LEGISLATIVE BRANCH

LAW No. 6715

ON ADMINISTRATIVE PROCEDURES

THE CONGRESS OF THE PARAGUAYAN NATION ENACTS THE FOLLOWING AS LAW:

PRELIMINARY TITLE

SOLE CHAPTER
GENERAL PROVISIONS

Article 1.—Purpose and Objective.

The purpose of this Act is:

a) To establish the legal framework for administrative acts.

b) To regulate administrative procedure, including the system for administrative appeals and the disciplinary procedure.

c) To enable the conduct of administrative procedures and actions by electronic means.

The provisions of this Act are intended to protect and guarantee the rights—whether fundamental or not—of individuals, and to ensure that public authorities are subject to the National Constitution, the provisions of the legal system, and the law, for the effective fulfillment of public purposes, the efficient and democratic functioning of the administration, and the observance of the duties of the State and of private individuals.

Article 2.— Scope of Application.

This Act shall apply to the administrative procedures and acts of all State Agencies and Entities when they perform administrative functions.

The provisions of this Act shall also apply to natural or legal persons under private law who provide public services or exercise administrative functions by virtue of a state concession, license, or authorization.

TITLE I
LEGAL FRAMEWORK FOR ADMINISTRATIVE ACTS

CHAPTER I
ADMINISTRATIVE ACT

Article 3.—Definition of an Administrative Act.

For the purposes of this Act, an administrative act is defined as any unilateral declaration made by a body of the Public Administration in the exercise of administrative functions that produces legal effects of general or particular scope.

Article 4.—Regulations and Individual Administrative Acts.

For the purposes of this Act, administrative acts are classified as follows:

a) Aca) Regulatory administrative act or regulation: an administrative act that que prodi produces legal effects of general scope.

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b) Individual administrative act: an administrative act that produces legal effects of a particular scope.

Article 5.—Types of regulations.

Regulations are classified as follows:

a) Internal regulations, which are directed at and binding on government officials.

b) External regulations, which contain mandatory provisions for the general public, whether regarding specific matters or within defined territorial jurisdictions.

c) Implementing regulations, issued to ensure better compliance with the law. They detail, specify, and clarify the content and scope of the law to enable or facilitate its application. They may not create new obligations or prohibitions but must provide the necessary provisions for better compliance with the law.

Article 6.— Authority to Issue the Various Types of Regulations.

a) The President of the Republic has the authority to issue internal regulations for officials of the Executive Branch's administrative bodies, including decentralized entities, in matters not specifically regulated by their respective organic laws. Authorities who, by law, by administrative organizational regulations, or by authority implicit in the hierarchical order, may regulate the conduct of their subordinates also have the authority to issue this type of regulation.

b) Implementing regulations are issued by the President of the Republic pursuant to the provisions of Article 238, paragraph 3), of the National Constitution.

CHAPTER II
REQUIREMENTS FOR REGULARITY AND VALIDITY

Article 7.—Legality.

The act must be expressly authorized by the legal system.

Article 8.—Competence.

An administrative act must be issued by the body empowered by law, through the competent authority.

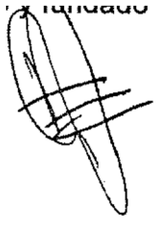
Article 9.—Purpose.

An administrative act must be issued for the purpose set forth in the laws authorizing it, and may not pursue any other public or private purposes beyond those that justify the act. The measures established by the act must be proportionately appropriate to that purpose.

Article 10.—Grounds.

An administrative act must be a well-founded consequence of the factual and legal background supporting it, based on the fulfillment of the factual requirement contained in a regulation; this must be explained in relation to the specific case at hand and grounded in the case's background.

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facts of the case.

Article 11.—Procedure.

Where a procedure is prescribed by law or regulation, the act must adhere to it. In the absence of such a procedure, the administrative authority may adopt the procedure it deems most appropriate to serve the public interest, while respecting the constitutional rights of individuals.

