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Consequences of administrative silence in public administration

Abstract

This article reviews the problem of administrative silence that has significant negative consequences regarding the administration and fulfilment of the basic principles of administrative procedures related to citizens' rights. The article highlights the situation of when a citizen or legal entity has filed a submission with an administrative body, which has then not issued an administrative act within a reasonable time. The article raises questions of the consequences and legal effects of administrative silence and the legal instruments required to protect citizens' rights in such cases. The article begins with the completion of administrative procedure as provided by the respective rules, continues with a treatment of the consequences of administrative silence and concludes on the legal instruments protecting citizens' rights. This article comments that, in most EU countries, 'fictitious decisions' are more often chosen as a solution to administrative silence, given the influence of international obligations such as EU directives, OECD reports and other relevant international instruments.

Keywords: *administrative silence, fictitious decisions, reasonable time, legal protection, consequences*

Introduction

The purpose of administrative procedure is the issue of a lawful administrative act. An administrative body undertakes various actions in order to issue a final decision by which an administrative relationship may be created, modified or terminated. In this regard, the administrative body issues reasonable administrative acts taking into account all relevant facts and balances evidence in an appropriate manner. Administrative bodies, while performing their duties, act according to rules on good administration in order to establish good practice and ensure that decision-making criteria are applied objectively. In order to reach the final decision, the competent administrative body shall decide on all the issues raised in the course of proceedings. A particular administrative proceeding is completed within a period set by the provisions of the relevant laws from the date of its initiation, unless otherwise specified under other specific laws or when its postponement is necessary due to extraordinary situations.

The concept of 'good administration' redefines administrative operation and it responds to the expectation and requirement of a balanced approach to safeguarding the public interest whilst respecting the rights and interests of citizens. Putting the principles of good administration into practice requires an appropriate system of ad-

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ministrative procedures. This involves a set of rules that determines the process of making administrative decisions. In many European countries, these rules are codified in a single piece of legislation, usually under the name 'Law on General Administrative Procedures' (Rusch, 2014).

Administrative procedures are frequently blamed as time-consuming, non-transparent and bureaucratic. Many technological, structural and legal innovations may be applied in the simplification of administrative procedures. E-communication and other instruments of e-government, points of single contact (one-stop shops), reducing formalities, results-orientation, single instance decision-making and other measures can release a situation based on complex legal regulation of administrative procedures and improve citizens' position in their relations with public administration bodies (ReSPA, 2014).

Almost all administrative procedural laws stipulate a deadline for the issue of administrative decisions. This period is particularly important for the position of the parties to the proceedings and to guarantee that the procedure is not postponed indefinitely. According to the principle of economy of procedure, an administration body is obliged to issue a decision in the most effective time and, at the latest, by the deadline set by the law. Disregard for the issue of an administrative decision is linked to the concept of administrative silence, which is known in administrative theory and practice in many countries of the world. In this regard, administrative silence refers to unlawful inactivity by an administrative body in deciding upon an application submitted by a citizen or *ex officio* body.

The theme of administrative silence has been the subject of studies in administrative law scholarship for a long time. This started with a focus on legal protection but, by now, more and more non-judicial legal techniques have been introduced to force public administrations to act in a timely fashion (Jansen, 2015). Administrative silence refers to a problem of procedural infraction, with inaction referring to undue administrative paralysis. A failure to act occurs when the administrative activity is due in law but the corresponding obligation is broken (Galera, 2010).

The silence of the administration is a special institution in administrative law, in which a competent body, at the request of a party to the administrative matter, has not issued its decision and does not hand over the decision to the party within a legal deadline during which a party has the right of appeal in case of the rejection of a request. But if the body of first instance remains silent and where the party has no right of appeal, the silence is final and the party may seek judicial protection from a competent court. Administrative silence is not a form of ruling on a case but a legal invention under which it is clear that the competent administrative body has denied the claim of the citizen, without resolving it within the time provided by the law.

Any silence of administration presents a special problem in the proper functioning of public administration. Therefore, each legal system applies certain measures for the alleviation of this problem since it is clear that it cannot disappear entirely. Administrative silence is defined as an assurance to citizens that permits them to access the next level of justice, whether administrative or judicial, in cases where an administrative act is not issued within a reasonable time by the administrative level which has competence over the issue.

