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Beyond Administrative Delay: Rethinking Timeliness in the Right to Good Administration

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Abstract

Administrative delay has traditionally been regarded as a threat to good administration. However, excessive procedural speed may equally undermine the effective exercise of individual rights. This article argues that the reasonable time requirement under Article 41 of the EU Charter should be understood through a qualitative concept of timeliness. Drawing on the case law of the Court of Justice of the European Union concerning reasonable time and procedural guarantees, it demonstrates that good administration requires neither unnecessary delay nor maximum speed, but sufficient time to ensure both effectiveness and procedural fairness. Recent developments in EU asylum law illustrate the relevance of this approach.

Keywords: *Good administration; Timeliness; Reasonable time; Procedural fairness; EU administrative law.*

Introduction

Administrative delay has long been understood as a threat to good administration. A decision that comes too late may lose much of its practical value, prolong legal uncertainty and, in some circumstances, even undermine the effective exercise of individual rights.[1] It is therefore unsurprising that Article 41(1) of the Charter of Fundamental Rights of the European Union (CFREU) requires that every person's affairs be handled "impartially, fairly and within a reasonable time".[2]

Yet delay is only one way in which administrative time may become problematic. Contemporary public administration is increasingly confronted with demands for efficiency and faster decision-making.[3] Recent European Union (EU) legislation illustrates how concrete this tension has become. Under the New Pact on Migration and Asylum, the Asylum Procedure Regulation introduces accelerated procedures and requires border procedures to be conducted as quickly as possible, while simultaneously requiring a complete and fair examination of asylum applications.[4] The challenge for contemporary

[1] European Parliament, *Proposal for a Regulation of the European Parliament and of the Council on the Administrative Procedure of the European Union's institutions, bodies, offices and agencies* (2016) PE 573.120v01-00, recital 30.

[2] Charter of Fundamental Rights of the European Union [2016] OJ C 202/389, article 41(1).

[3] Bart van Klink, 'Law at the Right Time: A Plea for Slow Law in Hasty Times' in Luigi Corrias and Lyana Francot (eds), *Temporal Boundaries of Law and Politics: Time Out of Joint* (Routledge 2018) 33, 33–34; European Parliament, *Proposal for a Regulation of the European Parliament and of the Council on the Administrative Procedure of the European Union's institutions, bodies, offices and agencies* (2016) PE 573.120v01-00, recital 2.

[4] Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive

administration is therefore not simply how to decide faster, but how to reconcile speed with the procedural safeguards that underpin legitimate administrative decision-making. This raises the opposite question to the traditional concern with administrative delay: can administrative action also be too fast? A procedure completed rapidly may still fail to constitute good administration if its compression leaves insufficient time for individuals to be heard and to prepare observations, or for the administration to consider those observations meaningfully.

This paper argues that timeliness should not be equated with speed. Read together with the procedural guarantees contained in Article 41 CFREU, the requirement of reasonable time points towards a qualitative understanding of administrative time: good administration requires neither unnecessary delay nor maximum speed, but the time appropriate to ensure both effectiveness and procedural fairness.

Reasonable time: the traditional focus on delay

The inclusion of reasonable time within the right to good administration gives administrative time a rights-based dimension. Yet, Article 41(2) CFREU does not address time in isolation: its second paragraph associates good administration with procedural guarantees including the right to be heard, access to the file and the duty to give reasons.[5] Administrative time therefore operates within a broader framework of fair administrative decision-making.

The CJEU's case law on reasonable time has, however, primarily addressed excessive duration. In *Arango Jaramillo*, the Court held that, where EU law does not prescribe a specific period, reasonableness must be assessed in light of the circumstances of the case, including its importance for the person concerned, its complexity and the conduct of the parties. It rejected determining reasonableness by reference to a precise maximum period fixed in the abstract.[6]

This conceptual approach shows that reasonable administrative time is not reducible to a numerical standard. Nevertheless, the problem addressed remains predominantly one of excessive duration. The inverse question, whether an administrative procedure may be compressed to such an extent that procedural guarantees can no longer be exercised effectively, is less visible within the reasonable time analysis itself. It is instead in the case law on procedural rights, particularly the right to be heard, that this second dimension becomes apparent.

The neglected opposite: insufficient procedural time

The case law on the rights of the defence reveals a complementary temporal concern: procedural rights require sufficient time to be exercised effectively. In *Mediocurso*, the disclosure of relevant audit reports on the very day on which the undertaking was expected to respond failed that standard: no "reasonable period" had been

2013/32/EU [2024] OJ L 2024/1348, recitals 43, 55–56 and 68, articles 35(3) and 51(2).

[5] Charter of Fundamental Rights of the European Union [2016] OJ C 202/389, article 41(2); Xavier Groussot and Elizabeth Johansson, 'The Value of the Right to Good Administration in EU Law' (2026) 19 *Review of European Administrative Law* 9.

