government has more scope to intervene.[44] The GVH, the CSSH, the ECN, the CSTH and the NFAH are considered to have a relatively independent legal status in the Czech system.

The Czech legislation declares the independence of autonomous authorities first and foremost as a guarantee rule, in relation to the activity and exercise of powers of the body in question; this is explicitly reflected in the status laws under examination. However, an examination of the individual detailed rules reveals that the legislator's approach not only limits the concept of independence to the activity, but essentially grants an autonomous status to the body. The notion of autonomy in state administration is not absolute: no state administration body can operate in complete isolation; there are always interactions, interrelationships, public policies or budgetary considerations that may have some impact on independent decision making. Efforts can be made to minimize the impact, but it cannot be completely eliminated. The Czech legislation focuses on the activity approach, i.e. it declares and guarantees the independent exercise of powers by autonomous authorities, rather than the autonomous status regarding bodies and organizations as such.

The use of the form of body is often seen in governance structures, which has the great advantage of allowing for broader social participation and greater transparency. However, it can have the disadvantage of requiring a high level of coordination in organizing work and having a slower administrative process as a result. In some places, the form of the body is complemented by a system of rotating elections, i.e. only part of the body is re-elected at certain intervals, which in the long term provides an opportunity to create a more diverse body, both po-

[43] The Czech Parliament is bicameral, consisting of the Chamber of Deputies (Poslanecká sněmovna) and the Senate (Senát).

[44] V. Sládeček, *op. cit.*, pp. 159–161.

litically and in terms of social participation. In the case of bodies with a relatively independent legal status, the government actually has a decisive influence on the appointment of the director.

The educational and professional requirements for the director (or members of the management body) can be considered as a general, standard element of the Czech system, which clearly contributes to ensuring autonomous operations. The system of these conditions also includes a negative professional requirement (PPMGFH), where the president and members of the council are expected not to have held an elected political office prior to appointment.

The term of office for directors of autonomous bodies is broadly similar, in all cases extending beyond the term of government. Specific to the CSSH is the director of the CSSH, who holds their mandate until it is revoked, i.e. for an indefinite period.

The director may be recalled for specified reasons, which must be justified. These reasons typically include illegal conduct or failure to perform their duties for an extended period of time, so these reasons are not subjective (e.g. loss of confidence) decisions, rather they must be objectively justifiable. This rule is broken in the case of the CSSH, whose director has no fixed term of office and can be recalled by the President of the Republic on a proposal from the government. However, given that the involvement of the President of the Republic in the appointment and recall of the head of the CSSH is a matter of protocol,[45] it is actually the government that exercises the power of effective recall in the case of the director of the CSSH. With this one exception, all directors or management bodies of independent bodies benefit from the prohibition of central public administrative interference within their term of office, i.e. a director's term of office cannot be arbitrarily shortened by the central public administration (state administration).

When examining the conflict of interest rules, it can be observed that they follow the same pattern, with some variations. There are strict conflict of interest rules for directors or governing bodies of independent public authorities, which exclude positions held in other public bodies (these may be other public administration bodies, courts or a legal relationship with other public bodies). Conflict of interest rules also tend to exclude the exercise of economic and business activities – this is particularly the case for authorities responsible for the supervision of an economic administrative sector. Exceptions to the conflict of interest rules are the pursuit of scientific, educational, literary, journalistic or artistic activities, provided that the independence of the activities of the authority concerned is not compromised.

[45] *Ibidem*, pp. 160–161.

Table 2. Summary of the legislation pertaining to directors of autonomous bodies in the Czech Republic