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Good administration, oriented around the needs of citizens, has to answer to contemporary social cultural changes, i.e. administrative processes that are more horizontal, based on the use of contemporary technology and styles of communications and which strive for prompt results. Everywhere and always an immediate response is expected; waiting for a reaction is seen as a waste of time (Rusch, 2014).

Morrison and Milliken (2000) analyse the process of silence by defining organisational silence as:

> Consciously withholding works, ideas, knowledge and thoughts towards organizational development by employees.

Some General Administrative Procedural Acts (GAPAs) establish an explicit obligation on the administrative authority to lead a procedure to a conclusion which will, in general, be a decision on its merits: Article 2 of the Greek GAPA sets out a principle of *ex officio* action which is interpreted as meaning that public authorities have both the right and the obligation to act. Meanwhile, some GAPAs even prescribe time limits in which an outcome must be issued (Wen-Yeu, 2014).

An administration which intends to build constructive affairs with its citizens must be productive, efficient and advanced. The administration should not be a bad example to citizens. Administrational capacity and potential should not shield their activities behind 'the silence of the administration', as a negative phenomenon.

However, for European institutions, respect of the time limits in which administrative decision-taking must take place represents mandatory behaviour that is also accurately monitored from the perspective both of European courts and public ombudsmen.[1]

Resolution of the issue through an administrative act within a reasonable time

The purpose of administrative procedure is the issue of a lawful decision via the objectives application of material norms and basic procedural principles. Another aim of such a procedure is a recognition of the rights of the parties and the determination of their obligations. Respect for deadlines in administrative procedures guarantees the legitimacy of administrative decisions, improves the level of transparency and liability as well as respect for and the promotion of the basic principles of administrative procedure and encourages the reduction of administrative costs for citizens.

Decision-making is the process of making a choice from a number of alternatives to achieve a desired result (Eisenfuhr, 2011). Procedural fairness requires a decision-maker to provide a fair hearing and be free of prejudice.

Administrative procedures are mechanisms of interaction between public authorities and citizens. The simplification of public administration facilitates the modernisation of relations between citizens and public administrations, as well as the intro-

1 Court of Justice judgment of 15 October 1987 in Case 222/86 Heylens [1987] ECR 4097; Court of First Instance judgments of 6 December 1994 in Case T-450/93 Lisrestal [1994] ECR II-1177, 18 September 1995 in Case T-167/94 Nölle [1995] ECR II-2589.

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duction of the principle of trust in administrative procedures and the simplification of daily life for citizens. It is a common issue and it influences the interest of public servants in performing duties for state administrative bodies (Batalli, 2011).

Respect for deadlines is a crucial issue in administrative law in order to avoid facing appeals or court applications alleging the silence of administration. If an administrative matter is initiated on the basis of a submission, an administrative body should issue an administrative act or terminate the matter within the time limit provided by the respective legal provisions set out from the day the request is submitted. A decision in administrative procedure is biding and it concludes the administrative procedure initiated *ex officio* or through the submission of citizens. An administrative act must be issued without unreasonable delay or within the time period that may be prescribed for that particular action.

Administrative decision-making should be efficient and lawful and reduce courts' caseloads (Woehrling, 2014). A fundamental rule of constitutional democracy is that the government's power is controlled and limited by law. The government must be given authority by law for any action that it takes and it must obey the law. This is the idea behind the constitutional right to lawful administrative action. To act lawfully means that administrators must have legal authority for their decisions. Acting without authority implies acting unlawfully and any decisions taken will have no legal effect. It also means that decision-makers must obey legal requirements and follow any instructions given by the law (Code of Good Administrative Conduct, 2001).

The principles and standards of good administration derive from EU legislation and jurisprudence as well as from good administrative practice in EU member states. Starting from European level, the first paragraph of Article 41 of the Charter of Fundamental Rights of the European Union declares that:

> Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.

In accordance with Article 6 of the European Convention on Human Rights (ECHR):

> Everyone is entitled to a fair and public hearing within a reasonable time, in administrative matters as well.

Furthermore, Article 13 of the ECHR requires an effective remedy at national level for all the rights ensured by the ECHR.

