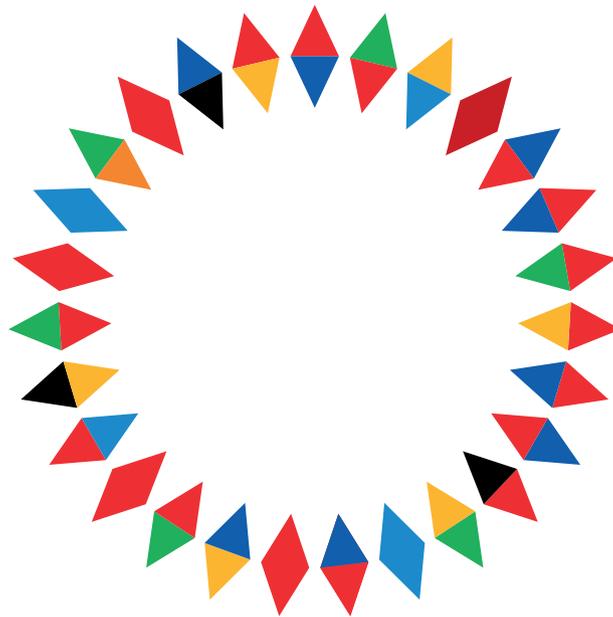


Shaping EU Presidency Priorities: National Challenges in a European Context

A Path Forward Under New Political Realities

Ed. by **Lucie Tungul**



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Project partners

TOPAZ was established in 2012 as an educational platform and think tank associated with the political party TOP 09. Its goal is to open up discussion with the public concerning conservative ideas. Its main activities are focused on social debates with independent experts, cooperation with TOP 09 expert committees, fundraising, presentation of alternative views on the work of public authorities and preparation of analytical and conceptual policy documents suggesting alternative answers.

The Wilfried Martens Centre for European Studies (WMCES) was established in 2007 as the political foundation and official think tank of the European People's Party (EPP). The Martens Centre has four main goals: advancing centre-right thought, contributing to the formulation of EU and national policies, serving as a framework for national political foundations and academics and stimulating public debate about the EU. It promotes a pan-European mindset based on centre-right, Christian-Democrat, conservative and like-minded political values.

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Abbreviations

AfD	Alternative for Germany
ATTP	Alliance of Technology Transfer Professionals
AUKUS	Australia – United Kingdom – United States Partnership
BADS	British Association of Day Surgery
BPTs	Best Practice Tariffs
CEE	Central and Eastern Europe
ČSSD	Czech Social Democratic Party
CZK	Czech crown
DRG	Diagnosis related groups
EC	European Commission
EP	European Parliament
EPP	European People’s Party
EU	European Union
GDP	Gross Domestic Product
GHM	Groupes homogènes de maladies
IPRs	Intellectual property rights
KDU-ČSL	Christian and Democratic Union – Czechoslovak People’s Party
KSČM	Communist Party of Bohemia and Moravia
LGBT	Lesbian, gay, bisexual, and transgender
NATO	North Atlantic Alliance
NHS	National Health Service
ODS	Civic Democratic Party
ÖVP	Austrian People’s Party
PiS	Law and Justice party
QMV	Qualified majority voting
R&D	Research and Development
RN	National Rally
RTTP	Registered Technology Transfer Professional

SMEs	Small and medium-size enterprises
SPD	Freedom and Direct Democracy
SPV	Single purpose vehicle
STAN	Mayors and Independents
TTC	EU-US Trade and Technology Council
UK	United Kingdom
US	United States
USA	United States of America
ÚZIS	Institute of Health Information and Statistics
V4	Visegrad 4
ZULP	Separately billed medicines
ZUM	Separately billed materials

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Fighting (Not Only for) Central Europe: An Introduction

*Lucie Tungul*¹

Many people today are asking about the future of liberal democracy (not only) in Central Europe. While in the 1990s many experts believed that democracy was on the rise, the beginning of the new millennium brought a more reserved approach. Terrorism, the economic and financial crises, the migration wave, climate change and the COVID-19 pandemic are the most obvious factors that have had a major impact on the political stability of European countries, including the new democracies in Central Europe.

We often hear concerns about the situation in Hungary and Poland, while Czechia and Slovakia stand aside, although all four exhibit institutional weaknesses that undermine the stability of their democratic institutions. The institutional structure is weak and vulnerable. Critics have far too often focused on specific names rather than processes that have allowed them to usurp power. At the same time, we have been insufficiently critical of the forces *self-defined* as pro-democratic and pro-European. We have seen many times that political competition can quickly change attitudes in Central Europe.

Another important factor to keep in mind is the influence of external actors. Although external actors are not the main drivers of the democratisation process, they can have a significant impact on its course. Too much external pressure can be counterproductive and, when two opposing external forces clash, it can reinforce social polarisation and fragmentation, hence, increasing its vulnerability. The European Union (EU) has acted as a civilising force in Central Europe with the promise of membership being its most influential instrument. The Central European countries' EU accession collided, however, with the onset of uncertainty and fear in the international environment, which negatively affected their socialisation process in the European structures and also freed the hands of other external actors who aimed to hinder their democratisation and strengthen autocratic tendencies. The most visible was Russia's growing ambition to use both soft and hard power and reassert its influence in Eastern and Central Europe, hence, also undermining the EU and NATO. We need to acknowledge that actors perceived as pro-democratic forces can also consciously or unconsciously reinforce authoritarian tendencies, which applies to the EU itself. The study of the candidate country/new member state Europeanisation processes has been much more concerned with the positive rather than the negative effects of Europeanisation on the national level.

¹ Part of this text was previously published as the essay 'The Desire for Recognition and Its Illiberal Face' in the second issue of the Akademix journal. All issues are available online at <https://akademixrevue.com>.

External actors need to find support in the local elites, as it is the domestic elites' decisions, interests and values that determine the density and nature of external actors' linkages and thus their relevance for domestic politics and the economy. The elites themselves do not need to support the external powers' objectives per se but believe that it is politically advantageous for them in the domestic political contest. The EU has taken its attractiveness to the Central European countries for granted and underestimated the need to actively build its 'brand' even after the 2004 enlargement. This occurred in a situation where it seemed, for many citizens, that countries and organisations supporting the rise of democracy were losing steam while their opponents were on the rise. The internal problems of the democratic powers undermined their credibility as promoters of democracy.

In July 2022, Czechia took over the Presidency of the Council of the European Union, thirteen years since its first term. The country holding EU Presidency chairs meetings of the different Council configurations, represents the Council in relations with the other EU institutions and closely cooperates with the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy. Czechia took over the rotating Presidency from France in a very complicated situation, when the whole country, as well as Europe, was facing major challenges caused by severe economic, social and political uncertainty. The Czech government formed after the October 2021 parliamentary elections relies on a coalition of five parties, which gives it a clear majority in both chambers of parliament but has threatened to complicate the unity of its positions. It has thus far been able to present a united front in its stance on Russia and Ukraine.

The war in Ukraine has to some extent linked the first and the second Czech EU presidencies in 2009, the centre-right government of Mirek Topolánek had to deal with the gas dispute between Russia and Ukraine, but also oversaw the first ever Eastern Partnership Summit (it is sometimes wrongly credited with initiating it). The Petr Fiala government presides over the EU when the EU's relationship with its eastern neighbours is being reshaped, and it has not been a surprise to anyone that the EU Eastern Partnership and enlargement have become a priority of the Czech Presidency. Czechia has supported further EU enlargement, it has adopted a strong stance on Russia's aggression and has identified China as a threat in its broader concept of security.

It also has to seek solutions to the energy crisis, rising inflation and the migration crisis on the domestic and European stages. The priorities of the Czech Presidency include, in addition to managing the refugee crisis, post-war reconstruction in Ukraine and energy security, strengthening European defence capabilities and the security of cyberspace, the strategic resilience of the European economy and the resilience of democratic institutions. This publication was prepared in mid-2022, at the beginning of the Czech Presidency, and is unable to assess how it has scored in this demanding role. We instead present reflections on various aspects and issues linked to the Czech Presidency priorities, both on the national and European levels.

Peter Hefele argues that the Russian war in Ukraine has fundamentally scattered the post-1990s security architecture in Europe and has massive impacts on Europe's security architecture and security culture. Europe's internal power geometry will shift dramatically towards Central, Eastern, and Nordic countries. Traditional powers such as Germany and France have to review their respective policies. In addition, the European pillar of the transatlantic security community has to be strengthened in order to also support the United States (US) in its struggle against a rising China.

Lucie Tungul investigates how the goal of a stronger geopolitical role for Europe and the EU's climate change policy have been affected by the COVID-19 pandemic and the war in Ukraine, revealing the multiple weaknesses of the EU and underscoring many already present global challenges and socio-economic inequalities. The mitigation and adaptation strategies have to include a thorough understanding of climate–conflict linkages. Risk reduction strategies should incorporate measures offsetting the impact of climatic risk on conflict.

Zora Hesová studies the issue of culture wars that we have witnessed in many countries in Europe. Culture wars are an ambivalent phenomenon: they are an undesirable manifestation of political changes, but also a conscious tool of political struggle. They reflect the social consequences of globalisation and the transformation of the economic and communication models. A culturalised solution to paternalistic nationalism has persistently used culture wars, but does not solve problems, only mitigates them. Culturally antagonising a political opponent in civilisational terms is dangerous, as is ignoring the context in which culturalised politics has displaced programmatic and substantive politics. Face to face with the war in Ukraine, the budget deficit and the increasingly palpable effects of the climate, energy, and supply crises, culture wars have fundamentally weakened the political capacity to face and solve the impending crises. We have to therefore deliberately cultivate political practice and focus on solving not the illusionary but the genuine principal challenges of today.

Jakub Charvát follows with a chapter on postal voting, which yet again failed to be passed in the Czech parliament in 2022 despite the fact that it is a common procedure in many European countries and has been supported by the governmental majority. He proposes making use of the rich foreign experience for the general discussion about the advantages and disadvantages of postal voting, and for minimising the doubts and risks related to its potential introduction into the Czech election legislation. He suggests introducing postal voting for overseas voters because they have an objective obstacle to their right to vote and to limit postal voting to parliamentary and senate elections due to technical and administrative reasons.

The last two chapters focus on two less visible but not less important Czech presidency priorities. The first is health care, whose effectiveness has been jeopardised by the COVID-19 pandemic with the EU

member states having to face its consequences for the years to come. *Pavel Hroboň* proposes making use of the experience from other EU member states and the United Kingdom (UK) to make the Czech health care system more efficient and reduce the planned surgery waiting times, which have increased dramatically after the COVID-19 pandemic. One way to do so is by expanding day surgery services.

The final text discusses the necessary steps to support academic spin-offs, an important tool for universities to contribute to local development. It is a relatively infrequently used instrument in Europe with great potential. It has been included among the priorities of the Czech Ministry of Science Research and Innovation. *Otomar Sláma* argues that Czechia's knowledge and technology potential carries the promise that it can join the most innovative countries in Europe and its example could inspire other former socialist countries. One of the most important and efficient tools is the support of academic spin-off companies.

To conclude, let us recall what Peter Hefele states in his chapter. The war in Ukraine will have a number of major implications for Europe's economic and security arrangements. It will also lead, however, to a significant realignment of power relations on the continent. The French-German tandem has long pursued a transactional approach towards Eastern Europe and the Baltic States, which was already failing at the time of the migration crisis, and the war in Ukraine has fully exposed its limits. Their model of commercial expansion to the 'Eastern markets' and use of their cheap labour has lacked geostrategic focus. Resistance to the enforcing norms and rules, that these countries themselves have often failed to meet, has gradually emerged.

Central European countries have acquired the feeling that they are still second-class citizens in Europe. Their growing economic prosperity has not been accompanied by a feeling of appreciation that the 'old' member states regard them as equals. Central European societies have suffered from a sense of non-recognition. This concept, developed by the Canadian philosopher Charles Taylor (1998), can be applied to a situation in which the 'new' member states yearn for two complementary sides of recognition that would enable them to identify with the European community. They yearn for recognition of themselves as equal partners, but at the same time seek respect for their distinctness in situations where they act or decide differently.

The EU accession has also opened up old uncertainties. While the single market, the Schengen area and European citizenship have boosted economic prosperity, they have also had an impact on migration. The potential influx of foreign citizens has highlighted the artificial homogeneity of Central European countries, which was the result of a past they were not prepared to face. Migration has disrupted the myth of one nation and one language, which had been alien to these territories up until the mid-twentieth century.

If the 1990s forced their societies to come to terms with the economic, political and social consequences of socialism, migration has opened up a past that was even deeper and often no less traumatic. Communist propaganda offered a simple narrative to justify acts of injustice against minorities in the name of state-building, but this could not hold up in a democratic society. The complicated history of statehood in Central European countries and the erosion of state sovereignty by the process of European integration have been exploited by illiberal forces whose public debate on migration has been influenced by methodological nationalism that views the nation-state as a natural unit and equates nation and society. They found a theme, in the opposition to migration, that allowed them to mobilise part of society.

Concerns about their own identity, which migration was supposed to threaten, along with a sense of not being recognised in Europe, have undermined the legitimacy of the ‘return to Europe’ theme. Part of the Central European public had the feeling that if the West wanted to see them as Visegrad pariahs, then they would be pariahs - sort of like the slogan from the first Czech EU presidency in 2009, ‘We’ll make it sweet for Europe’ (Evropě to osladíme, which has a double meaning in Czech - it can either mean making things nicer or giving someone a hard time).

Russia’s aggression against Ukraine and the indecisive response of both France and Germany have diminished their credibility as countries capable of leading the European continent and willing to defend the European values they have so often embraced. Bringing together the Eastern European and Baltic countries with the Nordics, the UK and the USA will lead to a realignment of political forces in Europe. Its shape is not clear at present, but the Czech EU presidency, followed by Sweden, may influence what shape the future of the EU will take. The ‘Europe as a Task’ motto seems to take this role seriously.

The Czech government, as well as many other European governments, should realise that the alliance against Russian aggression cannot ignore the danger of rising nationalism, populism and extremism, as we see not only in Hungary and Poland, but also in many other European countries. We need a comprehensive and systematic assessment of the underlying causes behind the current threat to liberal democracy in (Central) Europe. What is already certain, however, is that to strengthen democratic governance, we need to strengthen the trust in the state institutions and the resilience of Central European and Baltic countries against undemocratic influences that offer seemingly quick and effective solutions, and against which many citizens find the democratic process too lengthy and impractical.

Transatlantic Relations: UK, France, Germany, and Central Europe?

Peter Hefele

Summary: The Russian war on Ukraine has fundamentally scattered the post-1990s security architecture in Europe and has massive impacts on Europe's security architecture and security culture. Europe's internal power geometry will shift dramatically towards Central, Eastern and Nordic countries. Traditional powers such as Germany and France have to review their respective policies. In addition, the European pillar of the transatlantic security community has to be strengthened to also support the USA in its fight against a rising China.

Keywords: security policies, NATO, European Union, China, Russia, Ukraine war, United Kingdom

Introduction

The Russian war on Ukraine has fundamentally scattered the post-1990s security architecture in Europe: assumptions and illusions about a common 'European house', a rules-based order or a joint sphere of wealth from Lisbon to Vladivostok have been discredited. The war on Ukraine has marked the return of the United States (US) – or better yet, the Anglosphere (Drea 2022) – into Europe in an unprecedented and unexpected way. Despite years of discussions on European 'strategic sovereignty',² the support of the US and the United Kingdom (UK) has been decisive in defending Ukraine and the Eastern flank of NATO. The impact of this war on Europe's security architecture, its security culture and mentality, and Europe's internal power geometry will be massive and long-lasting.

It is against this background that this article will first examine the changing role of the major powers in Europe, in particular France, Germany, and the UK. It will further look into the rising importance of the Central, Eastern, and Northern European countries for the future of Europe – even beyond the current crisis. After having prepared the European 'table', the analysis will attempt to elaborate on the future role of the United States in Europe and the reshaping of transatlantic and global relations.

² The terminology has slightly shifted in recent years from 'strategic autonomy' to 'strategic sovereignty' in the European discourse. Yet, the core meaning remains more or less the same: Europe must be able to act collectively whenever possible, but autonomously when necessary. See Elysée (2017); Szewczyk (2022); Dupré (2022).

Between Leadership and ‘European Autonomy’: France and Germany

Past dynamics in European integration have often been informed by the Paris-Berlin axis. Already in the later years of Angela Merkel’s Chancellorship, however, the Franco-German consensus and momentum over what the way forward should be for ‘project Europe’ had been lost. President Macron’s 2017 call for Europe’s strategic autonomy had little to no resonance in Berlin (Federl 2017). Changes in governments and a strong anti-European movement in French domestic politics will make it very difficult to regain this traditional momentum.³ For the moment, France has taken over the burden of Europe’s leadership, at least in the field of strategic defence and security policy in Europe. This is less due to its nuclear deterrence capabilities, but more to its own tradition of (global) power projection and strategic culture – and the absence of such habits in Germany. France’s weak point is its lack of unanimous domestic support and a weakening economic base.

