

# Appendix

## Annex A. Annotation Scheme Compared to Existing Argument Taxonomies

This Study	Equivalent in Existing Taxonomies		
Koref	Alexy 2010	Walton et al. 2021	McCormick et al. 2016
LIN (Linguistic Interpretation)	Canons of interpretation (semantic argument)	Ordinary and Technical Meaning arguments; Eiusdem Generis and Noscitur a sociis arguments	Arguments from ordinary meaning; Arguments from technical meaning
Incl. A Contrario	Special legal reasoning	A Contrario argument	N/A
SI (Systemic Interpretation)	Canons of interpretation (systematic argument)	Systematic Argument; Economic Argument (excludes interpretations corresponding to older/hierarchical superior law or making expressions redundant)	Context-harmonization arguments
Incl. CCI – Constitutional Conforming Interpretation	N/A	Argument from Coherence of the Law	N/A
Incl. EUCI – EU Law Conforming Interpretation	N/A	Argument from Coherence of the Law	N/A
CL (Case Law)	Use of precedents	Authoritative Arguments	Arguments invoking precedents

## Appendix

<b>D (Doctrine)</b>	Dogmatic argumentation	Authoritative Arguments	Arguments of logical-conceptual type drawing implications from recognized general legal concepts
<b>HI (Historical Interpretation)</b>	Canons of interpretation (genetic argument and historical arguments)	Psychological Argument; Historical Argument (limited to legislator's will)	Arguments attributing specific intended meanings to legislative language; Historical Argument (limited)
Incl. Rational Lawmaker	Canons of interpretation (teleological argument) – concerns rational aims, not real aims of legislator (p. 241)	Absurdity argument (reductio ad absurdum, grounded on assumption of legislator's reasonableness)	N/A
<b>TI (Teleological Interpretation)</b>	Canons of interpretation (teleological argument); Special legal reasoning: analogy, a fortiori, argument ad absurdum	Teleological (Purposive) Argument; Analogia Legis Argument; a fortiori; Absurdity Argument	Arguments from statutory purpose; Arguments based on statutory analogies
<b>PL (Principles of Law and Values) (incl. moral reasoning)</b>	Part of general practical reasoning, of which legal argumentation is a special case	Argument from General Principles; Equitative Argument (concerning values or justice)	Arguments appealing to general legal principles; Arguments based on substantive reasons independent of authoritativeness
Incl. CV – Constitutional Values, Rights, Principles	N/A	Argument from General Principles	Arguments appealing to general legal principles
Incl. EUP – EU Principles and Values	N/A	Argument from General Principles	Arguments appealing to general legal principles

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<b>PC (Practical Consequences)</b>	Canons of interpretation (historical argument – learning from consequences of past interpretative decisions, p. 239); Empirical argumentation	Equitative Argument (within category "argument from consequences")	Arguments based on substantive reasons independent of authoritativeness (moral, political, economic, or social considerations)
<b>N/A</b>	Empirical reasoning (excluded as focus was legal reasoning, not fact-finding)	N/A	N/A
<b>N/A</b>	N/A	Ancillary Argument from Completeness of the Law (excluded as ancillary and partially covered in SI)	N/A
<b>N/A</b>	N/A	Argument from Classification (we included only explicit definitions under LIN, not every subsumption under legal norms)	N/A

## Annex B. Annotation scheme and extract from guidelines with examples

Classification	Category	Example
<b>Formalistic</b>	<b>Ling. Int.</b>	<p>This category included references to ordinary meaning, dictionary, syntax and grammar, legal definitions or a contrario arguments.</p> <p>For instance:</p> <p>"In addition to the above, the Supreme Administrative Court adds that the wording of Section 87e(1)(i)(1) of the Act on the Residence of Aliens is very unambiguous and leaves no room for a different interpretation."</p>
	<b>Sys. Int.</b>	<p>This category included references to collision rules (e.g. <i>lex superior derogat legi inferiori</i>), rules that exception are to be interpreted narrowly as well as interpretation conforming with constitution or EU law.</p> <p>For instance:</p> <p>"Since the provisions of Section 281 of the Criminal Procedure Code do not contain special provisions for decisions pursuant to Section 288(3) of the Criminal Procedure Code, the general provisions on the subject matter and local jurisdiction of the court (Sections 16 to 22 of the Criminal Procedure Code) apply."</p>
	<b>Case Law</b>	<p>This category included any reference to previous case law.</p> <p>For instance:</p> <p>"These considerations and conclusions are, among other things, based on the interpretation of a similar issue made in the judgment of the Supreme Court dated October 23, 2007, file no. 29 Odo 1310/2005."</p>
	<b>Doctrine</b>	<p>This category included any reference to doctrinal work.</p> <p>For instance:</p> <p>"It is therefore possible to conclude that for resolving issues not explicitly regulated by the Tax Code, even in the declaration of assets according to § 177 para. 1 of the Tax Code, the provisions of § 260a</p>