Article 13 of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 'On services in the internal market', provides as follows in its paragraphs 3 and 4:

> Authorisation procedures and formalities shall provide applicants with a guarantee that their application will be processed as quickly as possible and, in any event, within a reasonable period which is fixed and made public in advance. The period shall run only from the time when all documentation has been submitted. When justified by the complexity of the issue,

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> the time period may be extended once, by the competent authority, for a limited time. The extension and its duration shall be duly motivated and shall be notified to the applicant before the original period has expired.
>
> Failing a response within the time period set or extended in accordance with paragraph 3, authorisation shall be deemed to have been granted. Different arrangements may nevertheless be put in place, where justified by overriding reasons relating to the public interest, including a legitimate interest of third parties.

Article 2 of the Treaty on the European Union provides that the:

> Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

Article 197 of the Treaty on the Functioning of the European Union refers to the administrative capacity of the member states as a matter of common interest.

In this regard, it is relevant to examine whether rules for the establishment of 'fictitious administrative acts' should be adopted in countries' legislatures regarding their general administrative procedures. The provisions of such legislatures should provide certain mechanisms first for the protection of the public interest and, secondly, in the citizens' interest. Such principles were refined within the OECD's Guiding Principles for Regulatory Quality and Performance of 2005, as well as the Recommendation of the Council of the OECD on Regulatory Policy and Governance in 2012. One of the elements of this policy is the reduction of the administrative and regulatory burdens from the point of view of the citizens and companies affected; while the policy is intended not to delay business decisions unduly. This policy gave an important boost concerning the need to pay attention to the silence of the administration.

At the same time, an important role in developing the right to good administration was played by the European Ombudsman who developed the European Code of Good Administrative Behaviour. Article 17 of this Code, in relation to defining a reasonable timeframe for taking decisions, provides as follows:

> 1. The official shall ensure that a decision on every request or complaint to the Institution is taken within a reasonable time-limit, without delay, and in any case no later than two months from the date of receipt. The same rule shall apply for answering letters from members of the public and for answers to administrative notes which the official has sent to his superiors requesting instructions regarding the decisions to be taken.
>
> 2. If a request or a complaint to the Institution cannot, because of the complexity of the matters which it raises, be decided upon within the above mentioned time-limit, the official shall inform the author thereof as soon as possible. In that case, a definitive decision should be notified to the author in the shortest time.

The Ombudsman's Guide to Good Public Administration in the Republic of Ireland, in rule 1 'Get it right', explicitly affirms that public bodies should act in accordance with the law and with due regard for the rights of those concerned; act in accordance with the public body's policy and guidance; take proper account of estab-

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lished good practice; provide effective services, using appropriately trained and competent staff; take reasonable decisions based on all relevant considerations; and avoid undue delays. Under this rule, it is explicitly specified that:

> Public bodies should avoid undue delay – particularly in cases where practical difficulties may arise for the individual as a result or where uncertainty may be created.[2]

Reasonable time is the norm, or standard length of time, required to resolve certain administrative cases. How long administrative action will take depends on the complexity of administrative cases, the type of legal protection required, the number of parties and participants in the administrative proceedings and other specific elements and criteria (Naumovski and Nikolovska, 2012).

The use of deadlines that require agency action to commence or complete by a specific date is extremely common in the modern administrative state (Gersen and O'Connel, 2008). If a time limit is set, failure to comply with that may well represent a failure to comply with the procedural rules relating to the adoption of an act adversely affecting an individual, thus constituting an infringement of essential procedural requirements (United Kingdom v Council of the European Communities, 1988). When an agency has delayed, but does not have to act by any statutorily imposed deadline, courts are more deferential to the agency's priorities and are less willing to compel an agency to take action. However, if a delay becomes egregious, courts will compel an agency to take prompt action (Shedd, 2013).

Deadlines are a proposed solution to the problem of agency delay, so an important question is whether deadline actions actually take less time to complete than no deadline actions. If deadlines do not even alter the timing of agency decisions, then the range of potential negative side effects is all the more concerning (Gersen and O'Connel, 2008).

Fresh importance granted to the respect for time is almost certainly connected to the need to commence an activity as soon as possible, since one might lose money and opportunities during any waiting period. This is particularly important at times like the present, when governments must find ways to awaken sluggish economies (Parisio, 2013).

Consequences of administrative silence

The concept of administration silence has been paid attention from different legal perspectives; but negligence by administrative bodies has different, and damaging, consequences for all citizens involved in the procedure.