The more dramatic changes, however, are taking place in Europe’s largest and economically most potent member state, Germany. Against the traditional German (wishful) thinking, the worst has happened: war as a political reality has met with a mentally, politically and fiscally unprepared nation and its leadership. Expectations that the country would finally ‘mature’ after reunification and be willing to take leadership at least in its own periphery have not (yet) materialised. A deep-rooted ‘post-heroism’ (Münkler 2016) and biased lessons from its own history and the Cold War period, have eroded the physical and psychological foundations for German leadership in times of war. The U-turn in Germany’s defence and energy policy is remarkable, however, at least in terms of spending and ambitions (Dorn et al. 2022). Yet, it is too early to judge its long-lasting effects. The danger of backsliding into old habits remains present. This is not least due to a lack of a coherent strategy within Germany’s foreign policy (Mair et al. 2018). The new government coalition has promised to lay at least the foundations of strategy capabilities (*Strategiefähigkeit*). This comprises a clearer understanding of Germany’s core interests, enhanced coordination between different policy fields and actors, and material resources to project influence abroad. The Indo-Pacific guidelines (*Leitlinien zum Indo-Pacific*), released by the German government in September 2020, are so far the most comprehensive policy concept focusing on a strategic region. It systematically analyses the challenges and opportunities for Germany and critically reflects on available resources and those to be developed. This is remarkable progress in German foreign policy. Other regions, such as Latin America, still lack, however, the attention they deserve.

The gap between our partners’ expectations and the disappointment about Germany’s unwillingness or inability ‘to deliver’ has widened in the weeks following the Russian invasion. It will take massive

³ As a result of the last elections in France, forming a strong and stable government will be more difficult due to strong left and right opposition parties.

efforts from German policymakers to overcome these perceptions and revived stereotypes. Germany's political leadership should start with a better understanding of the historical perceptions and specific needs of its neighbours, in particular in Central and Eastern Europe. This should be followed by ongoing and substantial engagement to build up the necessary pillars of Europe's autonomous capacities in defence, energy and technological knowledge.

Whatever role the USA will have in Europe over the medium-term, the expectations from the USA and other like-minded countries towards Europe and its leading powers are clear. In any future conflict in Europe's neighbourhood, Europe has to be able to react in a fast, united and decisive manner. There will no longer be any American bailout. Quite the contrary: despite the disastrous results in Afghanistan, Libya, and Mali, Europe has to be prepared to be called on for further out-of-area operations, too.

Building New Bridges: The Need for Better EU-UK Relations

The relationship between the European Union (EU) and the United Kingdom requires special attention, as it remains crucial both for the realisation of the EU's global strategic ambitions, as well as for transatlantic relations. An engagement from both sides to repair bridges and rebuild trust is needed, in a more serious and responsible manner than is currently the case. Overshadowed by unsolved trade issues after Brexit and domestic political instability, the EU-UK relationship has been substantially damaged in many fields, from scientific exchanges to defence cooperation. The EU has been continuously open to deeper security and defence cooperation with the UK. The responses from London thus far are rather unclear (Antinozzi 2022).

The Ukraine war has clearly shown that UK military capabilities are outstanding in Europe as is the country's willingness to act decisively. Any discussion on European 'autonomy' is inseparably linked with the UK having a crucial role in Europe's defence architecture. For the time being, the most important framework for this bilateral cooperation is and will remain NATO.⁴ This is an important element which has to be incorporated into any future thinking on how to move forward. The recently released EU Strategic Compass (EEAS 2022; Blockmans et al. 2022) for security and defence is the result of a two-year process to identify areas where the EU can develop its own defence mechanisms. It involves remarkable progress in comparison to earlier attempts, such as the 2016 Implementation Plan on Security and Defence, which largely failed at that time. It not only outlines the strategic objectives of the EU in mid- and long-term perspectives, but also defines concrete measures to be taken by the Union and members states, from research projects to joint military procurement. The

⁴ There are other non-NATO frameworks, such as the UK-led Joint Expeditionary Force Initiative or the French-led European Intervention Initiative, in which the UK participates.

compass was released before NATO itself updated its Strategic Concept during its Madrid Summit. Even more than the EU compass of March 2022, the Concept has to be understood against the rapidly deteriorating security environment after Russia's attack on Ukraine, putting a strong focus on building up a credible force of deterrence at the Eastern flank of NATO. It outlines the alliance's vision of its security environment and its broader goals for the coming decade. It also takes into consideration non-traditional threats such as climate-change. As a reflection on the rise of China, it goes beyond the area of NATO and emphasises the importance of alliances with democratic partners in Asia-Pacific, i.e., South Korea and Japan. These two assessments are based on a quite similar threat analysis and create common ground for shared understanding, setting coherent priorities and identifying complementary capacities – including the UK. For the time being, the European Union and NATO will have different mandates. It is now mainly up to the EU to decide the future structure of Europe's defence architecture (Novaky 2021b).

A Changing Power Geometry Within the European Union?

One of the most remarkable – and least obvious – shifts in the power geometry within the European Union is the growing weight and relatively openly acclaimed aspirations of the Central, Eastern, and Northern European countries in defining European politics. This is not only apparent in the case of defence and security. It will also play out in the field of European federalism (Reho 2018), societal policies and in terms of values and identity. This might put Germany and some other Western European countries in a rather unknown and unpleasant position.

Economic power will no longer translate into political power as the future of the 'European project' is again at a crossroads. In Germany's case, the country lost its neighbours' trust as a result of uncoordinated and unilateral decisions in the past (i.e., Nord Stream 2, migration politics or the *Energiewende*), or due to moralising attitudes towards other countries, which will take years to repair. Doubts remain whether France will be able to lead, given its fragile socio-economic and political situation. It will be Poland, Czechia, Slovakia, and the Baltic countries in particular who will reap the political fruits of the current crisis, not least thanks to their tremendous efforts in defending Europe's Eastern flank and the burden of defending Ukraine. Even before the formal accession of Sweden and Finland as NATO's newest members, their contributions to Europe's collective defence will substantially influence the tectonic shift of power within Europe (Economist 2022).

It can be assumed that Russia will continue to act as an expansionist power, even if it may not achieve its immediate strategic goals in Ukraine. Creating and maintaining stability at the Northern, Eastern, and Southern periphery and managing further integration processes such as in the Western Balkans, will increase the role of the member states closest to those neighbourhoods. These members will

demand European solidarity, as well as a much larger voice in formulating related policies, such as in migration, budgeting or resource allocation on the EU level. Germany and France can maintain their influence only if and insofar as they are willing to accept this new power reality in Europe. Otherwise, the division within Europe will only increase, weakening the bloc's role as a global actor. The old idea of the Berlin-Paris axis has come to an end and a new set of flexible 'engines' has to be put in place.

Transatlantic Relations in a Wider Geopolitical Horizon

The massive engagement of the US to defend Ukraine has surprised almost all actors in this conflict: first and foremost, the Russian aggressor; but not least many European countries and China. There are good reasons to doubt that a quick and successful occupation of Ukraine and the establishment of a Russian puppet regime in Kyiv had led to little more than half-hearted reactions from the major European powers. It was the USA and its closest ally the UK which early on drew the correct conclusions after the illegal occupation of Crimea and the ongoing failure of the Minsk process – and made Ukraine the trip wire for Vladimir Putin's imperialistic ambitions. This 'return' of the United States is surprising only in initial hindsight. Due to America's pivot to Asia under the Obama administration and the Trumpian isolationist policy after 2016, many European observers have doubted any further substantial USA engagement in Europe. From an American global perspective, however, we are already amid a global competition between a liberal order and an authoritarian, even totalitarian one, epitomised by China and Russia (Cordesman and Hwang 2021). While Europeans are still redefining their relations to the Indo-Pacific theatre,⁵ the USA has already set the new geopolitical stage which will dominate the next decades, and see Eurasia and the Western Pacific Rim as one challenge.

Taking this strategic framework into account, the 'securitisation'⁶ of transatlantic relations is set to increase. This will require some unpleasant decisions by the EU – or more precisely – by some major member states, such as Germany and France, over which side to take. Even after US President Joe Biden took office, transatlantic relations were never free of conflict, in particular with regard to Russia and China. As US-China relations will not improve substantially in the near future and existing conflicts can, at best, be managed, we can therefore expect further 'collateral damages' for Europe at any time. This makes it even more important that Europe clearly defines its own interests, unequivocally 'signals' them to both major powers – the United States and China – and, if necessary, be able to withstand conflicts on its own (Hefele 2022). For the moment, the Ukraine war forges the transatlantic partners together, but this should not be taken for granted. Even within the

5 See the different concepts and white papers on the Indo-Pacific, released by the European Council and several EU members states, i.e., Federal Foreign Office (2020); Council of the European Union (2021).

6 See Eroukhmanoff (2018).

European Union, positions between ‘Atlanticists’ and ‘Gaullists’⁷ differ. Much will depend on the establishment of further transatlantic platforms to jointly act on strategic questions such as standards for digitalisation.⁸

As the USA engagement in the Indo-Pacific remains dominant, Europe has to also back up its words with deeds in that area. The existing regional security frameworks in the Pacific hemisphere⁹ do not include European countries except for the UK (i.e., through AUKUS). France might continue to engage as the only European power with territory and citizens *d’outre-mer*, but the country can hardly increase its deployments there in a substantial way. Europe can nevertheless contribute in many ways to enhance stability, support like-minded partners and share the burden with the US in managing the rise of China (Berkofsky 2021). Promising steps have been made in the field of cyber security, industrial defence cooperation and disaster prevention.

Conclusion

Any progress made within the EU in terms of enhanced decision-making, optimisation of procurement and interoperability will immediately increase Europe’s reputation and attractiveness as a global partner. Much can be achieved without any formal changes in the existing constitutional framework of the European Union.¹⁰ The war on Ukraine has led to a quantum leap in the ‘coming of age’ of the European Union.

7 These terms refer to the massive conflict in the Federal Republic of Germany in the 1950/60 on future security architecture in Europe; see Geiger (2012).

8 Such as the EU-US Trade and Technology Council (TTC); see European Commission (2022).

9 For an overview on the evolution of security frameworks in the region see Luthra (2022).

10 For a discussion of the pros and cons of the qualified majority voting (QMV), see Novaky (2021a).

Recommendations

- Transatlantic relations, as the core of European security, have to be broadened and deepened beyond the framework of NATO. Standardisation and regulations, i.e., in the field of digital technologies and services, are key to raising Europe's voice globally.
- France and Germany have to acknowledge the new power geometry in Europe and find new ways of engaging with Central, Eastern, and Nordic countries in the field of security policies.
- While the discussion on the need for change in the European Treaties will continue, all existing opportunities to deepen and enhance security cooperation within the existing constitutional framework should be exploited.
- Despite a renewed focus on territorial defence in Europe, the EU has to prepare itself to engage out-of-area in the future, i.e., also in the Indo-Pacific.
- The European pillar in defence and security has to be strengthened and seen as a necessary complement to NATO, helping the USA cope with the rise of China in the Asia-Pacific.
- The momentum of developing a new strategic culture in European societies and among political leaders has to be kept alive even after the end of the current war.

Climate Change and Geopolitics: What Role for Europe?

Lucie Tungul

Summary: Climate change will lead to new regional and global power dynamics. We will see far reaching consequences in Europe and around the world. As climate policy permeates many other policy issues, the EU will have to match its ambitions with sufficient resources and capacities on both the European and the national levels, matching ambitions with resources and ensuring the coherence of the European external policies. This has proven to be extremely difficult many times in the past and it is not going to be easy in the future either. The resulting economic problems of the EU member states have already decreased the willingness to invest in green transition. This chapter provides an overview of the climate change implications for the EU's geopolitics. It argues that the EU has to reinforce the full incorporation of climate-change agenda into its external policies while respecting the principles of environmental justice.

Keywords: climate change, conflict, resources, geopolitics, justice

Introduction

Upon taking her position as President of the European Commission in 2019, Ursula von der Leyen declared that her Commission was going to be a 'geopolitical Commission' (European Commission 2019). The President envisaged a European Union (EU) that would find a stronger place in the complex geopolitical world. In terms of climate policy, both the 2019 Green Deal and the 2021 Council Conclusions highlighted the link between geopolitics and 'green transition', between climate change and Europeans values and interests. While many welcomed the idea of the EU being a geopolitical actor, we have witnessed a number of doubts about its ability to fulfil this goal. The goal of a stronger geopolitical role for Europe and the EU's climate change policies have been affected by the COVID-19 pandemic and the war in Ukraine, which revealed the multiple weaknesses of the European Union and underscored and amplified many already present global challenges and socio-economic inequalities.

We will be witness to climate change leading to new regional and global power dynamics. Climate change and extreme weather conditions will affect harvests, cause drought and consecutively climate migration and will thus demand increased need for humanitarian aid and disaster recovery. The green transition is likely to change geopolitical dynamics and lead to new international tensions (Tänzler,

Ivleva and Hausotter 2021). We will see far reaching consequences in Europe and globally and the EU has to be prepared and able to adapt and mitigate the new security threats (Sikorsky and Goodman 2021). As climate policy permeates a large number of other policy issues, the EU will have to match its ambitions with sufficient resources and capacities on both the European and the national levels, matching ambitions with resources and ensuring the coherence of the European external policies. This has proven to be extremely difficult many times in the past and it is not going to be easy in the future either. The resulting economic problems of the EU member states have already decreased the willingness to invest in green transition (Tänzler, Ivleva and Hausotter 2021).

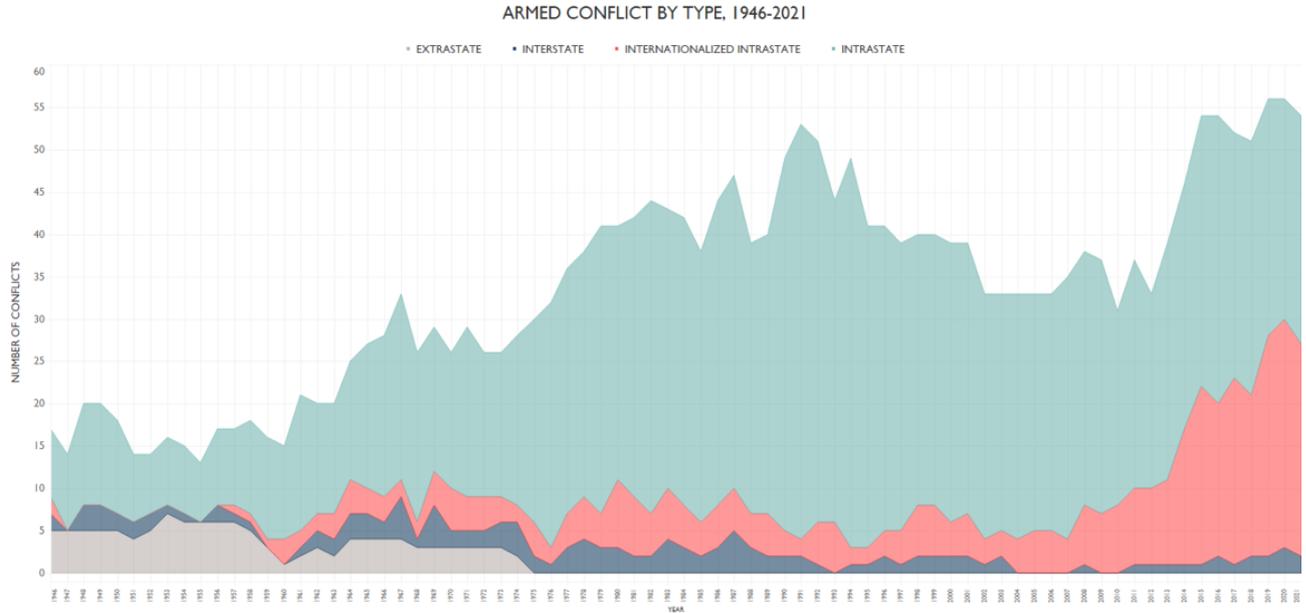
The crises offered the EU, however, the possibility of offsetting its systemic vulnerabilities and dependencies in the future. The COVID-19 pandemic and the war in Ukraine have shown that, despite the obvious deficiencies and diverging interests, the EU member states can cooperate to achieve common goals. This chapter provides an overview of the climate change implications for the EU's geopolitics. It argues that the EU has to reinforce the full incorporation of climate change agenda into its external policies while respecting the principles of environmental justice.

Climate Change and Geopolitics

Since the end of the Cold War, the number of interstate conflicts has decreased while the frequency of intra-state and transnational threats and conflicts has increased, accompanied by the rising importance of non-state actors. Climate change represents 'an actor-less threat' that will become the greatest risk to our prosperity and security in the future.¹¹ A Stanford-led study estimated that 'climate has influenced between 3% and 20% of armed conflict risk over the last century and that the influence will likely increase dramatically' (Ryan 2019). The climate change related heatwaves have already increased the mortality risk in Europe and we have seen rising trends of internal migration and displacement, especially in Bosnia-Herzegovina, Spain, France, and Germany (Sikorsky and Goodman 2021).

¹¹ Between 2001 and 2019, 7,368 major disaster events took place taking 1.23 million lives and costing approximately \$2.97 trillion compared with four 1,212 disaster events costing \$1.63 trillion between 1980 and 1999 (UNDRR 2020).

Fig. 1: Armed Conflict by Type, 1946-2021



Based on UCDP 22.1 data

Source: UCDP (2022).