Article 12.—Form of Administrative Acts.

a) The act must comply with the form prescribed by law. It shall be expressed in writing, unless its nature requires or permits another form of expression and documentation that is more appropriate.

b) The written act shall indicate the date and place of issuance, the name of the body from which it emanates, and the name and signature of the issuing authority. If the act or measure has been generated by automated or electronic means, the system must indicate this fact, specifying the body to which the act or measure is attributed.

c) When an administrative act is produced through automated or electronic systems, the individual subject to the administrative act must be guaranteed the right to know the name and position of the authority issuing it, in addition to complying with the specific requirements established by the relevant regulations.

d) When multiple administrative acts of the same nature must be issued, a mechanical or electronic signature may be used, or they may be consolidated into a single document under a single statement of reasons, provided that the parties subject to the effects of the act are individually identified. For all subsequent purposes, the administrative acts shall be considered separate acts.

e) An administrative act must be supported by a statement of reasons as a requirement for its validity. The statement of reasons shall contain an explanation of the factual and legal grounds underlying the act, including a brief summary of the relevant background information in the case file, the public purpose justifying its issuance, the specific provision authorizing the exercise of authority, and, where applicable, the provision establishing the obligations or duties imposed on the individual subject to the administrative act.

The statement of reasons may not consist of a generic reference to prior proposals, opinions, or resolutions. The greater the degree of discretion in issuing the act, the greater the requirement to provide sufficient reasons for it.

f) In urgent cases or where the nature of the matter so requires, when administrative bodies exercise their authority verbally, the written record of the act, when necessary, shall be prepared and signed by the official authorized for that purpose.

CHAPTER III
VALIDITY AND EFFECTIVENESS OF ADMINISTRATIVE ACTS

Article 13.—Presumption of Legitimacy and Enforceability.

An administrative act is presumed to be lawful; its enforceability authorizes the Administration to implement it by its own means, unless the law or the nature of the act requires judicial intervention.

Article 14.—Validity.

~~An individual administrative act becomes valid and takes effect on the day prior to its notification to the interested party or on the day specified in said act.~~

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A regulatory administrative act takes effect and becomes valid on the day following its publication or on the date specified in said act.

Article 15.—Enforceability.

Administrative acts are immediately enforceable, except in cases where a provision provides otherwise or where they require approval or authorization.

Article 16.—Enforceability.

The instrument recording the administrative act, duly issued by the competent body, is a public instrument and has executive force.

Article 17.—Statute of Limitations.

Claims arising from administrative acts that create obligations for citizens shall be barred by the statute of limitations after two years, unless special laws establish different time limits.

Article 18.—Expiration.

Rights and obligations governed by administrative law may also be extinguished by expiration when the administrative act that grants or establishes them so provides, or when the extinction occurs ipso jure by provision of law.

The expiration period shall not be suspended or interrupted.

CHAPTER IV
SANCTIONS FOR IRREGULARITIES IN ADMINISTRATIVE ACTS

Article 19.—Nullity.

An administrative act shall be null and void depending on the severity of the defect constituting the irregularity. The classification of the defect is determined by the severity and significance of the unlawfulness in the specific case and the impact on the rights of individuals.

In case of doubt regarding the significance and classification of the defect affecting the administrative act, the interpretation most favorable to the act shall prevail.

The partial nullity of an administrative act does not affect those parts of the same act that are independent. The nullity of an administrative act shall not imply the nullity of subsequent acts that are independent of the act declared null and void.

Article 20.—Grounds for Nullity.

An administrative act is null and void in the following cases:

a) Where the law expressly provides for nullity in such a case.

b) An administrative act issued in violation of an express prohibition under the law.

c) Absence of the factual basis, lack of cause, or false cause.

d) Acts that encroach upon matters reserved to the law.

e) Incomp manifest lack of jurisdiction based on subject matter or territory

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Manifest lack of jurisdiction due to the subject matter or

f) Total and absolute failure to comply with the procedures required by law, especially those relating to the defense of the affected individual.

g) Total and absolute failure to comply with the provisions containing the essential rules for the formation of the will of collegial bodies.

h) Manifest error of fact or law, fraud, or coercion, insofar as it determined the ruling or diverted the act from its proper purpose.

i) When the act constitutes a criminal offense or is a consequence thereof.

Article 21.—Ex Officio Review of Null Acts.

Acts that fall under the grounds for nullity established in Article 20 lack legal stability and cannot validly create subjective rights in light of public order and the need to uphold the rule of law. They may be revoked or replaced on grounds of illegality even in administrative proceedings.

Article 22.—Ex Officio Review of Voidable Acts That Do Not Create Subjective Rights or Affect Legitimate Interests.