However, dissatisfaction over the failure of administrative bodies to issue an administrative act within a reasonable time during the course of administrative proceedings has rarely led to the adoption of a normative approach to resolving the problem. In administrative proceedings, legal administrative acts are those which

2 *Six Rules for Getting it Right – The Ombudsman's Guide to Good Public Administration* published in February 2013; see: www.ombudsman.gov.ie/en/publications/guidelines-for-public-bodies/six-rules-for-getting-it-right/.

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promote the public interest above all others. The establishment of deadlines for the issue of administrative acts obliges agencies to meet those deadlines, as well as increase their efficiency and establish their priorities.

Omissions by public administrations in failing to react within predetermined legal time limits is today seen generally as a prejudicial condition in the light of the struggle to achieve the two main goals: protecting citizens from government abuse; and avoiding inefficiency in administration (Bonomo, 2015). Nevertheless, when agencies sacrifice deliberative process to meet deadlines, decisions are more likely to fail tests of arbitrariness and capriciousness. Furthermore, if courts do not relax ordinary requirements, then agencies will lose more often when there are challenges to deadline actions (Salameda, 1995).

The rationality and effectiveness of procedures are, in fact, essential for resolving complex societal issues, particularly in relation to economic development and investment capacity, the mitigation of economic downturns, etc. (Hopkins, 2007). The silence of an administrative body slows down institutional development and also leads to a number of consequences including lack of efficiency; negative evaluations in terms of the performance of the administration body; increases in public dissatisfaction with the work of the administration; and breaches of the principles of good administration.

The silence of administrations highlights the existence of several alternatives: the first concerns the possibility to address the issue to another, higher administrative body; the second may refer to the assignment of legal consequences to that administrative silence, which may be either positive or negative; while the third is to draw up a court action in order to force the administrative authority to issue an administrative decision.

With reference to administrative silence, legal systems can assume two different approaches, depending on the priority they choose to give to the public interest or to individual interests.[3] An 'administration-centric' approach to silence safeguards the administration's primary control over its own activity and prefers to attribute a negative meaning to any lack of response; while an 'individual-centric' approach focuses attention on the implied right of individuals to receive a decision from the administration within a reasonable timeframe and, furthermore, provides that unreasonable delay in responding to a request or the lack of production of an explicit measure will correspond to a positive answer (Anthony, 2008).

Silence clearly therefore has two meanings: positive and negative. A positive administrative silence equals an explicit resolution, granting the petitioner the object of the claim. In contrast, a negative administrative silence entitles the petitioner to challenge the denial, as if the claim had been explicitly refused (Galera, 2010).

In several countries, administrative silence implies the establishment of a situation in which there may be either a fictitious negative decision or a fictitious positive

3 In most member states of the European Union, administrative silence is particularly presented in this second approach. Several European countries have foreseen the institute of 'implicit approval' in their Laws on General Administrative Procedure while in other EU member states silent endorsement is anticipated only over special legislations.

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one. However, the administrative body in some cases is still obliged to take a real decision. In several European administrative law systems, fictitious refusal is a negative decision while in some other systems it is seen as just inaction to act in order to protect the general interest and those of the parties.

Systems of fictitious positive decision-making may not only be found in this field of public interest but in others as well. It should be noted that, in some countries, a general provision on fictitious positive decision-making exists, leading to the list of permissions to be given by default being shorter. This is, for example, the case for Italy and Mexico (Jansen, 2008). On the other hand, a fictitious positive administrative act advances the legal position of the citizen in the case of administrative silence since the party is oriented toward a positive decision.

Legal protection of citizens in cases of administrative silence

Administrative procedure is an important instrument to protect citizens' rights through hearings of the parties, the submission of evidence and other documents, and using legal remedies against a decision that has been issued and court action to seek judicial protection.

The 'good administration' model identifies what constitutes a good, transparent and efficient relationship between the party and an administrative body in order to establish an approach which protects the public interest and enhances confidence in the administration. Internal remedies are the initial means in reviewing, appealing or correcting administrative acts within the administration itself.

The silence of the administration is concerned from the point of view of legal protection via administrative proceedings in appeals procedures and judicial review. The filing of internal legal remedies in administrative procedures is considered as a first way to protect a citizen's rights prior to a party approaching a competent court to seek review of the legality of an administrative decision. Administrative legal remedies are mechanisms to protect citizens' rights and to exercise internal control over the work of lower administrative bodies in order to identify material and procedural breaches and to put right those mistakes.