Experts, politicians and scientists are increasingly arguing that we need ‘a new framework for thinking about the geopolitical risks of climate change’ (Petraeus and McAleenan 2021) because it affects national security, social welfare, political stability and economic prosperity. When talking about security and climate change, people often associate climate-change related conflict risks with struggle over resources. While securing access to resources has always been one of the key aspects of geopolitics, the linkages are far more complex and far reaching than what meets the naked eye.

As climate change leads to rising sea levels, desertification, forest fires, land degradation and many other climate change-related developments causing greater scarcity of food and water, the public discontent with public authorities surges. Climate change can therefore lead to instability that ‘can spill into armed conflict or spur external migration’ (Sikorsky and Goodman 2021). Weak governments, that are incapable of running effective prevention management and resource distribution systems, will not be able to handle the increasing tensions in the areas affected by climate change. Their position will be further weakened by economic losses caused by climate change. Armed groups could benefit from these developments, being able to recruit members of the excluded communities more easily. In an economically weak environment, people might look for solutions in paramilitary groups

such as Boko Haram (Hocquet 2021) or Taliban (Climate diplomacy 2021a), which provide them with income, status and access to resources. Extreme weather and rising sea levels will affect the economic, social and political order across the world. A direct link is apparent between climate-induced events and destabilisation such as the 2008 draught in Iraq and 2009 draught in Mali which contributed to the rise of al Qaeda and the Islamic state (Hocquet 2021).

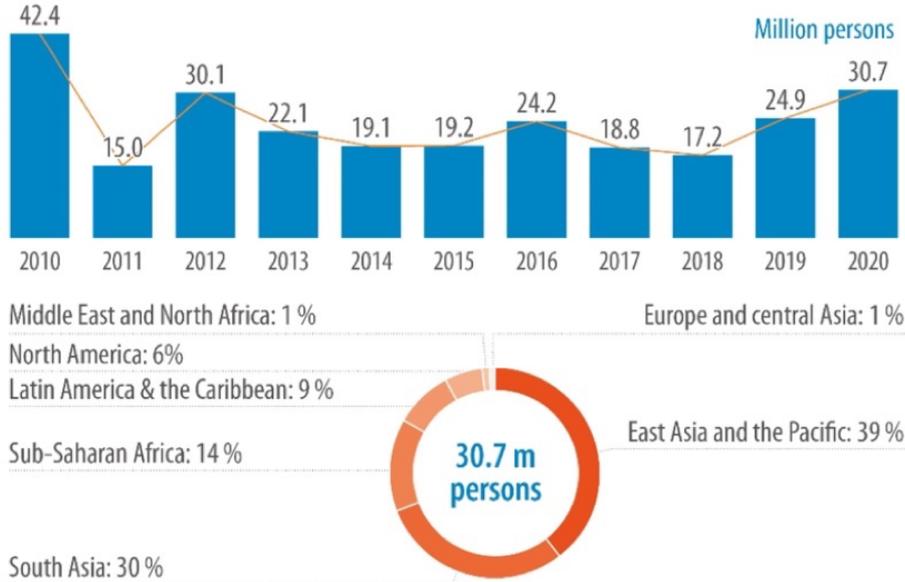
Other times the linkages are less visible at first sight. When the Arab Spring uprisings started, many interpreted them as a democratisation wave responding to the authoritarian practices of the local rulers. The popular discontent was spurred, however, by various factors, some indirectly linked to climate change (Johnstone and Mazo 2011; Werrell and Femia 2013) The countries in the region belong to the leading world importers of grain. The unrest was spurred by the high prices of wheat, which inflated the price of bread. The high prices were caused by a combination of climate change (drought in China, Russia and Ukraine, heavy rains in Australia and Canada), ineffective local economic policies and disinterest on the part of the local elites. The unrest caused destabilisation and, in some cases, led to military conflict.¹² The resulting refugee wave spread to Europe, disrupting its political scene. The current war in Ukraine, which is yet again increasing food prices around the world, clearly indicates the vulnerability of many regions which are already struggling with the effects of climate change. We cannot argue that there is a linear causality but we also cannot ignore the fact that human society depends on the physical environment and destabilising the environment affects human society. We need to understand these cascading factors to learn how to effectively address and prevent their onset.

An increasing number of people are displaced or migrating in the context of disasters, climate change and other environmental factors. Sudden-onset disasters have led on average to 25.3 million displacements a year since 2008. In 2016, disaster displacements outnumbered new displacement caused by conflict and violence by three to one (IDMC n.d.). Migration has significant implications for security, geopolitics, trade and economic development (Climate Diplomacy 2021b). It will affect most countries that are less capable of handling climate change.¹³ In the poorest countries, climate migration will accelerate brain drain, impede development of rural economies (people will abandon agricultural land) and overcrowd urban areas increasing the risk of war, exploitation, sexual violence and human trafficking.

¹² For more on this topic, see Werrell and Femia (2013).

¹³ More than 18 million people in South Asia were climate migrants in 2020. If global average temperatures rise over 3 degrees Celsius, the number of climate migrants would reach 63 million people in Pakistan, India, Bangladesh, Nepal, and Sri Lanka (Hayat 2021).

Internal Displacement of People Due to Natural Disasters



Source: Apap and du Perron de Revel (2021).

Climate change can induce conflict but can also lead to cooperation, where (former) adversary states are forced to come together and look for solutions. The EU could, for example, contribute to the resolution of the conflict in the Euphrates river basin, which has led to increased water securitisation. The riparian states, Turkey, Iran, Iraq and Syria might overcome the negative approaches dominated by nationalism, if they were all to accept that the struggle against environmental degradation and water security risks can only be won if they all cooperate on achieving food security and economic prosperity. The countries could use the example of the cooperation among the Mekong River downstream countries. Mapping climate change risks and the need to address them may force long standing adversaries to cooperate and therefore deescalate open or latent and conflict situations (Aamer 2021).

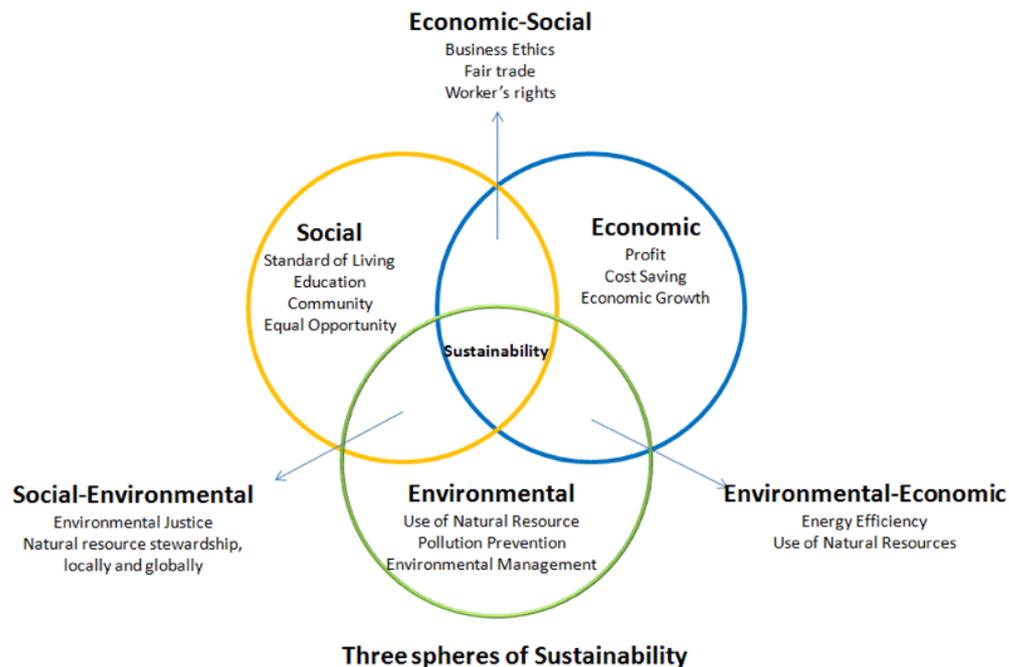
Facing the consequences of climate change will require the development of political and economic tools for mitigation and adaptation, which would increase the resilience of vulnerable societies. The EU should strengthen its support for increasing the resilience of African countries by supporting agricultural productivity (that includes the use of local techniques and land conservation know-how but also development of climate resistant seeds), effective and inclusive institutions, improved infrastructure and effective management of resources and conflicts (Climate Diplomacy 2021b). The

EU's policies for Africa should have a strong climate component. Peace and security initiatives should prioritise human rights over military solutions (Climate Diplomacy 2021b). In response to migration waves, the EU should promote multilateralism and transnationalism leading to promulgation of partnerships and alliances in a wide range of forms. Cooperation with local organisations in Africa and Asia will be quite important for Europe. The concept of justice will be an important factor in the drafting and implementation of these initiatives.

Making It Fair

Sustainability has three dimensions: environmental, economic and social. As Fig. 3 explains, the three dimensions are interrelated and together aim to promote sustainable business ethics, fair trade, the rights of workers, energy efficiency and the use and management of natural resources. If mutually balanced, they create a model of a sustainable society. If unbalanced, they lead to pollution, conflict over resources (including water and food securitisation), growth and property. The different types of conflict do not necessarily exist independently but are related, which contributes to the intensity of the conflict especially in societies which already have a relatively high level of open or latent conflict.

Fig. 3: The Three Spheres of Sustainability



Source: Melo (2019).

A key sustainability feature, lying in the overlap between environmental and social sustainability dimensions, is environmental justice. It is defined as ‘fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies’ (EPA 2021). It encourages citizen participation in the development, implementation and enforcement of environmental policies. It discourages ‘disproportionate share of ... negative environmental consequences resulting from industrial, governmental and commercial operations or policies’ (EPA 2021). It is linked to energy justice, i.e., having access to energy and poverty alleviation in a post carbon environment, and to climate justice, where the green transition’s burdens and benefits are shared (Hocquet 2021). We have been experiencing, with rising urgency, that energy can be a significant source of economic and social disruption, which does apply solely to energy security, access to affordable energy and tension between fossil fuel exporters and green energy exporters but also to various new hazards related to the green revolution. Climate and energy have become crucial areas of great power competition at present (Hammelehle, Kabus and Eisentraut 2021).

The European debate on trade and climate change includes the element of human rights and the environmental dimensions of European businesses’ economic activities. The normative part of the debate prescribes all phases of production and marketing with respect to human rights, environmental, social, and labour standards (Tänzler, Ivleva and Hausotter 2021) but reality often tells a different story. Better mechanisms, ensuring that European businesses fulfil the requirements that offset the negative impact, have to put in place.¹⁴ The COVID-19 pandemic has revealed supply chain vulnerabilities and opened the debate for increasing supply chain resilience, which would also respect the objectives of green transformation.

As some of the materials needed for green technologies require precious metals that are found in conflict ridden societies, the use of new technologies in Europe might contribute to conflict, democratic deficiency, and corruption on other continents. 50% of the cobalt can be found, for example, in the Democratic Republic of Congo, widely described as a ‘failed state, unable to meet its citizen’s basic needs’ (Titeca and de Herdt 2019). We will see the emergence of new countries and regions ‘cursed’ by their natural resources. The EU should use the multilateral trade forums to also avoid securitisation of natural resources (IISS 2022). While Africa and Asia are the most vulnerable continents affected by climate change, they also hold most of the renewable resources (sunlight, rainfall, fresh water, biodiversity). Many African and Asian countries face substantial obstacles in developing them in sustainable ways, but their potential and the natural resources can be major parts of the solution and the EU should be there to assist them.

¹⁴ The Commission presented A Directive on Corporate Sustainability Due Diligence in February 2022. The discussion of this topic is beyond the scope of this paper, but see, e.g., O’Brien and Martin-Ortega (2022).

Fig. 4 The Share of Global Critical Reserves

Share of global critical mineral reserves at different fragility levels, top reserve countries, 2020, percent

Fragility level: ● Sustainable ● Stable ● Warning ● Alert

Global rank with regard to reserves	Bauxite	Cobalt	Copper	Graphite	Lithium	Nickel	Rare earths
1	Guinea 25%	DR Congo 51%	Chile 23%	Turkey 28%	Chile 44%	Indonesia 22%	China 37%
2	Australia 19%	Australia 20%	Peru 11%	China 23%	Australia 22%	Australia 21%	Vietnam 18%
3	Vietnam 12%	Cuba 7%	Australia 10%	Brazil 22%	Argentina 9%	Brazil 17%	Brazil 18%

Data: US Geological Survey; The Fund for Peace. Illustration: Munich Security Conference

Source: Bunde et al. (2022).

Climate diplomacy should be complemented with energy diplomacy. It is quite obvious that the countries and communities that have done the least to cause climate change will be affected the most. The distribution of climate change and green transition's impact will be uneven and the policies adopted should not lead to further exploitation of vulnerable communities and regions. Countries that have experienced violent conflicts in the recent past are among the most vulnerable ones and face bigger challenges in meeting the targets than other developing countries. When implementing the adaptation and mitigation policies, the EU must provide sufficient consideration to protecting human security and keep in mind the possible 'negative effects on traditional national security and geopolitics' (Hocquet 2021).

The West has thus far not met its commitments to support developing countries in their climate change mitigation and adaptation policies, which jeopardised the global South's resilience to climate change. Green technology research has been defined more by competition than cooperation (Hammelehle, Kabus and Eisentraut 2021). The EU should invest in science innovation and research in developing countries that would increase their capabilities using locally-owned capacities, resources and know-how. Joint bilateral and multilateral initiatives increase 'economic efficiency of high cost innovation processes' (Tänzler, Ivleva and Hausotter 2021:27). The EU should use the wide range of existing bilateral and multilateral programmes, initiatives and partnerships such as Partnership for Research and Innovation in the Mediterranean area, AU-EU Research and Innovation Partnership on Climate

Change and Sustainable Energy, the EU-Africa High Level Policy Dialogue on Science Technology and Innovation, EU-CELAC Joint Initiative for Research and Innovation, etc. The EU should expand and strengthen the climate change research components in its scientific and technical cooperation agreements such as strengthening the existing and launching new partnership in the India-EU flagship call on integrated local energy systems.

We need to understand better the environmental political and social context of climate change. It has been already reflected in the EU's Horizon Europe, which dedicated 4 of its 5 mission areas to the Green Deal and allocating 35% of its spending to climate objectives. We need to reinforce the focus on an interdisciplinary approach because the debate on climate change is still dominated by the natural sciences and by population and environment studies (Diallo and Renou 2015). Climate change policy preparation and implementation needs to incorporate conflict analysis and the concept of environmental justice, especially political inequality, the impact on vulnerable communities and a gendered approach. Gender is also an important element of a just transition. Women produce 60 to 80% of food in developing countries but often face discrimination in economic rights (Mago and Gunwal 2015) and are disproportionately affected by natural disasters. They should be included in the decision-making processes related to green transition; green finances, technology, and know-how should be available to women.

Climate Change Threats to European Security

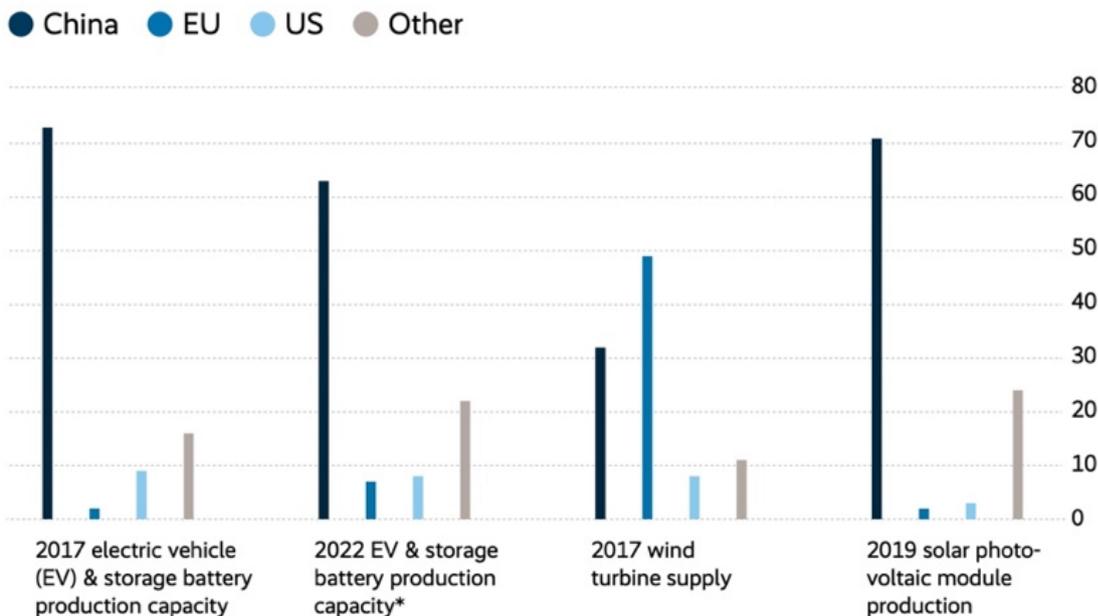
Europe and its allies have to ensure that the climate change transition does not provide their adversaries with new powers that could pose a risk to the West. Particular urgency requires a revised relationship with China and Russia and an acknowledgement of the dangers posed by culture wars, disinformation, and propaganda.