	RTKT	SZAH	GVH	CSSH	ESZH	CSTH	NFAH	PPMGFH
Appointment of the president	The council elects them from its own ranks. The members of the council are elected by the Chamber of Deputies (the Lower House of Parliament)	They are appointed by the President of the Republic based on a proposal from the Senate (the Upper House of Parliament)	They are appointed by the President of the Republic based on a proposal from the government	They are appointed by the President of the Republic based on a proposal from the government	The members of the council and its president are appointed by the government based on a proposal from the minister	The members of the council and its president are appointed by the government based on a proposal from the minister	The president and the members of the council are appointed by the government	They are appointed (and recalled) by the President of the Republic, selected from candidates (one each) proposed by the Chamber of Deputies (lower house) and the Senate (upper house). The members of the council are appointed by the President of the Republic based on a proposal from the Senate
Professional or other requirements of the president	No. The general requirements (e.g. no criminal record, 25 years of age or over) apply to all council members	Yes. Higher education degree in law or computer science; knowledge of English, German or French; at least 5 years' professional experience – the absence of a law or computer science degree can be compensated for by 10 years' professional experience; 40 years of age or over	Yes. Higher education degree; 10 years' professional experience in law or economics; 40 years of age or over	No	Yes. It applies to all council members. At least 7 years of professional experience in the energy sector (including at least 3 years of managerial experience); higher education degree; a recognized and experienced figure in the energy sector	Yes. It applies to all council members. At least 5 years' professional experience (in telecommunications, law or economics); higher education degree	No. Representatives of the universities should be consulted on the choice of the president. When appointing members of the council, their academic and higher education experience is taken into account	Yes. Rules also apply to the president and members of the council. They must have a higher education degree; must not have been a member of a political party or held any office as a member of parliament or senator, member of the European Parliament, of the body of representatives of the county municipality (or of the body of representatives of the City of Prague) in the 3 years prior to appointment (2 for councilors)

	RTKT	SZAH	GVH	CSSH	ESZH	CSTH	NFAH	PPMGFH
Duration of the mandate	6 years; may be re-elected once	5 years; may be reappointed once	6 years; may be reappointed once	There is no time limit; they serve until recalled	5 years; may be reappointed once; rotation system (1 new member per year)	5 years; may be reappointed once; rotation system (1 new member per year)	6 years; may be reappointed once	The president's term of office is 6 years, and they may be reappointed once. The term of office of a member of the council is 6 years; they may be reappointed once
Is it possible for a central public administration body to terminate a mandate prematurely?	No	No	No	Yes. They are recalled by the President of the Republic, whose involvement is formal, based upon a proposal by the government	Subject to limitations*. They shall be recalled by the government, based on a proposal from the minister, for specified reasons	Subject to limitations**. They shall be recalled by the government, based on a proposal from the minister, for specified reasons	Subject to limitations***. It is possible for specific reasons	No

Abbreviations: RTKT – Radio and Television Broadcasting Council; SZAH – Office for Personal Data Protection; GVH – Competition Authority (note: distinct from the Hungarian GVH); CSSH – Czech Statistical Office; ESZH – Energy Regulatory Authority; CSTH – Czech Telecommunications Authority; NFAH – National Accreditation Board for Higher Education; PPMGFH – Supervisory Authority for the Management of Political Parties and Movements.

* Recall may take place based on specified grounds: on the basis of the council member's illegal conduct (e.g. accepting instructions, conflict of interest) or failure to perform their duties (6 months of inactivity).

** Recall may be based on specified grounds: on the grounds of the member's illegal conduct (e.g. repeated serious misconduct; no longer fulfilling the conditions for appointment) or failure to perform their duties (6 months of inactivity).

*** The government may dismiss a member of the Council if they fail to perform their duties for a period of 6 months without good grounds, or if they have committed an act that compromises the independence of the office.

Source: Authors' own elaboration.

4. Slovak Republic

The system of central state administration bodies in the Slovak Republic is not uniform, and there are significant differences between the different bodies and types of bodies. Within these, two groups can be distinguished in terms of legal regulation: central state administration bodies (*ústredný orgán štátnej správy*) – these include ministries and other bodies of central state administration, which in some cases exhibit characteristics of independence/autonomy; and state administration bodies with national competence (*orgán štátnej správ s celorepublikovou pôsobnosťou*).[46] The latter include: regulatory and supervisory (regulation) authorities, deconcentrated authorities,[47] and controlling authorities.[48] The characteristics of autonomous status are displayed above all by the regulatory and supervisory (regulation) authorities. Regulatory and supervisory authorities are characterized by their independence from other state administration bodies, typically also from the government. It follows that they are not subject to any superior body within the organizational structure of the state administration. The independence requirement stems from the fact that their activities concern regulatory areas that should not be subject to political influence (e.g. regulation of network industries, protection of personal data). The creation of this group was justified primarily by the need to transpose EU law into the legal order of the Slovak Republic at the pre-accession stage, as EU law imposed independence requirements on some of these bodies.