An appeal or court action on the grounds of administrative silence can also be invoked to overcome maladministration (Jansen, 2008). The purpose of legal remedies is to offer a chance for the restraint of administrative bodies to reduce the load of the administrative courts and to enable the separation and balance of powers between the courts and the administration. The filing of an appeal against administrative decisions is a necessity for the good administration of an institution in order to render it accountable to the public, as well as providing rapid decisions on appeals in order to correct the deficiencies of the first instance body and to decide issues raised by appellant, improving administrative services and reinforcing the confidence of citizens.

The nature and scope of appeals depend on the respective statutes/rules. Some statutes provide for appeal only on very limited grounds – for example, a person may only have the right to appeal a decision on a point of law, not on the grounds that the decision-maker has made a mistake in the establishment of facts. An appeal may be broader in scope, providing for a re-hearing on the merits of the decision using the

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material before the decision-maker. Another type of appeal is the *de novo* hearing where all the evidence before the original decision-maker is heard and the parties can provide new evidence to the review tribunal (Figgis, 1996).

Appellant procedures within an administrative branch are crucial mechanisms of democracy in relation to the safeguard of citizens' rights against the potential mistreatment of functions by administrative officials. However, not every appeal is successful since it may be rejected if submitted after a deadline, by an unauthorised person or if an appeal is barred. On the other hand, an appeal may well be rejected if the second instance body confirms that the parties' claims or the errors raised in the appeal are not grounded or significant.

Article 13 of the European Convention on Human Rights establishes the right to an effective remedy, stating that:

> Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

This is one of the key provisions underlying the Convention's human rights protection system, along with the requirements of Article 1 on the obligation to respect human rights and Article 46 on the execution of judgments of the European Court of Human Rights (Council of Europe, 2013).

Article 19 of the European Code of Good Administrative Behaviour refers to the possibilities of appeal as follows:

> 1.A decision of the Institution which may adversely affect the rights or interests of a private person shall contain an indication of the appeal possibilities available for challenging the decision. It shall in particular indicate the nature of the remedies, the bodies before which they can be exercised, as well as the time-limits for exercising them.
>
> 2.Decisions shall in particular refer to the possibility of judicial proceedings and complaints to the Ombudsman under the conditions specified in, respectively, Articles 230 and 195 of the Treaty establishing the European Community.

The basis for legal protection is the legal fiction that the interested parties' application has been virtually rejected or refused (Szente and Lachmayer, 2016).

Acting on an appeal, the second instance authority requests the first instance authority to state the reasons for which an act has not been issued within the legal deadline. Only in restricted cases provided by special provisions, when the party does not have the right to appeal against a decision, can legal action be filed directly in order to question the legality of the administrative decision and its annulment.

Before a party is able to file a law suit before a competent court to review the legality of an administrative action, internal remedies should first be exhausted; judicial review by a court should be considered as a last alternative in the protection of legality. In administrative proceedings, the parties have a right to approach a court within a reasonable timeframe upon the exhaustion of a route of appeal as a regular legal remedy.

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For the right to just administrative action to be more than just a right on paper, there must be a way to enforce it. The most important way in which this right can be enforced is by judicial review. This means that any member of the public who is unhappy with the decision of an administrative body can challenge the decision in a competent court. Access to the courts is a crucial mechanism of democracy in each country that encourages the protection of citizens' rights and judicial control over the legality of administrative acts.

There are today two dominant systems related to the level of judicial control over administrative acts: the European-continental (French system); and the Anglo-Saxon. The first of these is characterised by the establishment of administrative courts with specialised jurisdiction for the control of administrative acts; while the second oversees administrative acts within courts of general jurisdiction.

If a court finds that a decision is unlawful, unreasonable or procedurally unfair it can make any of a number of possible orders to rectify the situation (European Ombudsman, 2001).

Judicial review of the decision-making activities of bodies is generally perceived as an important constitutional procedure to prevent those exercising public functions from abusing their powers (Chauvel, 2003). When someone believes that she or he has been the victim of administrative mistakes and seeks to have the actions of the responsible public authority reviewed in the court, the reviewing court is faced with two questions: does the court have the right to review the administrative decision; and if it does, what is the scope of that court's review? (Batalli, 2014). In several countries, once a judge has annulled an unlawful administrative decision, an order will be made against the respective administrative authority to issue another decision based on the court's instructions within a reasonable time limit. On the other hand, in some states administrative bodies may seek a court's interpretation while, in some systems, judicial review of administrative acts opens up a solution in which the administrative body may correct some potential errors.