Europe will have to find a way to approach China. The EU institutions and member states have recognised that China is a key actor for global decarbonisation but its 'quest for international influence has been increasingly seen as contradicting European interests and ... values' (Tänzler, Ivleva and Hausotter 2021:9). The figure below shows that the EU and the USA are falling behind China in all market supply shares for green energy technologies. China by far is the strongest market in green energy technologies and materials. It now has an 85 to 90% market share in the conversion of rare earth elements into metals and magnets (Hammelehle, Kabus and Eisentraut 2021). There is some talk about a global clean energy 'arms race', most visible between China and the USA. We face the risk of moving away from being dependant on oil coming from the authoritarian societies in the Middle East to being dependant on green technologies from totalitarian China (Hammelehle, Kabus and Eisentraut 2021) and losing political influence around the globe, including the EU's neighbourhood.

The EU needs to become more competitive in green technologies, develop its soft green power (Tänzler, Ivleva and Hausotter 2021) and regain the increasingly contested leadership role in global climate change policy.

Fig. 5: Market Supply Shares for Green Energy Technologies

Market supply shares for green energy technologies, 2017, 2019, and 2022, percent



*Figures for 2022 are projections.

Data: Allianz Research. Illustration: Munich Security Conference

Source: Hammelehle, Kabus and Eisentraut (2021).

Green transition will require stable supply chains. China sees the green transition as an economic opportunity and a possible source of increasing its power globally. It has been quite aggressive in pursuing its goal. We have seen during the COVID-19 pandemic, that the dependency on China for the global supply chains undercut the Western economies. The lesson learnt is the need for greater diversification. The same applies to the EU's neglected autonomy in energy policy as was painfully learnt during the Russian war against Ukraine.

Russia is another country that presents a ‘life threat’ to Europe when it comes to climate change. Some experts warn of the militarisation of the Arctic¹⁵ which is warming up twice faster than the rest of the world and will most likely be ice-free in the summers by late 2035, which might lead to a conflict over resources between China and Russia. They were also leaders in disinformation campaigns during the pandemic (Standish 2021), but with different goals. While China tried to repair and boost its image, Russia aimed to undermine the faith of the Western public in the ability of their institutions to handle the crisis and fuel tensions in their societies, ‘exploiting disunity and polarisation that already exists in the West’ (Standish 2021). What is particularly worrisome is that both China and Russia have become more active in the developing countries with their anti-Western discourse. The Western underperformance, in assisting the developing countries with tackling the pandemic, provided a fertile ground for these activities (Standish 2021).

Disinformation and propaganda, regardless of its origin, represents a significant source of threat in the Western societies. Climate change will be debated on social media and we will see attempts to undermine the established authorities, including institutions and norms and/or promote specific interest.¹⁶ The protagonists of the cyber war will use fear of change as a mobilising factor. Liberal democracies will feel increased pressure from extremists and populists (Hammelehle, Kabus and Eisentraut 2021; Petraeus and McAleenan 2021). Europe will face the risk of rising authoritarianism, which will increase when its societies will experience increasing economic and social distress (Petraeus and McAleenan 2021). To avoid the risk, the member states and the EU have to actively work on making European society more politically inclusive (Hammelehle, Kabus and Eisentraut 2021).

This also includes the active involvement of diverse groups in the process of discussion, planning the drafting and implementation of communal climate change policies. The climate change governance regime has to maximise its inclusion of businesses, civil society and cities, as well as encourage and foster partnerships across sectors. The commitments and policies, adopted on the international level, have to be translated into national regional and local policy programmes and planning processes. They have to reflect local realities and the responses must be adjusted accordingly.

Conclusion

The EU is working to find a solid place on the international stage and considers climate diplomacy a crucial tool for achieving its climate goals. As climate policy has moved from the area of ‘low’ politics to ‘high’ politics, its objectives should be incorporated into all relevant areas of the EU’s international reach and become an indispensable part of EU diplomatic efforts. The EU needs to develop policies

¹⁵ See, e.g., Sikorsky and Goodman (2021).

¹⁶ For China’s media campaigns during the pandemic, see Waterson and Kuo (2020) and for the backlash Shih (2020).

across broad policy areas (energy, environment, development, finance, security, foreign policy, agriculture, etc.) on the national, European and global levels. The mitigation and adaptation strategies must include a thorough understanding of climate–conflict linkages. Risk reduction strategies should incorporate measures offsetting the impact of climatic risk on conflict.

The EU should cooperate with its allies when and where deemed useful to protect its own interests. The EU needs to expand its existing policies in its neighbourhood and Africa and prepare policies for regions that it has neglected, especially the Indo-Pacific.¹⁷ The EU should promote good governance as a key tool for increasing societal resilience to the hazards climate change brings. This vision requires a more autonomous external policy (with sufficient resources for their articulation and implementation), with a special emphasis on transatlantic relations and the recognition of the risks posed by China and Russia. The European Union should also improve its climate change and security policy cooperation with the United Kingdom, as their relations have suffered due to Brexit.

Recommendations:

- We need to better understand the links between climate change and security threats and incorporate the knowledge into climate change related programmes and initiatives.
- The EU should strengthen the climate resilience of fragile societies, which includes support for programmes on human rights, gender equality and quality of public services. The EU external policies should maximise efforts to stabilise communities exposed to the risk of environmental degradation.
- Assist the transition of the fossil fuel economies outside of Europe using experience with the European regions supported by a just transition mechanism. Strengthen climate diplomacy including a wide range of non-state actors from regions across the world including those that have not been traditionally included in the climate diplomacy policy discussions ensuring inclusion and transparency. There should be a focus on making it a just transition. The most vulnerable communities and people have to remain at the centre of our attention.
- Climate change policies should be closely related to the operations of European external policies. It should also be an important aspect of foreign policy cooperation with the EU's allies. Europe has to align its energy and climate policies with the United States. Transatlantic cooperation will be crucial for countering China and Russia.

¹⁷ See for example the chapter by Peter Hefele in this volume.

Culture Wars Are a Dead End

Zora Hesová

Summary: Just like the other Visegrad countries, Czechia has experienced culture wars over abortion, minority rights and feminism. Although Czech predisposition to national-populist politics is limited, Czechia could not avoid a progressive culturalisation of politics and the illiberal turn. In times of crisis, Czech debates have repeatedly sunken into symbolic disputes and restricted the capacity to solve existential challenges. Culture wars are ideologically framed as a dispute between liberals and conservatives. While this image reflects the collapse of the liberal-conservative consensus that emerged after 2004, it is misleading. Culture wars have to be understood in the context of several structural changes and conjunctural phenomena.

Keywords: culture wars; migration; populism; polarisation; Czechia; globalisation

Introduction

The war in Ukraine, energy insecurity, the social impacts of inflation, energy scarcity, and above all climate crisis: Czechia faces new crises and challenges every year since the two relatively peaceful decades after 1989 came to an end. However, Czech political debates had focussed on completely different issues: hostility to Islam and gender, minority rights or attitudes to vaccination. Whether Czechs will be able to face the existential challenges depends on the path taken: either they will engage in a rational debate and focus on political compromise or they will waste political energy on struggles over symbols and social norms. The above would sound like cheap moralism if there was not a gradual change in political conflicts happening not only in Czechia, but everywhere in the West. The so-called cultural wars, i.e., moral, symbolic or value disputes, have at times shadowed all other social and political conflicts. Typical examples are fights about rights of minorities, marriage, feminism and, in Central Europe, abortion. Why is this so and what to do about it?

Culture Wars as a New Reality

Czech public had literally split into two camps in 2015 between those who categorically rejected migration and Islam, and those who called for solidarity with refugees (Gelnarová 2018). The two camps seemed to clash over their relationship to Islam. Some were afraid of Islam, others were not; some defined themselves against it (Czechia as a country of Christian tradition), others considered migration and diversity a consequence of natural development, and even an advantage for the national economy. Questions of cultural orientation, whether one stands against Islam and migration or not,

entirely overshadowed material and political issues, i.e., legal, technical and financial aspects of integrating foreigners, reform of asylum policy and border security. As a result, no solution-oriented debate took place. Czech government would not accept even a few dozen unaccompanied minors from Greece. Instead, it agreed to accept a few Christian Iraqi families and placed all arriving migrants in paying detention centres. If the 2015 migration crisis hardly even touched Czechia, virtual wars surrounding Islam and migration caused long-term damage to the country by dividing it into two mutually hostile camps.

A closer look reveals that in fact, there are no opposing camps. Many of those who spoke against Islam were willing to help the refugees in some way, while students who went to help on the Balkan route did not hide the fact that they were partially driven by concern and fear, which they wanted to confront. The author of this chapter participated in several public debates about Islam in the context of the migration crisis, and her anecdotal but consistent conclusion is that few people maintained a very strong opinion during the discussions, and that their initial attitudes were a manifestation of various emotions: insecurities in a changing society, fear of the future, general resentment, or mistrust in institutions and organisations such as the European Union. Polarisation is in fact performed by a culturalised formatting of political issues (Hesová 2021b). Articulating the problem (war refugees on the poorly secured Balkan route) in the black-and-white format of culture wars, as a threat to collective identity and not as a problem to be solved, led both to social polarisation and the inability to face the challenge.

Culture wars divide societies and radicalise positions. They render negotiation and compromise impossible and lead to zero sum politics. Instead of confronting various solutions, culturalised disputes express the alignment and group identity of their actors. Either *liberals* or *conservatives*, antagonised parties stand for or against feminism, the Istanbul Convention¹⁸ or expanding the definition of marriage. The aim of culture wars is not to promote a certain policy, the legal regulation of family relations, instruments for reducing violence, etc., but to enforce a certain *attitude* (‘plea for the traditional family’) at the expense of another (diversity and ‘gender perspective’). The camps formed this way consist of unexpected allies: for example, the right and the conservative wing of the Catholic Church unite with the extreme right or communists.

The Eternal Return of Culture Wars

If the so-called migration crisis has disappeared from the headlines, not so migration as a political issue. Populists seized it and turned the emotions into their political business model. Tomio Okamura was not interested in Islam before 2015. When Czech grassroots anti-Muslim movement brought enmity towards Islam to the public space, Okamura took over its anti-Muslim and anti-

18 Full title is The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence. *Trans.note.*

migration discourse and completely marginalised its attempts at a creating a Czech ‘Pegida’ (Mareš 2015). Okamura has since successfully cashed on the fear of migration and Islam. In the 2017 parliamentary elections, he revived his rundown populist project called Freedom and Direct Democracy (*Svoboda a přímá demokracie*, SPD). The same applied to the re-election of Miloš Zeman for President in 2018.

The so-called migration crisis and the rising of a broad anti-Muslim sentiment wave were in many ways unprecedented. The Balkan route disrupted what was considered solid, that is, national and European borders and migration rules. It made Islam a political issue in the year of the worst jihadist attacks in Europe. The issues of Islam and wars in the Middle-Eastern wars were so urgent, and at the same time so complex and unfamiliar, that it cannot come as a surprise that an ethnically and religiously homogenous country with limited experience of immigration would have hard time finding consensus on them. However, a similar polarisation has since been repeated in connection with other issues. Poles, Hungarians and Austrians were deeply divided into two camps during their presidential elections. Czechia gets regularly divided by smaller cultural battles: minority rights, marriage, abortion, and feminism. The concept of culture wars has become ingrained to such an extent that it has become a tool in hands of cultural warriors. It is now common for politicians to accuse one other of culture wars when they want to delegitimise one another.¹⁹

The persistence of the format of value disputes after 2015 is more surprising in Czechia than elsewhere. Czechia had not been involved in the kind of fundamental and permanent cultural wars unleashed by attempts to replace the liberal post-communist trend by paternalistic and identity politics such as in Kaczynski’s Poland and Orbán’s Hungary. Compared to its Visegrad Four (V4) neighbours, Czech cultural wars are limited by several differences. First, nationalism is weak, almost absent, which can be explained by national saturation. Czechs arose out of the twentieth century in a nationally advantageous position and do not carry with them a frustrating experience like Poland or Hungary. Second, Czech identity is not tied to the Catholic Church, whose conservative wing plays a pivotal role in the Central European culture wars. The Church had been significantly weakened at the establishment of Czechoslovakia and by Communism. Finally, Czech populists pursuing culture wars are not (yet) convincing nationalists or traditionalists: Tomio Okamura and Andrej Babiš are hardly Kaczynski or Orbán, and the current government led by Petr Fiala has largely avoided culture wars. Still, Andrej Babiš’s anticipatory campaign in the context of a multidimensional crisis gives cause for concern about the future.

However, the divisions that had been obscured by a common goal became fully apparent after Czechia became an EU member state. The broad liberal-conservative coalition that put disagreements

19 An ODS deputy rejected the single-sex marriage legal proposal as a ‘culture war’ (iDNES 2022).

aside during the Europeanisation process fell apart (Barša, Hesová and Slačálek 2021). Liberal conservatism split into liberal and conservative camps in all the Central European countries after EU accession; conservatives have moved towards nationalism and traditionalism and liberals oscillate between economic and social liberalism. Liberal-conservative parties have been severely undermined, non-existent, or tempted by populism (like the turquoise Austrian People's Party [*Österreichische Volkspartei*, ÖVP] under Sebastian Kurz, see Hesová 2021a). Centre-left parties held liberal positions for a long time, but they have disintegrated almost everywhere. The bulk of the political competition has moved to the right side of the political spectrum.

Partisan dynamics are also causing cultural disputes to return, and today's fragile five-coalition can be expected to suffer from them, whether it is the definition of marriage, the relationship to climate change or the ombudsman. It is also conceivable that Andrej Babiš will return to take full advantage of the mobilising potential of the culture wars, as he tried to do during his last campaign, when he directly involved Viktor Orbán. It is almost certain that the repertoires of the culture wars will be used by the populists around Okamura, who recently won the right to receive a state contribution to found a political foundation. Such a far-right think-tank would support and develop militant anti-immigration and anti-European positions, while at the same time enabling the establishment of systematic relations with similar organisations in Europe, notably the Alternative for Germany (*Alternative für Deutschland*, AfD) foundation in Germany, the so-called New Right and the strengthened National Rally (*Rassemblement National*, RN) in France. The current situation is therefore fragile.

Why Are Culture Wars Successful?

Culture wars are highly polarizing political disputes that replace, displace, or rewrite hitherto common left-right political cleavage over resources, redistribution and programmatic visions. Culture wars are ideologically framed as disputes between the liberal and the conservative camps, but this framing does not explain them. It would be better to examine the vacuum they fill. There are several reasons for the aforementioned culturalisation of politics, i.e., the transfer of the centre of gravity of political disputes from material and programmatic issues to symbolic and value ones. There are structural causes - the transformation of communication and post-ideological politics, but also conjunctural causes (see Hesová 2021b).

First, political communication has been radically altered by decentralised social networks, which enable immediate, vertical and horizontal political contact, give advantages to simple messages and lead to the politicisation of people who used to be politically passive. Confronting Islam rather than addressing migration has in that way drawn masses of people into political debates who were previously uninterested in politics. Increasingly, political views grow dismissive to anti-systemic

(negative vote) and expressive rather than reflective. They are often expressions of other grievances than those explicitly mentioned (opposition to Islam, to ‘gender’).

The Czech public is only beginning to talk about hidden crises, including the enormous rate of foreclosures, the continuing precarisation of work, the unaffordability of housing, and the disappearance of infrastructures and opportunities from the peripheries. These are subjects of insufficient political efforts. Politics has been focused on the problems of elites and of large voting blocs (e.g. pensioners), while whole other groups (lower middle class, periphery, youth) remain outside the interest of politics, and they respond by anti-systemic behaviour. The hidden crises mentioned above are the result of an economic transformation that, in the long run, relegates the peripheries that are not involved in the global economy to the second rail of civilisation.

But there is no universalist political vision that would respond to this deepening divide, such as the earlier developmental, industrialisation or transformation visions, which aimed at societal integration through socio-economic transformation. The politics of staying the course favours those who are already advantaged, and the idea of progress is limited to the important issue of individual rights, but these are no longer part of some overall progressive vision. However, liberal impulses often come to us from the EU, the Istanbul Convention being a case in point. The sometimes militant hostility towards liberal issues is an expression of rejection of the direction of elitist politics, which remains without an inclusive political vision.

The second set of causes rests in recent political practice. Various culture war practices have become tools in the repertoire of populist parties in particular because of their great polarising and mobilising potential. These include scaremongering, delegitimising the opponent as the enemy and stigmatising social groups through public conflicts, dramatic gestures, polarising laws, etc. If in the countries around us during the last elections populists stigmatised relational and other minorities, the main Czech issue remains migration and the criticism of international solidarity.

A much more serious type of political practice is the national-conservative response to the structural changes, which focuses not on socio-economic but on a purely symbolic form of social integration and paternalistic management of social differences. In the Central European region, it is the nativist, Christianist ideology of Fidesz and Law and Justice party (*Prawo i Sprawiedliwość*, PiS) that defines the nation in opposition to the liberal West on the basis of traditionalist positions for which the constant antagonisation of feminism and LGBT rights is central. This traditionalist ideology further develops a way of ‘managing’ the emerging gaps between the integrated centres and the de-industrialised peripheries. The paternalistic social policy of PiS, but especially Fidesz, abandons emancipatory social policy and limits universal benefits. Instead, it concentrates social support on those who produce

and procreate, or place themselves within the paternalistic order. For example, Hungary pacifies its long-term unemployed (‘surplus population’) with undignified but stabilizing forced labour (Hesova 2022).