In summary, autonomous characteristics are exhibited by certain bodies of central state administration and by regulatory and supervisory (regulation) authorities. The general type (concept) of an autonomous state administration body is not recognized in Slovak legislation, which does not use this type of legal status as a generic term.

The Constitution of the Slovak Republic[49] contains only minimal rules on the system of organs of state administration, according to which central state administration bodies and local state administration bodies are established by law (Article 122) and ministries and other state administration bodies may issue

[46] Z. Berčíková, P. Berčík, J. Búšik, *Organizácia a výkon štátnej správy v Slovenskej republike*, Bratislava 2008, pp. 9–13.

[47] A central feature of the legal status of deconcentrated authorities is that they are the result of the separation of part of the powers of a ministry or other central state administration body and their attachment to a separate body (i.e. deconcentration). As a general rule, thus, they are subject to a superior body. See J. Tekeli, *Organizácia verejnej správy*, [in:] *Správne právo hmotné. Všeobecná časť*, eds. J. Tekeli, R. Jakab, T. Seman, Košice 2020.

[48] This group of authorities is characterized by the fact that their powers are focused on the exercise of specialized administrative supervision over a specific area of public administration. They are usually bodies that come under the control of a ministry or other central state administration department. See *ibidem*.

[49] Constitution of the Slovak Republic No. 460/1992 Coll.

generally binding legislation (i.e. normative administrative acts) on the basis of statutory powers within the framework of the law (Article 123). The legal level of regulation is provided on the one hand by Act No. 575/2001 on the Organization of Government Activities and the Organization of Central State Administration, and by sectoral laws on the other.

The Republic of Slovakia has a large number of central state administration bodies with autonomous characteristics or a certain degree of autonomy. Such a body is considered to be: the Anti-Monopoly Office (hereinafter: MH), the Statistical Office (SH), the National Security Authority (NBH), the Public Procurement Office (KH; these four bodies are considered as other bodies of the central state administration), the Personal Data Protection Authority, the Health Surveillance Authority (EFH), the Network Industries Regulatory Authority, the Media Services Council, the Electronic Communications and Postal Services Authority, the Transport Authority (KöH), the Audit Oversight Authority, the Whistleblower Authority, and the State Election and Party Financing Control Commission (ÁVPeB).

A general feature of these bodies is that the power to establish organizations is exercised by the legislative National Council (Národná rada Slovenskej republiky), their constitution has no constitutional basis, and the conditions for their establishment and operation are laid down in the status law establishing the body. It is characteristic of the legislation (and of the literature) that the adjective "independent" (*nezávislý*) is used to denote autonomous status, while the terms autonomous/autonomy do not appear in relation to central state administration bodies.

The historical development of independent authorities can be observed in the Slovak legislation: the declaration of autonomy at the legislative level is absent in the case of previously established authorities (e.g. the NBH), while in the case of newly established independent authorities, the declaration of autonomy is explicitly regulated in the normative text. The number of authorities with independent characteristics also shows that the Slovak legislator has a strong preference for this form of organisation. In the Slovak administrative system, there are authorities with full autonomy[50] – in terms of organization, activity and budget – and others where autonomy is only granted for a specific activity (or group of activities). However, it is typical that even in the case of these bodies (e.g. the KöH, the AFH), the director can only be recalled for specific reasons, thus reducing the interference of day-to-day policy with the functioning of the body. This solution thus provides a strong

[50] The complete independence of public administration bodies is a theoretical scheme; absolute independence in the day-to-day functioning of the state is inconceivable. Even if independent in other respects, all autonomous bodies are dependent on the state budget. Since the adoption of the state budget is entrusted to the parliament in which the current government has a majority, the government of the day has the indirect possibility of creating dependence within the autonomous bodies, through budgetary means.

autonomy scheme that can ensure that these bodies can operate independently of political interference.