		to § 260h of the Civil Procedure Code regarding the declaration of assets shall be used (similarly Baxa, J. et al. Tax Code. Commentary, Prague: Wolters Kluwer CR, a.s., 2011, p. 1122)."
<b>Non-formalistic</b>	<b>Hist. Int.</b>	<p>This category included references to explanatory notes, stenographic records circumstances of the law's enactment.</p> <p>For instance:</p> <p>"During the discussion in the Chamber of Deputies, this amendment was moved to § 131 paragraphs 1 and 2 of the draft Administrative Code. However, the Senate adopted an amendment to delete these provisions, reasoning that conducting administrative proceedings in another municipality is impracticable in practice and that officials deciding on matters of their employer must not violate the law (cf. stenographic record of the 15th Senate session of May 20, 2004, 4th term, and Senate Resolution No. 445, www.senat.cz)."</p>
	<b>Principles and values</b>	<p>This category included references to general legal principles (legal certainty), domain principles (prohibition of retroactivity in criminal law) and constitutional or EU principles incl. fundamental rights and freedoms.</p> <p>For instance:</p> <p>"It must then give a convincing, complete and comprehensible statement of the reasons for its decision in accordance with the general principles of administrative procedure."</p>
	<b>Teleological Int.</b>	<p>This category included references to the purpose, analogy, teleological reduction, ad absurdum argument and a fortiori argument.</p> <p>For instance:</p> <p>"Since the object of the offence of general danger by negligence is, among other things, the interest of society in the protection of human life and health, its concurrence with the offence of grievous bodily harm by negligence is excluded."</p>

## Appendix

	<b>Practical Consequences</b>	This category included references to the impact on addressees, society, other entities or procedures. For instance: “A limitation period in recovery proceedings applied by analogy to assessment proceedings would impermissibly set very wide time limits for the assessment of customs duties”
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Full guidelines are available on-line.<sup>67</sup>

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<sup>67</sup> [https://drive.google.com/drive/folders/liSq-v5OY-\\_nz3qIHvtyrOba0IDzpY4kP](https://drive.google.com/drive/folders/liSq-v5OY-_nz3qIHvtyrOba0IDzpY4kP)

## Annex C. Flowchart example (excerpt)



## Annex D. Inter-coder agreement

	Part I	Part II
1.LI	0,54	0,28
2.SI	0,35	0,42
3.CL	0,95	0,94
4.DO	0,94	0,90
5.HI	0,68	0,80
6.PL	0,76	0,65
7.TI	0,63	0,65
8.PC	0,20	0,21
Overall	0,65	

All values are calculated using Krippendorff's unitized alpha, except for the *Overall* label, which is calculated using Cohen's kappa.



## Annex E. Overview of dataset

**1. DISTRIBUTION BY COURT BRANCH**

Court Branch	Number of Decisions	Percentage
Supreme Court (Civil)	124	45.59 %
Supreme Court (Criminal)	58	21.32 %
Supreme Administrative Court	90	33.09 %
Total	272	100 %

Type of Decision	Number of Decisions	Percentage
Usnesení (Rulings)	135	49.45 %
Rozsudky (Judgments)	137	50.18 %

**3. TEMPORAL DISTRIBUTION BY COURT BRANCH**

Year	Civil	Criminal	Administrative	Total
1997	13	—	—	13
2000	13	12	—	25
2003	13	6	12	31
2006/7	13	6	12	31
2009	11	6	10	27
2012	11	4	10	25
2015	13	6	12	31
2018	12	6	12	30
2021	13	6	10	29
2023/24	12	6	12	30
Total	124	58	90	272

## Annex F. Example – Formalistic Decision

*(translated via Claude and DeepL and adjusted)***26 Cdo 597/2015****Decision**

The Supreme Court of the Czech Republic decided by the chairman of the panel JUDr. Zbyněk Poledna in the enforcement case of the entitled party O2 Czech Republic a. s. with its registered office in Prague 4, Za Brumlovkou No. 266/2, Company ID 60193336, represented by JUDr. Jana Kubištová, CSc., attorney with office in Prague 7, Trojská No. 69/112, against the obligated party Ing. J. J., for 124,569.10 CZK with accessories, conducted at the District Court in Tachov under file no. 11 Nc 4703/2007, on the appeal of the obligated party against the resolution of the Regional Court in Pilsen dated August 16, 2013, ref. no. 13 Co 355/2013–34, as follows:

**The appeal proceedings are terminated.**

Brief reasoning (§ 243f paragraph 3 of the Civil Procedure Code):

The Supreme Court of the Czech Republic terminated the proceedings on the appeal of the obligated party against the resolution of the Regional Court in Pilsen dated August 16, 2013, ref. no. 13 Co 355/2013–34, pursuant to the provision of § 243c paragraph 3, second sentence of Act No. 99/1963 Coll., Civil Procedure Code, as effective until December 31, 2013 (cf. Art. II point 2 of Act No. 293/2013 Coll., amending Act No. 99/1963 Coll., Civil Procedure Code, as amended, and certain other laws) – hereinafter referred to as "Civil Procedure Code", without examining the fulfillment of the condition of mandatory representation of the appellant in the appeal proceedings (§ 241 of the Civil Procedure Code), as the appeal was explicitly withdrawn in full by the appellant's submission dated January 5, 2015.

The reimbursement of costs of the appeal proceedings is decided under a special regime (§ 87 et seq. of Act No. 120/2001 Coll.).

No remedy is admissible against this decision.

In Brno, February 17, 2015

JUDr. Zbyněk Poledna  
chairman of the panel