It is precisely the re-establishment of gender, family, ethnic and ideological hierarchies, in short, the introduction of conservative paternalism, that is the only sophisticated response to globalisation and liberal transformation in the region, and as such cannot be taken lightly. On the contrary, it must be well understood that it is rooted in the need to respond to the truly civilisational changes brought about by globalisation. But it is a response that leaves behind the emancipatory, universalist aims of modern politics, and therefore it is also necessary to recognise step against the divisive instruments and the discriminatory effects of these policies.

What Is to Be Done?

First and foremost, the language of the culture wars must be avoided: talk of enemies, the dramatisation of threats, the denigration of the others as those who wage culture wars. For every ‘war’ has two sides and stigmatizing the other as an ‘enemy’ only deepens it. Even some liberal and centre-right parties have long played this game, contributing to the culturalization of political disputes. In contrast, Slovak President Zuzana Čaputová succeeded, among other things, because she did not participate in the culture wars played out by her then opponent from the Smer party, who styled himself as a conservative Christian politician. She acknowledged her liberal positions but formulated them inclusively, subscribing to more general values of respect and care.

Secondly, we need to better understand the political, communicative transformations that societies are going through; to look critically at the effects of transformation and to uncover those hidden crises that are indirectly manifested, for example, in anti-systemic voting and culture wars, i.e., manipulative communication and open hostility against one’s own fellow citizens.

Thirdly, it is necessary to acknowledge the ‘crisis-ness’ of the present, i.e., to name and take seriously the trends that threaten social cohesion and stability; furthermore, it is necessary to acknowledge that we have little or no answers to these trends and no vision of how to counter them. There is no fundamental social debate on the subject of social, geographical or educational inequality. Indeed, it must include a debate on the cost of these inequalities and on the distribution of the costs that a deteriorating living, agricultural and also global environment will demand in the future.

Conclusion

Not only in Poland and Hungary, but also to a lesser extent in Czechia, politics is regularly determined by various cultural struggles. Since 2015, when these struggles flared up around migration, they have regularly returned, and it is conceivable that they will dominate the campaigns during the next elections. However, their mobilising and polarising effects are a constant temptation for many politicians, and not just extremist or populist ones. The politics of the culture wars are destroying the factuality and inclusiveness of political decision-making and ultimately democratic culture, and it is therefore necessary to try to understand these struggles.

Culture wars are an ambivalent phenomenon: they are an unwanted manifestation of the transformation of politics, but they are also a conscious tool of political struggle. They reflect the social consequences of globalisation and the transformation of the economic and communication model, which contemporary centrist or liberal politics cannot cope with. At the very least, the hidden crises will have to be named and made the subject of social debate, as social, geographical and even civilisational differences in society continue to widen. Culturalised solutions of the type of paternalistic nationalism that culture wars purposely employ do not solve the problems, only mitigate them, and abandon the liberal and emancipatory ideals of modernity.

Cultural antagonisation of a political opponent in civilisational terms is dangerous, but so is ignoring the context in which this culturalised politics displaces programmatic and substantive politics. Already today, in the face of the war in Ukraine, the budget deficit and the increasingly obvious effects of the climate, energy and supply crises, it is clear that cultural battles represent a fundamental weakening of the political capacity to face and resolve the crises ahead. Therefore, political practice needs to be consciously cultivated as well as oriented towards addressing the fundamental, rather than proxy, challenges of the day.

Recommendations

- Avoid all hostile rhetoric. Despite the different opinions, most politically active people bond by their interest in the common good.
- Systematically promote inclusive rhetoric and politics. Social unity is a prerequisite for functional institutions.
- Do not abandon liberal and universalistic premises in politics. Politics should not overtly privilege one group at the expense of others.
- Emphasis on substantive and scientifically based policy. Only in this way can the credibility of institutions be built for later difficult decisions. Public support for debate on the impacts and costs of the climate and energy crises, as well as the hidden crises mentioned above. It must be acknowledged that the inarticulate motive behind many of the phenomena that threaten liberal democratic rules are socio-economic processes for which we have no good answer. Specifically: the political representation and state authorities should systematically create pressure for the resources invested in the National Recovery Plan to produce real results in the form of social debate, innovative formats of public communication and practical proposals.
- Seek allies in the EU, but especially in neighbouring countries, for joint solutions to the impacts of climate, supply and energy transformations, and invest in these diplomatic, academic and also regional and business partnerships.
- Use the Czech Presidency of the Council of the European Union to strengthen Czech capacities for EU negotiations. Proactively explain the functioning of the EU and the role of the EU for Czech interests.
- Create a Ministry to coordinate the climate and energy transformation policies.

‘Why Should Expats Have Rights Like Us When They Do Not Live and Pay Taxes Here?’ Postal Voting and Contemporary Czech Politics

Jakub Charvát

Summary: The chapter reflects on the questions and reservations raised with respect to postal voting. It contemplates the possible risks and benefits of introducing postal voting in Czechia. It primarily adopts a political perspective but also addresses its constitutional and legal aspects. It is framed by four key relevant questions: should postal voting be introduced into the Czech electoral law, and if so, for whom, for which types of elections, and how to eliminate the related risks. The text also reviews the postal voting experience from other countries.

Keywords: Czechia, electoral law, postal voting, distance voting, voting overseas

Introduction

Despite the long history of (post-1989) Czech democracy, some deficiencies in its political system remain unresolved. A long public debate has focused on foreign experience with various procedures and mechanisms, some proposals have debated in the Parliament but none have been successfully adopted. Among the most significant were the constructive vote of no confidence, sliding mandate, national referendum and postal voting.²⁰ This chapter focuses on postal voting, when the voter does not cast the ballot in person and in a controlled environment (usually a voting booth in a polling station or an embassy),²¹ but casts an absentee vote in an uncontrolled environment and the ballot is delivered to the electoral commission by a predetermined deadline and manner.

The postal voting debates in the Czech Parliament date back more than 25 years. Several governmental and parliamentary proposals were presented but none were accepted. Postal voting is an important topic for the current coalition government led by Prime Minister Petr Fiala. The government promised to introduce postal voting in its coalition agreement (Koaliční smlouva 2021:22) and in its governmental

20 The COVID-19 pandemic presented a risk that many voters would have an objective obstacle to their right to vote. The possibility of absentee voting would have been very useful at this time, enabling a maximum number of citizens to vote. Instead, we saw an unprecedented postponement of the Senate by-elections in Teplice, originally announced for late March 2020 and finally taking place in June 2020.

21 Voting in a so-called controlled environment assumes that the voting process starts from the moment of voter identification, includes the casting of the ballot and ends with counting the ballots under the supervision of the relevant electoral authorities (electoral commission, statistical office, etc.), while an uncontrolled environment is one where there is at least one moment when the electoral process is not under the supervision of electoral authorities, typically in the conditions of absentee voting, such as e.g., postal or Internet voting.

declaration (Vláda 2022:31). The senators of the coalition parties jointly presented the thus far last postal voting legislative proposal in November 2021 (Senát 2021).²²

It would seem that the recent proposal will face an equally difficult legislative process as its predecessors. While it could have been debated already in January 2022, it had not entered the first reading by mid-June 2022 (Poslanecká sněmovna 2022).²³ Both opposition parties (ANO 2011 and SPD) openly declared their disapproval with this type of voting despite the fact that ANO 2011 previously included postal voting in both the first and second Andrej Babiš government programmes (Vláda 2018a; Vláda 2018b:21).²⁴ Radim Fiala, the vice-chairman of SPD, warned that the proposal represented a threat to democracy because of possible vote buying, while ANO 2011 deputy (and former chairman of the Chamber), Radek Vondráček,²⁵ expressed concerns that postal voting would violate the principle of secret ballot and asked: ‘Why should expats have rights like us when they do not live and pay taxes here?’ (Danda 2022).

This chapter reflects on the above presented questions and reservations while contemplating the possible risks and benefits of introducing postal voting in Czechia. It primarily adopts a political perspective but also addresses its constitutional and legal aspects. It is framed by four key relevant questions: should postal voting be introduced into the Czech electoral law, and if so, for whom, for which types of elections, and how to eliminate the related risks. The text also reviews the postal voting experience from other countries.

Nationals Residing Abroad Should Also Be Able to Vote

It is mostly nationals residing overseas long-term who request the introduction of a postal vote. They have the same right to vote as any other Czech citizen. The legislative proposal enables all Czech citizens abroad to vote, including people on study or business trips, on holiday, or anyone else. It should be noted here that on the one hand, ‘submitting a ballot carries an important social function’ (Klokočka 1991:173), and on the other, it carries a strong symbolic role for democracies. The state guarantees and protects the right to vote and it is thus guaranteed by the supreme laws of the land, the Czech Constitution and the Charter of Fundamental Rights and Freedoms. The electoral law should guarantee that voters can take part in the elections without any obstacles,²⁶ while ensuring the fundamental principles of the right to vote, i.e., the elections should be direct, secret, universal and equal.

22 Fifty senators from four political groups submitted the proposal (23 senators from Mayors and Independents (*Starostové a nezávislí*, STAN), 16 senators from the group of ODS and TOP 09, 7 senators from Christian and Democratic Union – Czechoslovak People’s Party (*Křesťanská a demokratická unie – Československá strana lidová*, KDU-ČSL) and independents and 4 senators from SEN 21 and Pirates).

23 The discussion was postponed from the 20 (starting 3 May 2022) to the 25 parliamentary session (starting 31 May 2022).

24 The second Babiš government adopted a dissenting opinion on this specific proposal on 13 December 2021. It claimed that postal voting would not be secret and direct and that it posed a risk due to possible manipulation with election results (Government 2021).

25 Radek Vondráček became the proposal rapporteur.

26 The right to vote is defined as an individual right, thus, the voters decide freely whether to participate in the elections or not.

While the voting stations are relatively densely distributed across Czechia (see, e.g., Trávníček, Hejl and Sokol 2014:221), and voting does not impose a high burden on the voters, the same cannot be said about voting from abroad. We need to ask if the right to vote exists not only *de iure*, but also *de facto*. Voters residing overseas often have to spend a great deal of energy to participate in the elections. First, they have to apply for registration to a special voting list or for a voter card, and then have to go to the Embassy or General Consulate on the election day. To vote, they have to spend a great deal of effort, time, and money (many of them have to travel long distances). These voters' right to vote is therefore *de facto* restricted to such an extent that only a very small share of the eligible voters come to the polling stations and a majority do not take part in the elections at all. This is not a new problem. Experts and to some extent politicians have been discussing it for a long time. We have seen a clear and publicly expressed demand for absentee voting, especially coming from Czechs residing abroad for longer periods of time. These voters consider the introduction of postal voting a possible effective solution to minimising their voting 'input costs' which would actually allow them to vote.

One should also recall the nearly seventeen-year-old Council of Europe Parliamentary Assembly recommendations, which mentioned the importance of the right to vote for democratic societies and called on the Council of Europe Member States, including Czechia, to adopt equivalent measures providing their citizens residing abroad with the highest possible access to elections. It suggested postal voting as a possible suitable technique to meet this objective (Parliamentary Assembly 2005:points 7 and 11).

Experience from Abroad

Postal voting is not an unknown or experimental technique but a many times tested long and well-functioning voting technique that has become quite common and established in many democracies across the world. It exists in some form for instance in the USA, Canada, Australia, the UK and most EU member states,²⁷ including all the countries neighbouring Czechia (see, e.g., Pecháček 2012; International IDEA 2021); it has been used in Germany since 1957 (see, e.g., Wagner and Lichtenblau 2020).²⁸ One should also recall that it is mostly a supplementary technique, i.e., it complements but does not replace the traditional voting methods, especially coming in person to the voting station.

²⁷ Many Czech nationals live and work in these countries plus many Czech students reside there as part of their study abroad programmes. It becomes important when e.g., considering the October deadlines for parliamentary elections. They are often familiar with the existence of postal voting in the electoral legislation of the countries in which they currently reside.

²⁸ Postal voting has proven useful, e.g., during the COVID-19 pandemic, when the second round of direct mayoral elections in Bavaria in late March 2020 was held exclusively by mail. A similar option was considered for the Polish presidential election in the first half of 2020, but this initiative failed.

We usually find one of four postal voting types. In the democratic world. First, some countries such as Czechia, Albania, Bulgaria, France,²⁹ Croatia, Cyprus and Malta³⁰ do not permit it. There are also many countries which allow postal voting but the conditions and circumstances differ. Some countries such as Hungary and Denmark introduced specific conditions for postal voting – it has to take place in a controlled environment (post office or elsewhere under the supervision of electoral commissioners),³¹ while other countries allow postal voting to take place in an uncontrolled environment. While for instance Belgium, Estonia,³² the Netherlands, Norway, Greece, Slovakia, or Sweden limit postal voting to citizens voting from abroad, another large group of countries offers this option to all its citizens, for instance Ireland, Iceland, Lithuania, Germany, Poland, Austria, the UK, Spain and Switzerland.³³

In some countries, voters can lose their right to vote if residing overseas for extended periods of time. In Germany, for example, citizens lose their right to vote if residing overseas for more than 25 years, the United Kingdom allows a maximum of fifteen years and Canada of five years. In Australia, this period is set at six years, after which it is possible to repeatedly apply for a twelve-month extension (Green 2007:99–101; Fierro, Morales and Gratschew 2007:19–20).

Risks and Possible Remedies

The rich foreign experience can certainly become a valuable inspiration, but it should not become an argument *per se*. The introduction of postal voting has countless opponents who warn of possible risks related to its introduction. These risks should not be underestimated and should be considered in any related discussion. Alternatively, we can look abroad for effective tools to eliminate or at least minimise these risks.

Supporters of postal voting argue that it makes it easier to participate in elections when voters face obstacles in exercising their right to vote because it is far more flexible than the current situation that requires a personal presence at the polling stations. It could better fulfil the right to vote (especially the conditions of universality and equality), which is a basic citizen right, or it could increase voter turnout. Others argue that absentee voting in an uncontrolled environment presents numerous hazards. They highlight, for example, the problems with safeguarding the transparency of postal voting, the possible manipulation of postal votes, the inability to ensure secrecy and equality, i.e., two of the four

29 France abolished postal voting in 1975 due to electoral fraud in Corsica (Ellis 2007:44; Briquet 2016:56). In 2012, France allowed its citizens abroad to vote online in parliamentary elections, but this option was cancelled in 2017 due to the threat of cyber-attacks. In 2020, the option of online voting was restored, but remained limited to overseas voters.

30 Malta is currently the only European country that does not allow any overseas voting.

31 Australia allows absentee voting only in the presence of a witness who confirms the secrecy of the ballot.

32 Estonia introduced online voting in parliamentary elections in 2007 (for more see, Cieslar 2014).

33 While all voters in Iceland, Poland, Spain, Switzerland and the United Kingdom can vote by mail without any additional conditions, in Ireland, Lithuania, Germany and Austria they have to present a legitimate reason as to why they cannot cast their ballot in person (European Commission for Democracy through Law 2004; Antoš 2012:199; International IDEA 2021).

constitutional conditions of the right to vote, and the problems of reliable and timely postal delivery.³⁴

To eliminate the risks, the legislative change can introduce several partial restrictions on postal voting. First, it should only be an alternative to the existing voting methods. Second, it should primarily apply to voters who have objective obstacles to exercising their right to vote (currently residing abroad, long-term hospitalisation, limited mobility, detention, etc.). The current proposal limits postal voting to voters residing abroad, which seems reasonable. It would be difficult to find a legitimate reason as to why postal voting should apply to voters currently residing in Czechia. Limiting postal voting to voters residing abroad partially reduces the risks of voter manipulation because they are dispersed around the world (Antoš 2007:181).

Another question relates to the type of elections appropriate for postal voting. If critics raise their concerns that postal voting can lead to manipulation of election results, there should be an analysis of which elections are less likely to present a manipulation hazard because the total number of voters is high (the risk is higher when the total number of voters is relatively small). Parliamentary and presidential elections fall into the first category, while other types of elections are potentially much riskier. Regional and municipal elections had been more susceptible to unfair practices in the past, which makes them less suited to postal voting and one would have to proceed with more caution than in the case of parliamentary and presidential elections.

Additional arguments against the introduction of postal voting in the second category of elections refer to their ‘technical’ parameters. The right to vote in these elections is tied to holding permanent residency in the given electoral district, which means that the voters residing abroad ‘fall out of the game.’ In the case of senate elections, there is the possibility of a second round, which takes place only a week after the first round. Postal voting is almost impossible in such a short time frame. Although it would be possible to extend the time period between the first and second rounds, the benefits would have to be sufficiently high to justify the change and to outweigh the possible risks. The possibility of postal voting in the first round only seems equally unsatisfactory.

The most frequent argument against postal voting warns that absentee voting would not be secret and that it would be possible to manipulate election results. Ensuring secrecy represents a key challenge for the introduction of postal voting. Ballot secrecy has to be ensured not only in relation to the electoral commission, i.e., the state, but also to anyone else (Antoš 2007:180). It is especially important to eliminate coerced voting and so-called family voting.³⁵ If one transfers the act of voting from the polling booth

³⁴ The Venice Commission of the Council of Europe recommendations point out that postal voting should only be allowed if the relevant postal services function properly, reliably, i.e., they are safe and secured against deliberate manipulation (European Commission for Democracy through Law 2004:5, point 16).