There are three basic categories of public law wrongs which are commonly used as grounds for the judicial review of administrative acts: illegality; fairness; and irrationality and proportionality (Public Law Project, 2006).

In many cases, citizens and companies would prefer not to initiate court proceedings to resolve such kinds of problems: a system of fictitious negative decisions presupposes possibly lengthy court proceedings that they would prefer not to undertake. Therefore, administrative law scholarship should probably find other solutions to tackle the problems of failures to act within time limits (Jansen, 2015).

However, judicial review of administrative acts does have a crucial impact in the protection of citizens' rights on the one hand and correcting neglect of discretion on the other. In this regard, the right to good administration has played a constructive development in the intensification of the procedural rights of citizens affected by administrative decisions in most member states of the European Union.

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Conclusions

Reasonable deadlines provided by positive legislations can help administrative bodies conduct proceedings efficiently and decrease administrative delays. The time limits provided by relevant applicable legislations should also be established by administrative guidelines related to the punctual resolution of various types of administrative proceedings, i.e. rule-making actions. A delay or negligence in decision-making may deny both the citizen and the public at large of significant advantages.

Modern administrative proceedings are too multifarious and involve many procedural stages; therefore, the establishment of time limits for rule-making should be carried out carefully in order not to exclude the use of procedural techniques that can be valuable in establishing fair and legal decisions.

Administrative decision-making within a reasonable time by administrative authorities should promote efficiency and the effectiveness of the institution in reaching the primary objective – the protection of the public interest – as well as the protection of third party individuals as well. This is an indicator in favour of the promotion of legal instruments for the protection of citizens against the silence of administration.

The purpose of simplification models of administrative procedures is, among others, the reduction of bureaucracy in order to enhance efficiency, accountability and the transparency of public administration. The fulfilment of these objectives is related to the abolition of certain barriers in public administration that would lead to the resolution of administrative matters within a reasonable timeframe established by legal provisions.

A 'silence is consent' rule, and failures to issue administrative acts within a deadline, leads to the direct approval of citizens' requests in many EU countries. The opposition of academics to fictitious decisions has been raised over a long period; however, no respective solutions have been offered. Fictitious decision-making is being considered more often because of the obligations prescribed by EU directives, OECD reports and other documents of international influence.

Laws of General Administrative Procedures should ensure simple, expeditious and prompt administrative proceedings in order to protect citizens' constitutional and legal rights and to reduce administrative expenses. The simplification of administrative procedures and resolution of issues within a reasonable timeframe would promote and elevate the economic development of countries and different investments.

Taking into consideration the consequences of administrative silence related to citizens' rights and the different debates on fictitious decisions, a good mechanism to promote good administration and enhance the level of accountability is to impose fines in order to compel administrative bodies to issue a decision within a reasonable time.

The silence of administration is concerned from the point of legal protection through administrative proceedings in appeals procedure and judicial review. Administrative procedure and administrative dispute legislatures should try to improve the position of the party who is waiting for the resolution of an administrative issue through an administrative act. Normative provisions should protect citizens from

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negligence in administrative procedure, known as administrative silence, since administrative silence is considered as a violation of the leading principles of administrative procedure such as legal security, equality, efficiency, economisation of procedure, etc.

Countries that apply systems of positive fictitious administrative acts are predicated on the administration accepting the responsibility to notify parties of the fictitious decisions that have been issued. On the other hand, it is the obligation of citizens to notify an administrative body that time limits have been exceeded. These duties are characteristic of several countries such as Italy, Portugal, Belgium, Poland, etc.

During research conducted for the writing of this article, it was observed that the issue of positive fictitious decisions influences a number of things: the protection of citizens' rights; the promotion of citizens' participation; the improvement of transparency and responsibility; the simplification of administrative procedure; increases in citizens' satisfaction; the promotion of good administration; etc.

To this end, this article has aimed to analyse the implementation of the timely issue of administrative decisions from public administrations, in the context of the right of citizens to benefit from good administration. It is well known that a 'good decision' is a timely and confident decision and a 'good administration' is an institution that responds to citizens' demands in a timely fashion.

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