All authorities with autonomy are established by law. In some cases, this is the Act on the Organization of Government Activities and the Organization of the Central State Administration (MH, SH, NBH, KH), in other cases, it is a sectoral law. For each body, it can be specified that the detailed rules of the activity and operation of the public administration body in question are governed by a specific sectoral law.

When examining the powers of appointment, it appears in several cases that the appointment is finalized by an act of the President of the Republic or the National Council. Under the Slovak constitutional system, the President of the Republic may only refuse an appointment if the appointment would be contrary to the law (e.g. a candidate is proposed who does not meet the professional criteria); they have no discretionary power. In the case of the election of the National Council, its discretionary powers are much broader, as it is possible that a candidate may not receive the required number of votes for a decision (i.e. election), even if the legal requirements are met.

It is typical that for most bodies, the legislation also requires the fulfilment of requirements relating to qualifications and professional practice. The latter contributes greatly to the unimpeded exercise of power by a given public administrative body, i.e. this regulatory scheme can be evaluated very positively. One particular type of educational and professional requirement is the negative professional condition, which requires that the director has not held a certain position or performed certain duties in the period prior to their appointment (e.g. BvH).

All directors or management bodies of independent bodies benefit from the prohibition of central public administrative interference within their term of office, i.e. a director's term of office cannot be arbitrarily shortened by the central public administration (state administration). With one exception (ÁVPeB), their terms of office extend beyond the four-year electoral period.

Given that the status law for all central state administration bodies with independent activities (or status) is a simple law – not a constitutional law, which requires a higher number of votes in the Slovak Parliament to be adopted – there is a possibility that these rules could be changed easily. Such was the case, for example, of the EFH in 2024,[51] where the original system of appointment and recall, in which the President of the Authority was appointed by the President

[51] See Act No. 7/2024 amending Act No. 575/2001 on Organizing Government Activities and on the Organization of the Central Public Administration, as amended and Supplementing Certain Acts. Available at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2024/7/20240201.html (access: 9.2.2024). This amendment of the Act has also affected the rules for appointing the director of the Statistical Office in a similar way.

of the Republic on the basis of a government proposal approved by the National Council, was replaced by a new system in which they can be appointed and recalled by the government based on a proposal by the minister. In addition, a new ground for recall has been introduced in the new legislation from the beginning of 2024, according to which the director of an authority may be recalled if there are serious grounds for doubting their personal, moral or professional competence.[52] This reason essentially creates the possibility of removing the director of the authority in cases where their conduct may give rise to doubts, which can practically be interpreted as a subjective category of loss of confidence. Under this regulation, the director of the authority was recalled at the beginning of 2024, a post he was otherwise due to hold until 2026.[53] However, on the whole, it can still be said that the rules on the appointment and recall of directors provide a high degree of autonomy for the functioning of independent state administration bodies.

[52] Section 22 (2) Act No. 581/2004 on Health Insurance Companies and Health Supervision: "There are other serious reasons, in particular in the case of conduct which raises or is likely to raise doubts about the personal, moral or professional qualifications for the performance of his duties".

[53] E. Struhárňanská, *Dolinková odvolala úradníčku Bláhovú. Tá tvrdí, že stojí v ceste tomu, aby si Penta vyplatila zisk 176 miliónov eur*, 6.2.2024, https://standard.sk/560770/dolinkova-odvolala-uradnicku-blahovu-ta-tvrdi-ze-stoji-v-ceste-tomu-aby-si-penta-vyplatila-zisk-176-milionov-eur (access: 14.12.2025).

Table 3. Summary of the legislation pertaining to the directors of autonomous bodies in the Republic of Slovakia