³⁵ It should be said that these phenomena cannot be fully ruled out even under the current form of voting, which provides a ‘false sense of security’ (Alvarez, Hall and Trechsel 2008:181; Antoš 2014:201). In fact, the current legislation controls ‘only’ the environment in which voting takes place, but not the actual autonomy of the voters’ decision-making (Pecháček 2012).

to an uncontrolled environment, one risks intrusion on the voters' free will. Voters will not necessarily vote according to their conscience and best knowledge as generally anticipated. They can be directly or indirectly, consciously or unconsciously, affected by the environment where they make their choice (cf. Birch and Watt 2004:63; Antoš 2007:180).

The entire process of postal voting has to therefore be transparent in order to sustain the voters' confidence and it has to provide room for review. On the one hand, it has to facilitate an indisputable voter identification to verify that only authorised voters participated in the election and that they cast only one ballot. On the other hand, the process has to guarantee security and privacy to ensure anonymity and maximise free choice without external influences (e.g., in the form of so-called family voting, coerced voting or vote buying).

This can be achieved by transferring part of the responsibility to the voters themselves, as is commonly done in many countries such as Austria, Germany, Poland and Slovakia. Voters voting by mail would sign identification cards confirming that they are voting in person and that they accept the risk of non-delivery. If the postal services fail to deliver the parcel, the voters would renounce their right to question the election results. Germany offers an interesting inspiration for prevention of possible external interference with the voter's free will; it leaves the responsibility on the voter, but at the same time explicitly stipulates that any manipulation with the voter's will is a crime punishable by up to three years' imprisonment or a monetary fine (see Strafgesetzbuch:§156).

A system of two envelopes could enhance the secrecy of the vote; an unmarked envelope with the voter's vote would be placed together with the identification card in the delivery envelope that would be sent to the relevant electoral commission. The voters could have the option to additionally change ('over-vote') the original postal vote by coming to the polling stations. If the voters want to change their postal vote, they would be allowed to vote in person at the polling stations and the electoral committee would discard the envelope they had received, and the postal vote would not count. This could eliminate the risk of manipulating the voters' will, limit coerced voting and reduce room for corruption such as vote buying. It could also address the risks of 'early' voting. Postal votes would have to be sent ahead of time, that is before the majority of voters vote, usually before the election campaigns' peak, and therefore with incomplete information compared to other voters. The final stages of the campaigns can provide new information and voters might want to change their original vote accordingly. It can be assumed that these would be rather exceptional situations, yet the possibility of 'overvoting' the postal vote could solve these situations.

Conclusion

The chapter discussed the possible challenges of introducing postal voting into Czech election legislation. It assumed that any change to the legal framework should be preceded by an informed discussion about the pros and cons of the intended reform. It is important to carefully ponder if the potential benefits of the intended change exceed, or at least compensate for, the shortcomings of the current legislation. An obvious advantage is that postal voting is a relatively common practice in the democratic world, both in the established ‘Western’ democracies and in the democratizing countries of post-communist Central and Eastern Europe. This rich foreign experience can be effectively used both for the general discussion about the advantages and disadvantages of postal voting, and for minimizing the doubts and risks related to its potential introduction into the Czech election legislation.

The chapter attempted to answer the following four questions. Should postal voting be introduced into the Czech electoral legislation? If so, for which voters, for which elections and how to eliminate the risks associated with it? Regarding the aptness of postal voting, it can be argued that as a complementary technique to existing voting methods, postal voting could contribute to the improvement of the current situation, which is less than satisfactory. The unequal availability of polling stations to all voters limits the *de facto* exercise of the right to vote. The state should guarantee and provide its citizens with an actual possibility to vote in its broadest possible extent, which the current legislation fails to deliver, especially to voters with an objective obstacle to in-person voting (residing abroad, long-term hospitalisation, limited mobility, detention, etc.). It is therefore reasonable to think that their actual voting conditions have become so overbearingly difficult that they prefer to abstain from voting. Postal voting could be an effective tool for removing these obstacles and facilitating electoral participation for voters who face substantial difficulties with in-person voting.

That being said, some of the risks associated with the postal voting cannot be ignored. The legislative amendment should contain provisions preventing the risks. It is essential to ensure that the vote is transparent, that it sufficiently addresses the potential conflicts with the constitutional requirements of the right to vote and that it prevents manipulation with the voters’ will and their ballots. Considering the existing postal vote controversies, it seems appropriate to limit the amendment to citizens residing overseas and to parliamentary and presidential elections. This would be a significant improvement to the current situation as it would equalise the conditions for exercising the right to vote, i.e., voters would become equal in access to electoral participation.

The public debate on postal voting often mentions its possible political effects. Some expect a higher voter turnout, which is only a hypothesis. It may make it easier for the voters, but it nevertheless requires an active attitude. Voters even under the current legislation have a chance to participate in

most elections, even when away from the place of permanent residence. One can assume that the increase in the voter turnout would not be significant and would remain in single percentage digits. It is equally difficult to predict the impact on the election results of the individual political parties. The current experience suggests that the overseas voters tend to vote centre and centre-right parties, but they represent a very small sample of overseas voters. They are also the ‘more demanding’ citizens as they are familiar with the electoral process and procedures for voting abroad and are willing to undergo the difficulties associated with voting abroad. The introduction of postal voting would facilitate the electoral process overseas, which could strengthen the results of centre-left, left and populist parties.

Finally, it should be recalled that if the postal voting were to pass the legislative process successfully, its future is uncertain. It can be expected that its critics would turn to the Constitutional Court requesting a constitutional review of the electoral amendment. The declared goal of the proposed amendment may appear legitimate, appropriate and necessary (equal availability of elections), while minimizing interference with the principles of electoral law (a rather low proportion of voters eligible for postal vote and their specific conditions), but it is not certain how the Constitutional Court would deal with this issue. If postal voting were to withstand the judicial review and if it eventually proved useful, it might be extended to other voters in the future, or it may be replaced or supplemented with Internet voting. This is already deserving of a separate discussion (for more on Internet voting, see, e.g. Brunclík, Novák, et al. 2014) taking into account the possible effects of the proposed legislative changes discussed above.

Recommendations

- Introduce postal voting for overseas voters because they have an objective obstacle to their right to vote.
- Limit postal voting to parliamentary and senate elections due to technical and administrative reasons.
- Preserve the current voting methods including the possibility of using voter cards for voting in polling stations outside the permanent residence address.
- Adopt a maximum number of effective measures that would guarantee a smooth voting process and ensure fair elections.
- Allow the voters to overturn their postal vote by in-person voting at a polling station.

(Same) Day Surgery – An Opportunity to Increase the Efficiency of Czech Health Care

Pavel Hroboň

Summary: The Czech health sector is watching the development of the current public health insurance financial balance with concern. In the short to medium term, the economic slowdown and the state of public finances will reduce health insurance revenues. In the long term, the ageing population will also lead to higher costs. Maintaining today's availability and quality of the health services requires a systematic effort to obtain better value for money. One area that offers significant efficiency gains is day care in surgical and other specialties. To meet this opportunity, we need to make the development of day care a strategic goal of the Czech healthcare system, ensure adequate financing (including covering the initial provider investments), ensure the availability of day care in all regions of the country, and also set rules for the provision and quality of day care. The Ministry of Health of the Czech Republic and health insurance companies should start implementing these steps.

Keywords: day surgery, health care efficiency

Introduction and Current Situation – The Benefits of Same Day Surgery

Same day surgery (or day surgery)³⁶ is usually a planned surgery that a patient undergoes in a specialised clinic and is released the same day or within a maximum of 24 hours from admission. The increase in day surgeries has been linked to the development of less invasive methods and advances in anaesthesia and pain management, which allow for quick patient recovery. In many countries, the share of same day surgery procedures has increased in the last 25 years, for example in the USA from 34% to 61% between 1985 and 1994, similarly in the UK from 7% to 35% between 1974 and 2013 (Alderwick et al. 2015; Lemos et al. 2006).

The appeal of day surgery lies in its well-documented advantages - shorter hospitalisation, higher cost-effectiveness, lower rate of hospital-associated infections, higher patient satisfaction and faster recovery. Day surgery has mostly responded to increasing demands on health care, population ageing, and the associated capacity and medical personnel shortages. The growth of same day surgery is particularly attractive for Czechia after the COVID-19 pandemic, especially due to the long waiting times for elective treatment, increasing problems with personnel availability and the expected low

³⁶ It is also commonly known as day case surgery, one-day surgery, ambulatory surgery or outpatient surgery. *Trans. note.*

increase in funds invested in the health sector in 2023 and in all probability also in the following years.

Studies have shown that re-hospitalisation rates and contact with outpatient care providers are not higher for day surgery patients than for hospitalised patients undergoing the same procedure (Henderson et al. 1989; Lewis and Bryson 1998). They have also demonstrated that same day surgeries report better management of post-operative pain and reduced hospital-associated infections because same day surgery patients are separated from sicker patients, spend less time in hospital and recover at home. As a result, the postoperative wound infection incidence for day surgery patients is generally very low (Brökelmann 2012; Duncan et al. 1992; Warner 1993). Day surgery results are thus at least as good as for hospitalisation (Lemos et al. 2006).

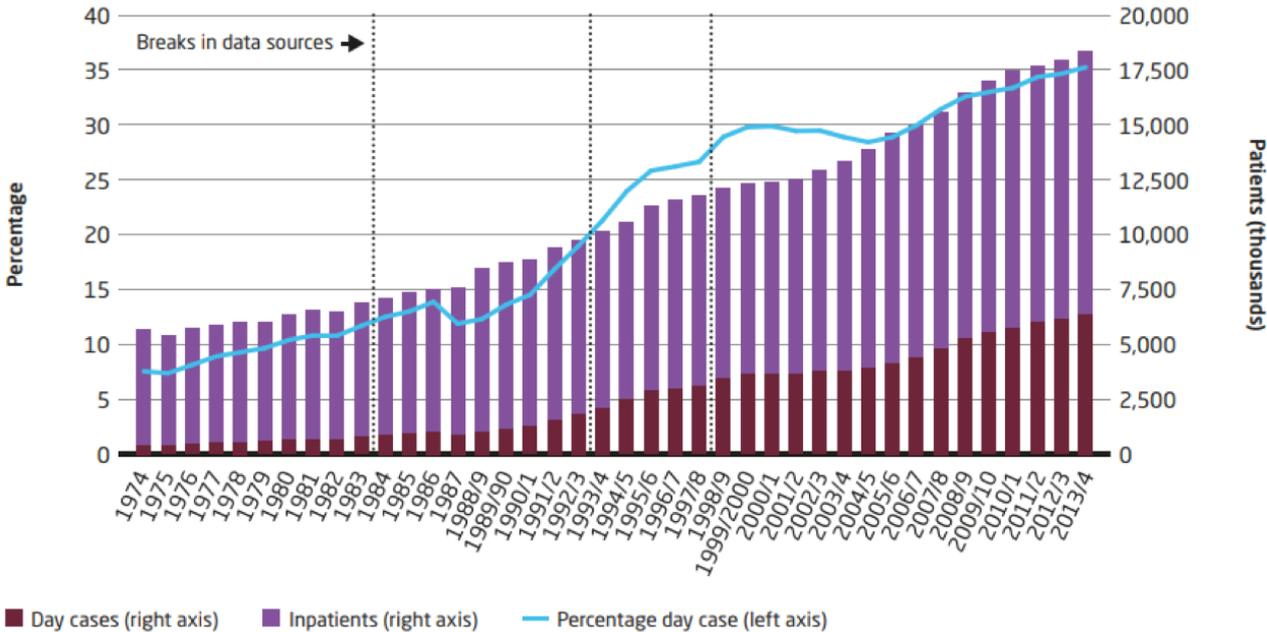
As some studies suggest, day surgery can be less stressful for patients and their relatives and, combined with well-informed and well-prepared patients, can lead to higher patient satisfaction (Ahmad et al. 2008; Stiff et al. 1996). Recovery is faster and patients can return earlier to their usual daily activities, family life and work (Brökelmann 2012). When following proper procedures, the risk of last-minute surgery cancellations is minimal in same day surgery facilities. It enables significantly more efficient use of operating theatres and personnel. Day surgery units require zero or a minimal amount of night and weekend shifts, which makes the work more attractive for nurses with children and reduces general staff requirements.

England can serve as a good example of successfully expanding the share of day surgery procedures. Day surgery has received strong support there since the 1980s. In 1985, the Royal College of Surgeons published Guidelines for Day Case Surgery aiming to reach a 50% same day surgery target. The British Association of Day Surgery (BADs), established in 1989, has played a major role in the promotion of day surgery ever since. In 1990, the National Health Service (NHS) Review Commission published its first report on day surgery. The report estimated that if ‘performed day surgery consistently at readily achievable levels for each of 20 common procedures, an additional 186,000 patients could be treated each year without increased expenditure.’ The Commission recommended that the list be regularly updated, and it had over 200 procedures across all surgical specialities on it by 2016.

In 2000, the Ministry of Health established the target share of same day surgery at 75% of all planned surgical procedures. In 2004, the Institute for Innovation and Improvement listed same day surgery as the first of the ten most important changes in healthcare. England has also introduced several changes in reimbursement mechanisms motivating providers to increase the share of day surgery procedures (Leroy et al. 2017). The share of day surgeries consequently saw a dramatic increase in England, as shown in Fig. 1 below. Alderwick et al. (2015) calculated the impact of this increase: without day

surgery; the total 2013 spending (£8.9bn) would pay for 18% fewer surgical procedures. Projecting the same increases in same day surgery rate, the same spending would pay for 22% more planned surgeries (Alderwick et al. 2015).

Fig. 1: Share of All Same Day Surgeries Procedures in England, 1974-2013/14



Source: Alderwick et al. (2015).

Studies from various countries have demonstrated day surgery effectiveness, e.g., a meta-analysis comparing laparoscopic cholecystectomy outcomes of day surgery versus hospitalisation (Ahmad et al. 2008). The study specifically focused on readmissions caused by postoperative complications, patient satisfaction and cost-effectiveness. The authors identified seven clinical trials eligible for meta-analysis (a total of 598 patients). The results showed no significant differences in readmission rates. Life quality indicators were similar for outpatients and inpatients. Same day surgery cost-effectiveness was significantly higher, however, mainly due to the shorter average hospitalisation length. Day surgery cost on average EUR 1,507 compared to EUR 1,900 for inpatient surgery. Regarding care quality improvement, the authors found that day surgery required less time to return to a normal lifestyle (on average 11.5 days compared with 13.2 days for inpatients). Same day surgery also led to higher overall patient satisfaction with life quality after surgery (82% same day surgery, 64% inpatient) (Ahmad et al. 2008).

The Current Situation in Czechia

Czechia has a list of recommended same day surgeries published by the Czech Surgical Society (*Česká chirurgická společnost*) – see Table 1 for examples.

SURGERY

- Mammary tumour excision
- Partial or wedge-shaped resection of the mammary gland
- Laparoscopic appendectomy
- Laparoscopic cholecystectomy
- Hemorrhoidectomy
- Hernia surgery (femoral, inguinal, umbilical and epigastric)
- Hernioplasty
- Closure and modification of stomas on the large intestine
- Appendectomy or operative drainage
- Varicose vein surgery

ORTHOPEDECS (TRAUMATOLOGY)

- Dupuytren's contracture surgery
- Hallux valgus surgery
- Removal of osteosynthetic material
- Diagnostic arthroscopy including biopsy
- Simple arthroscopy
- Complex arthroscopy
- Reconstructive arthroscopy
- Carpal tunnel surgery

Typical day procedures other than surgery and orthopaedics abroad include for example:

- Cataract surgery
- Tonsillectomy

- Adenotomy
- Myringoplasty
- Dilation, curettage, conisation
- Diagnostic hysteroscopy
- Transurethral resection of a bladder tumour
- Transurethral resection of the prostate
- Sterilisation

Source: International Association for Ambulatory Surgery (2014); Leroy et al. (2017).