Acts subject to annulment that do not create subjective rights or affect legitimate interests may be revoked and corrected ex officio in administrative proceedings at any time, in whole or in part, by the same authority that issued them or by the respective superior.

Article 23.—Judicial Declaration of Nullity.

If an act tainted by irregularity is final and uncontested and has created enforceable rights in favor of private parties that are currently being enforced, its continued existence and that of its pending effects may only be prevented through a judicial declaration of nullity sought by the administrative agency that issued the act.

The Court of Auditors of the Republic shall have jurisdiction to declare the nullity of the acts challenged by the Administration.

The judicial declaration of nullity shall have declaratory and retroactive effect as of the date of the act, except for rights acquired in good faith by third parties, in which case it shall take effect prospectively. If the defective act has been consummated, or if it is impossible to reverse its effects, it shall give rise to compensation for the affected party.

Article 24.—Remediation of a Voidable Act.

An administrative act subject to grounds for annulment may be remedied by:

a) Ratification by a higher-level body, when the act was issued by an agency lacking jurisdiction due to lack of authority, provided that assumption of jurisdiction, delegation, or substitution is appropriate.

b) Clarification or confirmation by the body that issued the act, thereby remedying the defect affecting it.

c) The effects of the rectification shall be retroactive to the date of issuance of the act subject to ratification, clarification, or confirmation.

Article 25.—Material Errors.

The authority may correct, at any time, clerical errors, arithmetic errors, and other obvious errors in an administrative act, either on its own initiative or at the request of a party.

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CHAPTER V
REVOCATION OF REGULAR ACTS

Article 26.—Revocation of Discretionary Administrative Acts.

An administrative act is revocable when it is discretionary and involves successive or continuous implementation in the following cases:

a) Due to a change in factual circumstances.

b) Due to a change in applicable technology in the relevant field.

c) Due to a change in the law under which the act was issued.

d) Due to a change in the authority's criteria regarding the best way to meet public needs.

In all these cases, revocation takes effect only prospectively.

Article 27.—Irrevocable Acts.

A regulated administrative act that creates subjective rights or affects legitimate interests is irrevocable, whether it is a one-time act or one involving successive or continuous implementation.

A discretionary administrative act of a single execution that creates subjective rights or affects legitimate interests is irrevocable.

Article 28.—Revocation with Compensation.

Even if an administrative act is irrevocable under the preceding rules, the authority may revoke it to prevent or eliminate serious harm to the public interest, in which case the individual must be compensated for the damages resulting from the revocation.

Article 29.—Reasonableness of Revocation.

If the authority to revoke the act is discretionary, the authority must exercise it reasonably, taking into account both the cause and the purpose.

Article 30.—Revocation in Favor of the Individual.

Acts considered irrevocable may be revoked when the revocation is in favor of the affected individual, provided that no conditions exist that would prevent it, such as the following:

a) That it does not involve statutory powers from which the administrative authority cannot deviate.

b) That what is granted to one party through the revocation is not denied to another.

c) The revocation does not affect the rights of third parties.

Article 31.—Rules Not Applicable.

The foregoing rules do not apply to the process of forming an administrative act, which may be revoked, modified, or confirmed at various levels of jurisdiction.

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TITLE II
ADMINISTRATIVE PROCEDURE

CHAPTER I
PRINCIPLES OF ADMINISTRATIVE PROCEDURE

Article 32.—Application of Legal Principles.

The Administration shall serve the public interest objectively and shall guarantee, in its administrative proceedings, the fundamental right to good public administration, which entails, for both administrators and those subject to administration, the requirement that matters of a public nature be handled with equity, justice, objectivity, and impartiality, guaranteeing the principles of due process, the right to a defense, legality, and reasonableness, and that they be resolved within a reasonable time, in accordance with the circumstances of each case, reasonably assessed with the ultimate aim of serving the dignity of the human person as an indisputable component of the common good.

In the handling of all administrative matters, administrators and those subject to administration must act with loyalty, cooperation, good faith, truthfulness, responsibility, decorum, and mutual respect; and the protection, in both administrative and judicial forums, of the human rights recognized in the various legal sources of constitutional standing shall be guaranteed.

All administrative actions are fundamentally based on the principles set forth in this article, without prejudice to the applicability of other general principles of administrative law.