[6] Case C-334/12 RX-II *Arango Jaramillo and Others v EIB* EU:C:2013:134, paras 28–30.

afforded between access to the information and the opportunity to comment.[7]

Sopropé developed this logic further. The Court required that affected persons be given a "sufficient period of time" to make their views known and linked its adequacy to the principle of effectiveness.[8] What constitutes sufficient time depends on the circumstances of the procedure. The relevant question is therefore not simply how many days are available, but whether the time afforded permits the effective exercise of the right.

Akzo Nobel makes the consequences of insufficient time explicit. Although the applicants had been invited to express their views, they were given only four working days on one occasion and three on another. The General Court held that those short periods were incompatible with the rights of the defence, referring to the need for a "reasonable amount of time" to respond.[9] In *Al-Imam*, the General Court acknowledged that a twelve-day period was short but considered it sufficient in the circumstances, notably because observations could subsequently be supplemented.[10] In *Boudjlida*, the Court similarly found that no separate period of reflection was required where the individual had an effective opportunity to present his views.[11] The emerging standard is therefore not one of slowness, but of sufficient procedural time.

These cases show that procedural guarantees require enough time to be exercised effectively, but not that every short procedure is incompatible with good administration.

From reasonable time to timeliness

Read together, these two strands of case law suggest that administrative time has two dimensions: excessive duration may undermine effectiveness, while insufficient time may undermine procedural fairness. This paper proposes understanding these concerns through the concept of timeliness. Timeliness requires neither the shortest possible procedure nor unnecessary delay, but the time appropriate to preserve both effective administrative action and the meaningful exercise of procedural guarantees.

This understanding finds support in the broader structure of good administration. The European Parliament's 2016 proposal for an EU administrative procedure describes good administration as requiring "impartiality, fairness and timeliness", while requiring administrative procedures to be concluded within a reasonable time and without undue delay, and parties to be given adequate time to prepare their cases.[12] Taken together, these requirements suggest that timeliness concerns both procedural duration and meaningful participation. The Asylum Procedure Regulation provides a contemporary illustration: while requiring border procedures to be as short as possible, the EU legislature also requires a

[7] Case C-462/98 P *Mediocurso — Estabelecimento de Ensino Particular Lda v Commission* EU:C:2000:480, paras 36–38.
[8] Case C-349/07 *Sopropé — Organizações de Calçado Lda v Fazenda Pública* EU:C:2008:746, paras 36–38, 44.
[9] Case T-485/11 *Akzo Nobel NV and Akcros Chemicals Ltd v European Commission* EU:T:2015:517, paras 68–72.
[10] Case T-203/20 *Al-Imam v Council* EU:T:2021:605, paras 89, 92, 94–98.
[11] Case C-249/13 *Boudjlida v Préfet des Pyrénées-Atlantiques* EU:C:2014:2431, operative part.
[12] European Parliament, *Proposal* (2016) (n 1) recital 20, articles 14(2) and 17(1).

complete and fair examination of asylum applications.[13]

Timeliness should therefore be understood as a qualitative rather than purely quantitative standard. A procedure may become untimely in either direction: through excessive duration, where delay deprives administrative action or individual rights of practical effectiveness, or through excessive compression, where procedural safeguards cease to be meaningful. The appropriate balance cannot be fixed abstractly. As the case law considered above illustrates, it depends on the nature and complexity of the procedure, the interests at stake and whether the time afforded enables procedural rights to be exercised effectively. The absence of administrative delay is therefore not synonymous with good administration. Good administration requires timeliness.

Conclusion

Administrative time should not be assessed solely by asking whether a procedure has taken too long. While the reasonable time requirement has traditionally addressed excessive duration, the case law on procedural rights demonstrates that insufficient time may also compromise good administration by preventing individuals from exercising procedural guarantees effectively.

Reading these dimensions together supports a broader understanding of timeliness within Article 41 CFREU. This does not require recognising a new autonomous right, nor does it imply that administrative procedures should be slower. Rather, good administration requires time appropriate to the circumstances: sufficiently prompt to preserve effectiveness but sufficiently measured to preserve procedural fairness.

This distinction is increasingly relevant as contemporary administrations are required to reconcile demands for speed and efficiency with a complex array of legal and procedural responsibilities. Recent developments such as the accelerated and border procedures introduced by the New Pact on Migration and Asylum make that tension particularly visible. The challenge for the contemporary State is therefore not simply to accelerate administrative decision-making, but to ensure that acceleration does not deprive procedural guarantees of their practical meaning. The objective should not be administration at maximum speed, but administration at the right time.

[13] Regulation (EU) 2024/1348, recital 68 and article 51(2).