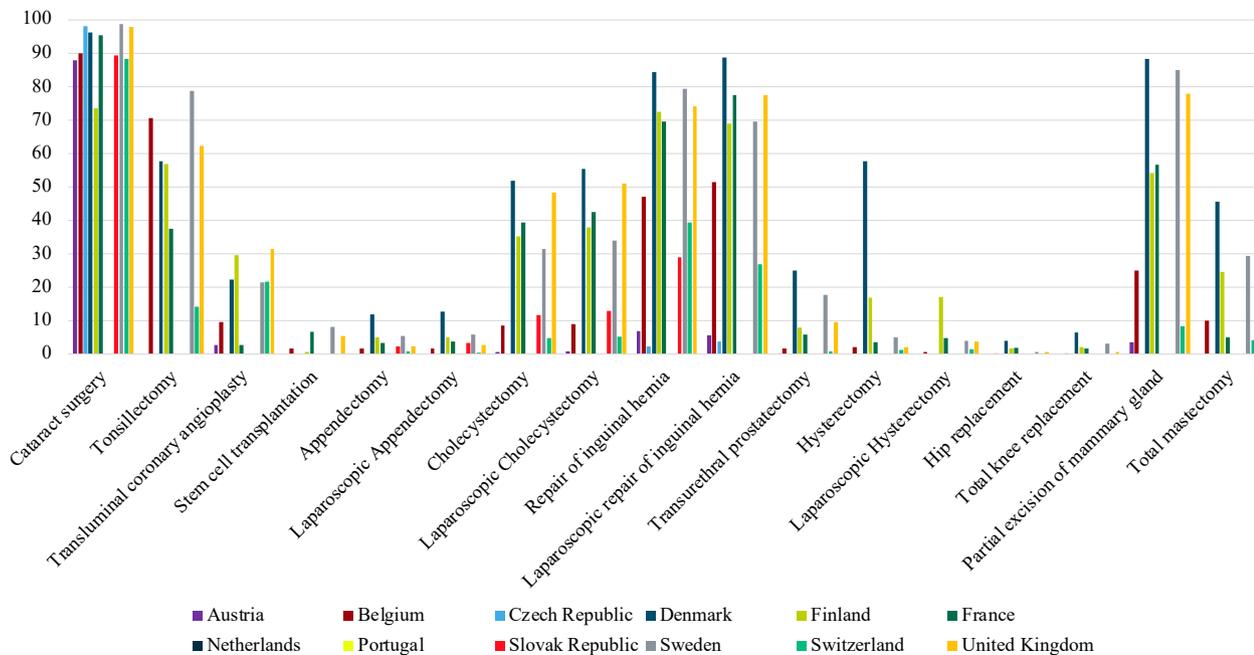
The Czech health insurance companies currently cover the following same day care procedures using per case reimbursement:

Table 1: Overview of Same Day Surgeries in Outpatient and Inpatient Facilities in Czechia (by Medical Speciality and Quantity)

Specialty	Number of contracted procedures in outpatient care	Additional procedures contracted for inpatient care
Surgery (including paediatric, traumatology and vascular surgery)	45	Hemorrhoidectomy with ultrasonic scalpel Total thyroidectomy (bilateral subtotal thyroidectomy) Hemithyroidectomy (total thyroid lobectomy)
Plastic surgery and Burn Medicine	42	-
Gynaecology and obstetrics	18	-
Orthopaedics	48	-
ENT	17	-
Urology	17	-
Cardiology	0	Pacemaker re-implementation Reimplantation of cardioverter - defibrillator Implantation of one coronary stent Implantation of two coronary stents Permanent endocardial electrode repositioning or replacement

Apart from cataract arthroscopic surgeries, the share of same day surgeries in Czechia is low to negligible. OECD statistics show that Denmark, Finland, France, the Netherlands, Sweden, and the UK lead the share of performed same day surgeries (see Fig. 2 below).

Fig. 2: Most Frequent Day Surgical Procedures in 2019, OECD



Source: OECD Health Statistics (2019).

The estimated average share of day surgeries is 5-10% of the eligible treatments in Czechia (Zdravotnický deník 2022). Health insurance companies have not published exact data as of yet.

Modelling the Impact of Introducing Day Surgeries in Czechia

To demonstrate the potential impact of expanding day surgeries in Czechia to the level achieved abroad, we present a rough model of typical eligible treatments. The data on the number of treatments and their cost in Czechia were unavailable and our model had to work with estimates instead. We chose to map treatments suitable for same day surgery (based on recommendations of Czech and foreign professional societies) on the List of Procedures and then on the diagnosis related groups (CZ-DRG), where the procedures are most often classified. The model used a large number of well-defined groups. In case of the division of CZ-DRG groups by complications, groups without any or with only minimal complications were used.

After compiling the CZ-DRG list, each group was assigned a median hospitalisation length (we used median instead of the average, which was significantly affected by outliers in some groups) and the number of cases adopted from the Institute of Health Information and Statistics of the Czech

Republic (*Ústav zdravotnických informací a statistiky ČR, ÚZIS*)³⁷ website, which provides this data for reference hospitals within the CZ-DRG 4.0 Classification System. The data also contained average DRG cost divided into its individual components: cost of stay (especially standard and intensive care), operational services, requested care and direct material costs. The data used were from 2019.

The number of cases from reference hospitals was extrapolated to all of Czechia using the share of reference hospitals' cases on all Czech health insurance companies' cases for a given DRG group (also from ÚZIS data). The possible share of one-day treatments was obtained primarily from the Best Practice Tariff 'target rates' published between 2017-2021 in the UK, or from the average of the three European countries with the highest share of a given treatment (OECD data) or from the share of similar treatments.

The collected data were used to calculate the per patient bed-day savings when the patient is hospitalised for one day instead of the standard hospitalisation length (median). After multiplying the bed-day savings by the number of patients who could potentially be transferred into same day surgery, we calculated the total bed-day savings for the given treatment.

The cost savings calculation assumed that the cost components – operational services, requested care and direct costs – will not change for same day surgeries and savings will only apply to the accommodation costs. Under this assumption, we calculated the average accommodation costs of one bed-day (accommodation costs divided by the median length of stay). After multiplying them by the previously calculated number of saved bed-days, we calculated the final savings for the given treatment.

37 Available at: <https://drg.uzis.cz/klasifikace-pripadu/web/analyzy-a-publikace/cenik/list-3/sekce-3/>

Table 2: Rough Modelling of Implementing Day Surgery in Czechia, Aggregate Impact , in CZK

Speciality	Reimbursement segment	Surgery	Estimated number of patients undergoing the procedure in Czechia	Estimated achievable ratio of same day surgery	Median hospitalisation length	Estimated bed-day savings in Czechia	Estimated cost savings
Surgery	Unlimited	Laparoscopic cholecystectomy	16.203	45%	5	29.166	103.731.107
Surgery	Unlimited	Inguinal or femoral hernia surgery	6.890	75%	4	15.503	65.563.948
Surgery	Unlimited	Laparoscopic repair of inguinal or femoral hernia	8.699	80%	4	20.878	59.184.952
Surgery	Unlimited	Mastectomy	8.014	50%	4	14.314	54.161.647
Surgery	Flat rate	Hemorrhoidectomy	2.797	60%	4	5.035	14.929.162
Surgery	Unlimited	Hemi-thyroidectomy	1.492	15%	5	895	4.357.476
Surgery	Unlimited	Appendektomie (i LSK)	6.289	10%	4	1.887	8.456.355
Surgery	Unlimited	Abdominal and umbilical hernia surgery	13.020	85%	5	40.618	158.269.652
Plastic surgery	Flat rate	Carpal tunnel release	2.492	90%	3	4.486	13.597.532
Plastic surgery	Flat rate	Dupuytren's contracture surgery	3.767	95%	3	7.157	36.062.443
Vascular surgery	Flat rate	Vein ligation and stripping	11.238	60%	3	13.485	44.789.032
Orthopaedics	Flat rate	Removal of osteosynthetic material	14.517	60%	3	17.420	63.083.627
Orthopaedics	Flat rate	Hallux valgus surgery	3.905	85%	4	9.957	34.151.718
Orthopaedics	Flat rate	Reconstructive arthroscopy	8.482	67%	4	14.993	58.516.072
Orthopaedics	Flat rate	Complex arthroscopy	26.743	50%	3	26.743	109.906.781
Orthopaedics	Flat rate	Simple arthroscopy	4.385	50%	3	4.385	16.554.837
Urology	Unlimited	Transurethral resection of bladder tumor	6.545	25%	4	4.909	23.977.227
Urology	Unlimited	Transurethral resection of the prostate (TURP)	3.513	15%	6	2.634	11.932.402
Urology	Unlimited	Removal of varicocele, hydrocele and spermatocele	2.743	60%	3	3.291	14.711.589
ENT	Flat rate	Adenotomy	12.600	60%	3	15.120	57.919.680
ENT	Flat rate	Myringoplasty	2.014	90%	5	7.251	43.211.297
ENT	Unlimited	Tonsillectomy	4.622	75%	7	20.797	105.619.349
Gyneology	Flat rate	Dilation and curettage, conization or diagnostic hysteroscopy	38.681	60%	2	23.209	83.539.896
		Total	209.651			304.133	1.186.227.780

The results show that an increase in the share of day surgeries to the level achieved abroad would save up to 300,000 bed-days a year, or CZK 1.2 bn. The total cost of these surgeries would decrease by 17.4%, which corresponds with the above-mentioned findings of Alderwick et al. (2015), which reported 18% cost savings. A significant part of these savings would only come as a result of adapting the existing capacities to the new ways of providing care. One should already consider, however, that increasing efficiency is not only about savings but is an opportunity to increase care availability.

That said, we should investigate what an increase in efficiency can lead to:

- 300,000 saved bed-days corresponds to 1,500 acute beds at 60% occupancy rate (approx. 50 inpatient stations with 30 beds). Saving at least half of them is feasible.
- Less personnel needed due to changing the acute-care bed services. The cancellation of weekend shifts reduces the need for nurses and caregivers by 40% and the cancellation of both weekend and night shifts by 60%.

- Ability to provide 20% more elective surgeries with the existing human and financial resources, thus, significantly reducing waiting times.
- The above model is based on the 23 most common surgeries, while the day surgery system can apply to approximately 200 surgeries. The possible savings are therefore even higher.

Proposed Solution

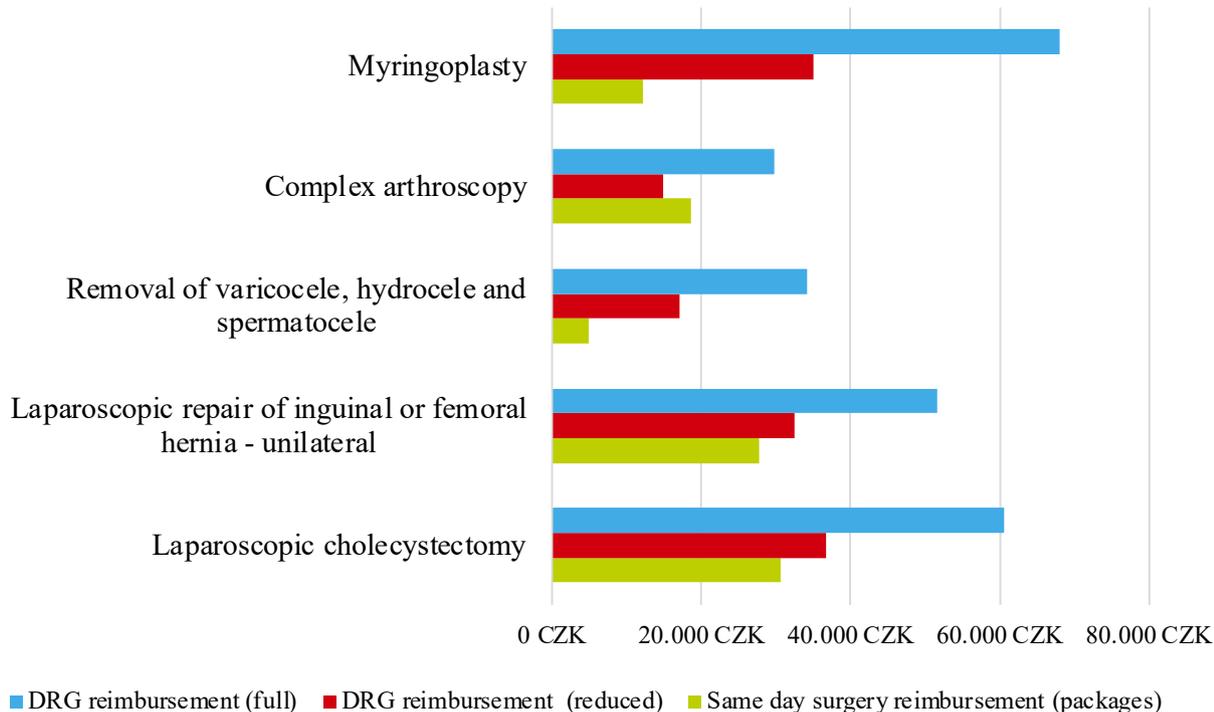
To achieve a higher share of one-day care in Czechia requires several fundamental steps:

- Day surgery can increase the efficiency of the Czech healthcare system. It should become of its objectives.
- Financial motivation for the providers:
 - Short-term – to cover the providers’ investment into same day surgery implementation.
 - Long-term – determining reimbursements that reflect the real resource consumption based on providers’ data, ideally within the CZ-DRG framework.
 - Termination of immoral motivations – for example, the low trim point for two hospitalisation days.
- Ensuring sufficient availability of same day surgeries and providers’ competition.
- Systematic care quality support, measurement and bonification.

A key component of further development of same day surgery is the appropriate reimbursement setting, which is the focus of this document, and the willingness of health insurers to contract a sufficient number of providers. Reimbursement is based on health insurers’ price lists and comes in the form of per case reimbursement. Reimbursements were originally based on the point value of procedures included as defined by the List of Procedures; the value of one point was 1 CZK. Following some negotiations, the material reimbursement for certain surgeries (especially laparoscopic and endoscopic surgeries), increased. The reimbursements further saw a percentage increase based on the higher reimbursements in the outpatient sector. The current reimbursement levels have been the main obstacle to the meaningful development of day surgery. When comparing the reimbursement for selected inpatient surgeries with the current package prices, it is evident that the inpatient surgery reimbursement is in most cases significantly higher. This even applies to one-day inpatient stays, which the CZ-DRG still places below the so-called lower trim point, therefore, the accommodation component of the reimbursement is cut by one half.³⁸

³⁸ The ‘accommodation component’ is not a fully adequate description - it does not include the accommodation only but also, for example, the surgery service cost. A more accurate designation, according to the CZ-DRG methodology, is ‘indirect costs’, which are defined as the costs of health services that cannot be unambiguously attributed to a specific hospitalisation case (HC) and correspond with the total recalculated costs per HP less direct costs, which include mainly separately billed materials (*zvlášť účtovaný materiál*, ZUM) and separately billed medicines (*zvlášť účtované léčivé přípravky*, ZULP).

Fig. 3: Reimbursement for Selected Surgeries: Day Surgery Versus Inpatient Care



Source: Negotiated insurers’ package prices of ZP, CZ-DRG relative weights codebook, data processed by author

The reimbursement mechanism should incentivise day surgery and initially compensate the transition costs incurred by the providers. It should also reduce potential undesirable effects such as bypassing the indication criteria or case induction, and it should motivate the providers to deliver high-quality services and be liable for any patient complications.

Encouraging Day Surgery: Examples from Abroad

The UK has focused on day surgery since the 1980s and has continuously tried to strengthen its development. In 2010, it introduced the Best Practice Tariffs (BPTs) - newly calculated tariffs based on optimal medical practice - motivating providers to improve the quality of care in various areas, including a higher share of day surgery.

The BPT mechanism echoes the best practice costs, not historical costs, while creating incentives for practice change. The day surgery payment is in some cases higher than the elective inpatient treatment payment, implying a clear incentive to use one-day surgeries. Day surgery first appeared in the BPT in 2010/2011 for laparoscopic gallbladder removal. BPT covered 15 common procedures by 2014/2015 and was further expanded by 30 day surgeries between 2017-2021. The British Association for Ambulatory Surgery (BADs) regularly publishes appropriate procedures and target (achievable) shares of same day surgery cases allowing for better alignment of provider incentives. Procedures where targets have been achieved are removed from the BPT reimbursement list on an annual basis and only those where the day surgery ratio is still insufficient are retained/added to the list (Leroy et al. 2017; NHS the UK and NHS Improvement 2016-2020).

France serves as another example. Day surgery tariffs were initially significantly lower than inpatient tariffs, which incentivised hospitals to admit patients for at least one night, regardless of medical necessity. To increase the day surgery share, France has improved its reimbursement system since 2007 and for selected GHM (*groupes homogènes de maladies*, French DRGs) reduced the tariff differences.³⁹ Identical tariffs for certain surgeries in all probability helped the development of day surgeries in France – the total increase in the share of day surgeries from 2007 (32.7%) to 2011 (39.5%) was +6.8 percentage points; the increase in day surgeries with identical tariffs increased from 60.4% to 78.2% (+ 17.8 percentage points). The share of day surgery reached 57.6% in 2018 and continues to rise.

Austria uses a different financing model; the reimbursement is divided into accommodation and performance parts. Payment for inpatient care consists of two parts:

- The length of stay, expressed in the number of days (cost of nursing care, accommodation, etc.).
- The cost of the procedure (cost of personnel, material, operating room - calculated from 15 reference hospitals).

The reimbursement for day surgeries, which are on the list of approved procedures, is equal to the reimbursement for inpatient surgery. Procedures outside the list of approved procedures are covered at 100% for the performance component, but the reimbursement for the accommodation component is reduced.

A Possible Way to Reimburse Day Surgeries in Czechia

This chapter proposes a reimbursement model for Czechia using the experience from other countries. A technically appropriate way is to introduce day surgery as an independent category in the DRG

³⁹ For a categorisation of same day surgery reimbursements in 2012, see Haute Autorité de Santé (2014).