The principles set forth herein shall also serve as interpretive criteria for resolving issues that may arise in the application of procedural rules, as parameters for the creation of other general administrative provisions, and for filling gaps in the administrative legal system. The list of principles set forth is neither exhaustive nor limiting. These are:

a) Principle of Legality. Administrative acts and procedures shall comply with the legal system.

b) Respect for Fundamental Rights of Individuals. The conduct of any administrative proceeding must respect the fundamental rights of individuals as provided for in the National Constitution and in the laws. In any administrative proceeding that could result in a sanction or the revocation or cancellation of an administrative act that has granted a subjective right to the parties involved, the right to a defense shall be guaranteed.

c) Principle of Written Record. Administrative proceedings and the administrative acts to which they give rise shall be expressed in writing, in printed or electronic formats, unless their nature requires or permits another more appropriate form of expression and record.

d) Principle of Free Access. All administrative proceedings and related actions shall be free of charge for the parties involved. Individuals shall be required to provide personal or financial contributions to the Administration only when expressly provided by law. An individual shall not be ordered to pay costs when exercising the right to petition the authorities at the administrative level.

e) Principle of Expediency and Procedural Efficiency. Administrative proceedings shall be conducted with efficiency, simplicity, and expediency, avoiding unnecessary procedures and formalities or those that constitute mere formalities, in order to reach a decision within a reasonable time, without violating the legal system.

f) Principle of Simplicity. The procedures established by the administrative authority must be simple, and all unnecessary complexity must be eliminated. The requirements must be reasonable and proportionate to the objectives sought.

g) Principle of Ex Officio Action. Without prejudice to actions initiated by the parties, the administrative proceeding shall be initiated ex officio by the responsible official. The official responsible for each proceeding may, ex officio, order the conduct of proceedings, the taking of evidence, or any other procedural action that has not been proposed or requested by the parties.

h) Principle of Objectivity. Administrative authorities must act without any form of discrimination toward those subject to their jurisdiction, both in the conduct of the proceedings and in the decisions they adopt, granting them equal treatment and protection in the proceedings, and resolving matters in accordance with the legal system and with due regard for the public interest.

Individual administrative acts may not violate the provisions of a general regulation, except in cases of affirmative action and constitutional exceptions.

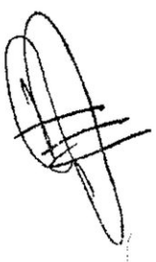
i) Principle of Informality. Procedural rules must be interpreted in a manner favorable to the acceptance and final resolution of the claims of citizens, so that their rights and interests are not affected by the requirement of formalities that can be remedied within the proceedings, provided that this informality does not affect the rights of third parties or the public interest.

j) Principle of Transparency and Public Access. The proceedings, as well as all administrative actions, shall be conducted with transparency, in a manner that allows for and promotes awareness of the content and grounds of the decisions adopted therein. Consequently, except as provided by law, the acts of administrative bodies and the documents that serve as their direct or essential basis or supplement are public.

k) Principle of Reasonableness and Proportionality. All decisions of the administrative authority must remain within the limits of the powers granted to it and maintain a proper balance between the means employed and the public purposes it is charged with safeguarding, so that they correspond to what is strictly necessary for the fulfillment of its mission. Administrative powers may only be validly exercised to the extent and with the intensity proportional to what is actually required to fulfill the public interest purpose to which they are linked.

I) Principle of Protection of Legitimate Expectations. This principle consists of protecting the legal status of the individual in any legal relationship in which they have acted in good faith, provided that the Administration has given sufficiently conclusive external indications to lead the individual to reasonably rely on the legality of its actions.

m) Pro Homine Interpretation. The interpretation of regulations must be broad in scope to protect the rights and dignity of individuals, and narrow in scope to determine the limitations on such rights. The greater the infringement on an individual's rights, the more the administrative act must be justified; likewise, the ~~greater~~ the discretion, the greater the requirement for justification.



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n) Public Morality. All persons in the service of the public administration shall act with integrity, loyalty, honesty, professionalism, and commitment.

Article 33.—Rights of Individuals in Administrative Proceedings.