	MH	SH	NBH	KH	SZAH	EFH	HISZH	MSZT	EHPSZH	KöH	AF	BH	ÁVPeB
Appointment of the president	Appointed by the President of the Republic, following a public call for applications	Appointed by the government	They are elected by the National Council on a proposal from the government	The National Council elects them on the basis of a proposal from the government, which in turn is based on a call for applications	They are elected by the National Council on a proposal from the government	Appointed by the government on the basis of a proposal from the minister	Appointed by the government	They are elected by the National Council after a public hearing. Candidates can be proposed by professional and non-governmental organizations and churches	They are elected by the National Council on a proposal from the government	They are appointed by the government based on a proposal from the minister	The minister appoints 4 members of the council, 2 of whom are proposed by the National Bank	They are elected by the National Council on a proposal from the government	Ten members are delegated by the political parties represented in parliament in the elections – proportionally; 1 member is delegated by the Constitutional Court, the Supreme Public Administrative Court, the Prosecutor General and the State Audit Office
Professional or other requirements for the president	Yes. Higher education degree; 30 years of age or older	No	Yes. Strict and specific system of rules; age rule	Yes. Higher education degree, 5 years' professional experience, active knowledge of foreign languages	Yes. Higher education degree, 2 years' professional experience	Yes. Higher education degree and 7 years' professional experience (including at least 2 years in management, research or teaching)	Yes. Specialist qualifications, 10 years' professional experience (including at least 5 years' management experience)	No	No	No	Yes. Higher education degree and 5 years' professional experience (including at least 2 years in management, research or pedagogy) and a good reputation	Yes. Higher education degree or other conditions (e.g. no senior public administrative posts held during the last 5 years)	Yes. Higher education degree; 35 years of age or older

	MH	SH	NBH	KH	SZAH	EFH	HISZH	MSZT	EHPSZH	KöH	AF	BH	ÁVPeB
Duration of the mandate	5 years; may be reappointed once	5 years; may be reappointed once	7 years; may be re-elected once	5 years; may be reappointed once	5 years; may be reappointed once	5 years; may be reappointed once	6 years; may be reappointed once	6 years; may be re-elected once	6 years; may be re-elected once	6 years; may be reappointed once	5 years; may be reappointed once	7 years; may be elected only once	Until the next committee is formed (typically from election to election); members may be re-delegated once
Is it possible for a central public administration body to terminate a mandate prematurely?	No	Yes	No	No	No	Yes	No	No	No. The President of the National Council shall dismiss them, based on a proposal from the government	Subject to limitations. They may be withdrawn by the government, based on a proposal from the minister, for the reasons specified in the law	Subject to limitations. They may be recalled by the minister for the reasons specified in the law	No. Recalled by the National Council, by vote, based on a proposal from the government	No

Abbreviations: MH – Anti-Monopoly Office; SH – Statistical Office; NBH – National Security Authority; KH – Public Procurement Office; SZAH – Personal Data Protection Authority; EFH – Health Surveillance Authority; HISZH – Network Industries Regulatory Authority; MSZT – Media Services Council; EHPSZH – Electronic Communications and Postal Services Authority; KöH – Transport Authority; AF – Audit Oversight Authority; BH – Whistleblower Protection Office; ÁVPeB – State Election and Party Financing Control Commission.

Source: Authors' own elaboration.

CONCLUSIONS

The aim of this study was to compare the rules governing the appointment of directors of autonomous central public administration entities in Hungary, the Czech Republic and Slovakia. The shared historical past and cultural background of the three countries have resulted in similar administrative structures, which makes comparisons easier to draw. Several scientific conclusions can be drawn from the comparison.

In all three countries, the rules governing the appointment of directors of autonomous central public administration entities are designed to ensure independence from political influence. In Hungary and Slovakia, the President of the Republic and in the Czech Republic, the two Houses of Parliament are involved in the appointment process, thus increasing transparency and reducing the possibility of direct political interference.

For all three countries, EU membership plays a key role in public administrative reform and autonomy. The EU's regulatory framework and requirements have contributed significantly to the creation of bodies with autonomous legal status and operational independence.

The professional requirements for directors of autonomous bodies and the transparency of the appointment process vary across the three countries. The Czech Republic and Slovakia have more detailed and stringent requirements, while Hungary has more general requirements.

In all three countries, the duration of director's mandate typically extends beyond the government's term (in some cases more than one term in Hungary), which contributes to the stability and independence of public administration bodies. The rules on early dismissals are strict, which further strengthens the protection of directors' positions.

Overall, the study showed that although the administrative systems of Hungary, the Czech Republic and Slovakia are similar in many respects, there are significant differences in the way they regulate the appointment of directors and ensure autonomy. These differences reflect the historical, political and cultural specificities of each country, as well as the demands and impacts of their membership of the EU. The results of this research may contribute to the understanding and design of public administration reforms at regional and national levels, thus contributing to the development of more efficient and independent public administration systems.