(and possibly also in the so-called reimbursement decree) and separate the data for day and inpatient surgeries. Given the current cycle of updating relative DRG weights, the cost data collection and application would take at least three years. In the meantime, we suggest that to motivate and cover the necessary investment costs, the system can use a single reimbursement rate for inpatient and day surgeries. It could alternatively use the currently available hospital costs and fully reimburse all costs beyond actual accommodation costs adjusted for day surgeries. After 3 years, we could separate the calculations for day from inpatient surgeries, taking into account the real cost of both types (influenced mainly by the patient mix), which would differentiate between (lower) reimbursement for day surgeries and (higher) reimbursement for hospitalised patients. This would be possible if day surgery becomes the norm, where applicable. Until this happens, it is appropriate to encourage day surgery.

One reason for supporting the development of day surgery in Czechia is to reduce the waiting times for elective surgery. They have increased significantly after the pandemic restrictions, although the data is circumstantial. Czechia lacks a reliable (yet simple) system for measuring waiting times for elective surgery. Its introduction would significantly improve the availability of health services in all Czech regions and would provide an important parameter for monitoring the impact of expanding day surgery. Achieving the potential of day surgery requires a sufficient number of providers. We have to admit that day surgery is not a simple matter. The improved efficiency and quality described above are only possible where day surgery is fully independent in terms of both organisation and technology. Such a change (whether a detached day surgery unit within a hospital still providing acute care in surgical specialities or the establishment of day surgery facilities at a previously outpatient-only provider) requires significant material and non-material investment. The non-material investment specifically includes securing, convincing, and retraining staff and creating processes for both – the actual surgery and patient support as well as for quality assurance. This involves the comprehensive management of a large-scale conversion project, especially for the hospitals. Given the current personnel shortages and other constraints in hospitals, including the attention the hospital management can devote to this issue, we cannot expect that an adequate number of hospitals would invest in day surgery to fulfil its potential across all Czech regions. For sufficient availability and to ensure long-term competition leading to further efficiency and quality improvement, there will be a need to involve outpatient providers who are willing and able to provide day surgery.

Conclusion

The growth of day surgery has a significant potential to increase the efficiency of the Czech healthcare system and reduce waiting times for planned surgical procedures, which have increased significantly after the COVID-19 pandemic. The key to unlocking this potential is an appropriate reimbursement

setting, which would lead to long-term savings but in the short term would motivate both the hospitals and outpatient providers to invest in the procurement of same day surgery. The foundation of appropriate conditions is in the hands of the Ministry of Health of the Czech Republic and the health insurance companies.

Recommendations

- Same day surgery can increase the efficiency of the Czech healthcare system and reduce waiting times for planned surgical procedures.
- An appropriate reimbursement setting would lead to long-term savings but in the short term motivate both the hospitals and outpatient providers to invest in same day surgery.
- Support for day surgery should be accompanied by quality requirements and reporting of quality indicators by providers.
- Payers should aim for equal access to day surgery in all regions. This is likely to require contracting of both hospital-based and outpatient-based day surgery providers.

Academic Spin-Off Companies: A Tool for Successful Commercialisation of Science and Research

Otomar Sláma

Summary: The establishment of academic spin-off companies is a new phenomenon in Czechia. It is an effective tool for commercialising science and research. Like every tool, it has its advantages and disadvantages. We have to take into account the context of the Czech national strategy and the interests of public universities, public and other research organisations, and the businesses. The potential of the Czech innovation segment is enormous thanks to the significant science, research and innovation funding over the last decades. Exploiting this potential should be one of the priorities for 2023 and beyond.

Keywords: commercialisation, spin-off company, science, research and innovation, technology transfer

Introduction

Public universities and other public research institutions play multiple roles in our societies. Universities should 1) educate, 2) conduct research and 3) transfer scientific knowledge into practice (Government Office of the Czech Republic 2015; MIT 2021). Public research institutions have the same roles minus education. The transfer of science and research into practice is called commercialisation. Commercialisation is a very complex multidisciplinary process that can take from a few weeks to many years, depending on the technology. The length of the process is primarily dependent on the industry. Information technology (e.g., software) tends to be the fastest, commercialisation in the technical and social sciences and the humanities has a medium time range. The process is relatively long and, above all, expensive in biotechnology and medicine, the longest by far is the certification of pharmaceuticals.

One segment of commercialisation is the selection of an appropriate strategy. Academia usually chooses licensing. The sale of the technology, i.e., transferring the intellectual property rights to another entity is less frequent. The selection of a commercialisation strategy and its subsequent execution is a multidisciplinary process involving a number of closely profiled experts, including patent attorneys, lawyers, analysts, business people, economists, accountants, tax advisors and, last but not least, senior figures in the field, who have extensive knowledge of the market and therefore

a dense network of contacts. Commercialisation through the establishment of academic spin-off companies has received increasing attention. This chapter focuses on its various aspects – the reasons for the recent proliferation of spin-off companies, what is a spin-off company and what it is not, as well as the advantages and disadvantages this form of commercialisation brings.

Historical Context

Systemic technology transfer solutions date back to the 1970s. The foundations were laid in Israel, the UK, and the USA. As in many other former Eastern European countries, it arrived to Czechia with a considerable delay. Thus, Czech experience with technology transfers is only two decades long. The interest in setting up academic spin-off companies has picked up only since 2018, and accelerated to full speed in 2021 and 2022. Until then, the primary focus was on licensing agreements or transfer of intellectual property rights (selling patents).

The change was brought by two concurrent developments. First, the rising trend of science and research commercialisation. Academia and industry are gradually bridging the gap that has always separated them and are finding the benefits of joint cooperation. The question is what causes this convergence. It is probably a combination of many factors, such as the commercial sector's interest in gaining a competitive advantage through innovation. Many large companies are shutting down their early-stage Research and Development (R&D) departments and instead look for technologies (technology scouting) in the academia and the small and medium size enterprises (SMEs) in order to buy their technologies and intellectual property rights (IPRs). They can secure the purchases in several ways. It goes hand in hand with the search for new and more effective cooperation arrangements, which includes the establishment of academic spin-off companies.

The second development, striking given its timing, is the launch of the Innovation Strategy of the Czech Republic 2019-2030. It was a result of the support and pressure from the European Commission that was translated into national policies and strategies. It designed several support programmes bringing together the academia and business. They are mostly delivered by the Technology Agency of the Czech Republic, complemented with the Ministry of Industry and Trade, the Business and Investment Development Agency CzechInvest, and the Czech Trade Promotion Agency.

The idea of academic spin-off companies came to the fore in 2018, when the Innovation Strategy was being prepared and reached full momentum after the Strategy was approved by the government. The Innovation Strategy of the Czech Republic 2019-2030 was approved by the Government Resolution No. 104 on 4 February 2019. It is a strategic framework plan that predetermines the government's policy in research, development, and innovation. It should help Czechia join the most innovative countries in Europe within twelve years (Úřad vlády ČR 2019). The strategy consists of nine intertwined

pillars. Pillar III National Start-up and Spin-Off Environment explicitly encourages support for start-up and spin-off companies. Its objectives include networking, a comprehensive funding programme, mapping and cultivating the environment, establishing targeted support, training and benchmarking of incubators, start-ups, accelerators, spin-off companies and other relevant actors. Thus, one of the nine pillars is completely dedicated to start-up and spin-off company support. This support is to be further developed in 2023 and for at least seven more years until 2030. This is, thus, not only a relatively long period of time, but also an extensive support encompassing a comprehensive set of instruments. It reflects the importance the Czech government attaches to spin-off companies.

Why Start-Ups and Spin-Offs

Public universities and public research institutions are constantly producing innovative solutions. Sometimes they are breakthrough solutions, but more often various improvements or additions to existing technologies, processes and products. Both the academia and industry tend to agree that their collaboration is beneficial. Like it or not, it has been on the rise. Until now, the common tools for transferring knowledge and technology from academia to practice have been licensing agreements and technology sales. It was an ideal solution for the academia because the process was relatively simple. However, this solution hands over a greater degree of responsibility for the ensuing commercial or societal success of the technology to the business partner. Academia licenses or sells the technology and the business partner is responsible for the rest. Under the right conditions, the system is balanced.

Funding a spin-off company brings together the interests of the academia and industry. Both parties have a stake in the company and have an equal interest in participating in the development and application of the technology. It is not just about signing a contract, but a complex cooperation on communication and marketing, branding, follow-up contracted research, company development and, subsequently, profit sharing. To share the same intentions, it is necessary to have a stable predetermined share. As the common development of any other start-up, the parties achieve it by ownership participation.

If both the university and the commercial partner have an ownership stake in the company, they have the same interests. They together make the decisions, monitor finances, and seek other cooperation partners. They have a shared interest where science and research should find a place in the society. The commercialisation process does not end with a signed contract. The goal is the application of the technology; to make science and research serve the society and simultaneously generate funds that are reinvested in the primary activities of universities and research organisations.

Spin-off or Start-up?

One weakness of the Czech legislation is the lack of explicit terminology. Even the Innovation Strategy speaks vaguely about start-ups and spin-off companies. In practice, each entity can create

its own definition and report results according to that definition. The lack of a clear definition is, thus, a future threat. Without a definition, the terminology will be bent, which may jeopardise the fulfilment of the Innovation Strategy objectives. Or, they will be met only formally, which will not move Czechia among the most innovative countries in Europe, as the Innovation Strategy intends.

Start-up – There are many definitions of start-up companies. Across the board, they agree that start-up companies should meet at least 3 criteria. They are young companies that aim for rapid growth and include an innovative product or service. Therefore, not every new business can be called a start-up, unless the other two criteria are also being met.

Spin-off – A spin-off company (synonymous with a spin-out company) has a narrower definition. It is formed by separating from the parent institution(s), has its separate legal personality, and the parent institution has an equity stake in the company. The spin-off transfers technology or intellectual property to the new entity, which are then transformed into new services and products. The most formal definition in Czechia is in the Spin-off Guide, although it is very broad: ‘For the purposes of this document, a spin-off is a legal entity (irrespective of the term start-up, spin-off or spin-out) established for the purpose of commercialising the results of scientific work created by a research organisation (university, public research institution or other R&D organisation)’ (Czechinvest 2022).

Academic spin-off – It is a subset of spin-off companies. In an academic spin-off company, one of the parent institutions is an academic institution, hence, the equity shareholder is a university or a research institution.

Not every new business is a start-up. Start-ups are a subset of new enterprise. One form of knowledge and technology transfer is the formation of spin-off companies. Academic spin-off companies are a subset of spin-off companies established with the participation of the academia.

International Inspiration

The concept of establishing academic spin-off companies was not invented in Czechia. We have seen this model before in Europe, the USA, and other countries around the world. It is simply an effective tool and like many other trends, it unfortunately arrived to Czechia late. Indeed, this delay applies to all former Eastern Bloc countries. The UK, the Nordic countries, and Switzerland are very successful in this respect. Probably the most recognised country in the development of start-ups, including academic spin-off companies, is Israel, where every university must have an external transfer centre known as a single purpose vehicle (SPV). SPVs can dispose of university intellectual property, hence, enter into licensing agreements, dispose of patents, and support spin-off companies. Their approach is very efficient and dynamic compared to the transfer centres that we can usually see in Europe. Conventional centres like the ones in Czechia are an integral part of universities, which

makes things far more complicated. They are not dynamic and unable to take on responsibility from their parent institutions.

The establishment of external transfer centres would seem to be the obvious choice but it is not the case because the situation is more complicated. To operate effectively, the transfer centre must meet several criteria and overcome several obstacles. The obstacles, at least in Czechia, include the relatively complicated process of establishing an external centre; it is lengthy and administratively and legally very demanding. The situation is complicated for both universities and the Academy of Science institutes. Another obstacle is the scepticism of scientists and the institutional management. Domestic cases of good practice are rare as hens' teeth; critics could say that they are more an anomaly than a modern approach to efficiency.

First criterion is a high-quality team able to manage the transfer process and bring it to a successful completion. To do this, the team must be motivated by other things than just a flat rate salary. Whether profit sharing or other non-financial benefits, for example company culture. Another important criterion is the critical mass of technology projects and ideas. The team can be as good as it gets, but without the content to commercialise, it cannot do a good job. After all, it would not even be possible to maintain a high-quality team if it had nothing to work with.

The final phase of technology transfer, where the creation and development of academic spin-off companies is its 'royal discipline', is an extremely complex process. It involves extremely intelligent people starting a business in a typically highly regulated environment but where we expect profits to grow rapidly. This is the sort of thing that some successful entrepreneurs experience once in a lifetime. We expect transfer centres to accomplish it several times a year, while engaging with other activities and tasks for which they are responsible. One option is to copy the successful international endeavours such as Israel. Many such attempts have been undertaken and all failed. The transmission faces two types of problems. First, significant differences in the legal, tax and accounting environment. Second, considerably different systems of funding and the assessment of science, scientists, and institutions, which is linked to their funding. It is ultimately about the mindsets and national narratives that cannot be transferred between countries. The cultural differences are so great that they distort the transferability of good practice to the point where has become untransferable.

Why Support Academic Spin-Off Companies?

Two reasons can motivate the establishment of academic spin-off companies. The first and fundamental one is that it is a very effective tool for commercialising the results of science and research. The second may be an attempt to only formally fulfil the innovation strategy, regardless of its real impact on Czechia's innovativeness. An academic spin-off company should emerge when academia is not able

to develop a service or product because it is no longer an ‘academic problem’. In practice, this might be the moment when the technology proves to work well in a university laboratory, we have sufficient data, and we need to work on product design and manufacturing processes for industrial use. Hence, the technology needs to be optimised for a specific use and we should prepare scale-up, packaging, manuals, warehouses, distribution network, marketing and product launch. These tasks should not be undertaken by publicly funded institutions if they wish to meet the conditions of a diligent contracting authority. The appropriate approach is to join forces with commercial partners who already have the necessary experience, tools, resources, and contacts to do all of the above. Such activities should be carried out outside the academic environment, to ensure transparency and to sustain the required process dynamics. Meeting these conditions defines a situation suitable for establishing an academic spin-off company.

We should not use the term academic spin-off for any type of cooperation between universities and business even if they do. Having no ownership link to the parent institutions (including the academia) creates room for a non-transparent environment. An academic spin-off company offers some advantages. For example, the status of an academic spin-off company allows the company to present the credibility of a public university or public research institution for marketing purposes, which provides a substantial competitive advantage on the market. If an academic institution has a stake in the company, this is legitimate. If not, it is debatable how to assess the use of the university brand for company promotion considering the need to secure a level playing field on the market.

The same situation arises with any other advantage - preferential access to more know-how, use of the premises, equipment and human resources paid for by public funds. If these advantages were not applied, there would be no equity stake, but only technology licensing or intellectual property sale. Why use the term spin-off of the company when it is just a licence agreement or intellectual property rights transfer contract? More complications arise when sharing profits. It is easy with a genuine academic spin-off company. There are clearly defined shares in the company, and the profits are redistributed as dividends accordingly. The mandatory publication of information in the commercial register makes the system as transparent as possible. Without a shareholding in the company, the contractual arrangements do not have to be disclosed.

Academic spin-off companies have their pros and cons. Therefore, the tools for establishing academic spin-off companies should only be used under the right conditions. It should use technologies that are at the right stage of development, have a suitable implementation team and legal-economic background. It is important not to overuse the academic spin-off companies and even more so, do not call every collaboration with a business an academic spin-off. Trust in this system is difficult to build and easily lost. Overuse could easily cause resistance to this brilliantly effective method of commercialisation, which should be avoided.

Conclusion

Czechia is no longer an ‘assembly plant’. Czech scientists have repeatedly proven their abilities and repeatedly assert themselves in the global competition. Research and development in Czechia are still significantly cheaper than in the Western world. Czechia has a high-quality and comprehensive education system. Over the last decades, it has invested a lot in the infrastructure supporting science, research and innovation. Czech science, research and innovation receive significant support from the Czech Science Foundation (*Grantová agentura České republiky*), the Technology Agency of the Czech Republic (*Technologická agentura ČR*), CzechInvest, the Ministry of Industry and Trade, the Ministry of Education, Youth and Sports and the new Minister for Science, Research and Innovation. It has a whole new innovation strategy describing the challenges, but also objectives and instruments. Czechia thus has an enormous potential for meeting its goal to become one of the most innovative countries in Europe. It has the potential to help Europe with knowledge and technology and to inspire other Central and Eastern European countries to follow its example of good practice. It needs to fulfil this potential, One of the important, recognised and, above all, effective, tools to achieve this goal is the establishment of academic spin-off companies. It must be done quickly, properly and with maximum transparency. Only then Czechia will meet its declared objectives.

Recommendations

- Declare explicitly and categorically that the focus is on a real increase in Czechia’s innovativeness.
- Emphasise the support tools defined in the Innovation Strategy of the Czech Republic 2019-2030.
- Request the fulfilment of the goals defined in the Innovation Strategy of the Czech Republic 2019-2030.
- Clearly define the spin-off company criteria emphasising maximum transparency of spin-off companies.
- Focus not only on the number of newly established academic spin-off companies, but also on their quality measuring their economic performance in the first 2-5 years after establishment.
- Emphasise the quantification of knowledge and technology transfer benefits, both in terms of financial (income from the transfer) and social impacts (quality and number of media outputs).
- Be inspired by Czech examples of good practice and continue to promote them as part of the innovation ecosystem media support.

- Be inspired by the examples of good practice that can be transferred to the Czech environment.
- Do not be afraid to cooperate with business partners.
- Make the most of the cooperation between technology transfer experts and the newly created Office of the Minister for Science, Research and Innovation of the Czech Republic.

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