In summary, the comparative analysis reveals the following key findings:

1. All three countries provide legal frameworks that formally support the independence of autonomous public administration entities, although the depth and scope vary significantly.
2. Appointment procedures in the Czech Republic and Slovakia tend to involve parliamentary oversight, while in Hungary the executive branch plays a more direct role in nominations.

3. Professional qualification requirements for directors are more specific and stringent in the Czech and Slovak systems than in the Hungarian system.
4. The fixed and extended duration of mandates, along with restrictions on premature dismissal, serve as key institutional safeguards across all three countries.
5. EU law and accession requirements have played a pivotal role in shaping the autonomy frameworks, especially in Slovakia.

These findings contribute to a better understanding of how formal legal arrangements influence administrative autonomy and the integrity of public governance systems in Central Europe.

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1. European

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2. Hungarian

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Act XLIII of 2010 on Central State Administration Bodies and the Legal Status of Members of the Government and State Secretaries.

Act CLXXXV of 2010 on Media Services and Mass Media.

Act CVIII of 2011 on Public Procurement.

Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information.
Act XXII of 2013 on the Hungarian Energy and Public Utility Regulatory Authority.
Act XXXVI of 2013 on the Election Procedure.
Act XXVII of 2022 on the Control of the Use of EU Budgetary Resources.
Act XLIV of 2022 on the Directorate-General for the Audit of European Aid and amending certain acts adopted at the request of the European Commission in order to ensure the successful conclusion of the conditionality procedure.
Act LXXXVIII of 2023 on the Protection of National Sovereignty.
Fundamental Law.
Government Regulation No. 210/2010 (VI.30.) on the Directorate-General for the Audit of European Aid.

3. Czech

Act No. 2/1969 of the Czech National Council on the Establishment of Ministries and Other Central State Administration Bodies of the Czech Republic.
Constitution of the Czech Republic.

4. Slovak

Act No. 575/2001 on the Organization of Government Activities and the Organization of Central State Administration.
Act No. 7/2024 amending Act No. 575/2001 on Organizing Government Activities and on the Organization of the Central Public Administration, as amended and Supplementing Certain Acts.
Act No. 581/2004 on Health Insurance Companies and Health Supervision.
Constitution of the Slovak Republic No. 460/1992 Coll.

ABSTRAKT

Artykuł zawiera analizę porównawczą ram prawnych regulujących powoływanie kierowników autonomicznych jednostek administracji centralnej na Węgrzech, w Republice Czeskiej i na Słowacji. Znaczenie tej tematyki wynika z jej położenia na styku prawa administracyjnego i zarządzania publicznego, odpowiadając na zasadnicze pytanie: W jaki sposób przepisy prawne kształtują autonomię instytucjonalną i profesjonalizm organów państwa? Chociaż wspomniane trzy państwa mają wspólną charakterystykę historyczną i regionalną, opracowanie wskazuje na istotne różnice dotyczące regulacji prawnej oraz praktycznej realizacji w zakresie powoływania takich organów. Tezą główną jest to, że same ramy prawne nie wystarczają do zagwarantowania niezależności instytucjonalnej, jeśli polityczna swoboda decyzyjna i praktyki nieformalne podważają przejrzystość procesu i wybór oparty na pożądanych cechach kandydata. Badanie ma na celu ocenę stopnia formalnej autonomii, zabezpieczeń przeciwko upolitycznieniu oraz skuteczności norm prawnych w zapewnianiu bezstronności. Oryginalność badania polega na jego podejściu interdyscyplinarnym i porównawczym, łączącym analizę prawnodogmatyczną z badaniem realiów administracyjnych. O ile zakres opracowania jest krajowy, o tyle jego znaczenie rozciąga się na obszar Europy Środkowej oraz obejmuje szerszy kontekst Unii Europejskiej. Wyniki wnoszą znaczący wkład do trwających debat naukowych i politycznych dotyczących prawidłowego zarządzania, praworządności i instytucjonalnej uczciwości w administracji publicznej.

Słowa kluczowe: autonomia; organy niezależne; służba publiczna; administracja centralna