Individuals, in their dealings with the Administration, have the right to:

a) To be informed, at any time, of the status of proceedings in which they are interested parties, and to obtain copies of the documents in the case file and the return of the originals, unless such originals must be included in the case record by law or regulation, at their own expense.

b) Identify the authorities and personnel serving the Administration who are responsible for processing the proceedings.

c) Be exempt from submitting documents that are not relevant to the proceedings or that are already in the possession of the Administration.

d) To have access to the proceedings under the terms provided by law.

e) To be treated with respect and deference by the authorities and officials, who shall facilitate the exercise of their rights and the fulfillment of their obligations. Investigative proceedings requiring the participation of the interested parties shall be conducted in the manner most convenient for them and, to the extent possible, compatible with their employment or professional obligations.

f) To hold the Public Administration and its personnel accountable, when legally warranted.

g) To obtain information regarding the legal or technical requirements that current regulations impose on the projects, actions, or applications they intend to undertake, as well as any other rights recognized by the National Constitution and the laws.

Article 34.—Special Procedures.

Administrative procedures subject to special regimes under the law shall remain in force, and the procedural provisions set forth in Chapters III and V of this Title shall apply to them only on a supplementary basis.

CHAPTER II
ADMINISTRATIVE RECORD

Article 35.—Compilation of the File.

The administrative proceeding must be recorded in a written record in printed or electronic format, unless its nature requires or permits another more appropriate form of expression and documentation.

The written record shall include the documents submitted by the interested parties, third parties, and other public bodies, with an indication of the date and time of their receipt. Likewise, it shall include the proceedings, documents, and decisions that the administrative body sends to the interested parties, third parties, or other public bodies, as well as the notifications and communications resulting therefrom, with an indication of the date and time of their dispatch.

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Article 36.—Mandatory General Information.

The agencies and entities subject to this Act shall publish, through the media established in the respective regulations, information regarding their organizational and functional structure, as well as details concerning the public services they provide, with clarity and precision.

Article 37.—Expedited Processing.

Administrative bodies shall use expedited procedures in the processing of matters that warrant such treatment. When the grounds and rationale for decisions are identical, standardized forms of decision-making may be used, provided that the legal safeguards of the parties concerned are not compromised.

CHAPTER III
ORDINARY ADMINISTRATIVE PROCEDURE

Article 38.—Non-Formal Procedure.

The ordinary administrative procedure is non-formal, in the sense set forth below:

a) If no special procedure is prescribed by law, the authority responsible for enforcing the law may choose the most appropriate procedure, taking into account the speed, efficiency, and reasonableness of enforcement, within the framework of the provisions established in this Act.

b) It may omit procedural formalities or stages, including rendering a decision using the simple phrase "as requested" or "dismissed" if the matter at hand is straightforward and the alleged facts and applicable law are self-evident.

c) Formal deficiencies shall not result in nullity provided they are remediable, with the proceedings being rolled back to the extent possible.

Article 39.—Interested Party.

An interested party, entitled to participate in the administrative proceeding, is:

a) Any party that asserts a right or challenges an obligation in an administrative act issued or requested for their particular case (subjective right).

b) Any person who requests a declaration of a right in their favor or an exemption from an obligation under a general provision that may be applicable to them (legitimate interest).

c) Any party that is or may be affected by the authority's decision when ruling on the rights or obligations of third parties.

d) A party that resorts to the administrative process as a preliminary step to file an ordinary lawsuit against the Administration.

Article 40.—Capacity to Appear.

Natural persons and legal entities have the capacity to appear in administrative proceedings.

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Associations that lack legal personality may act in matters that directly affect them, or on behalf of their members or associates involved in such matters of professional or collective interest.

Article 41.—Acting on One's Own Behalf or by Proxy.

The interested party may exercise its rights before the Administration on its own behalf or through an agent, who must be a licensed attorney. In this case, the interested party may grant power of attorney by notarized deed, by authorization with a signature certified by a notary public, or by means of a written record included in the administrative file.

Article 42.—Notifications.

The following must be notified:

1. Final administrative decisions:

a) Those that resolve a raised issue or affect subjective rights or legitimate interests protected by law.

b) Those ordering summonses, subpoenas, hearings, or transfers.

c) All others as determined by the authority, taking into account their nature and importance.

2. The decision may be served directly on the interested party by having the party sign the case file, by a notice of service, by mail with return receipt requested, by certified telegram, or by other electronic means to which the party has expressly consented, in accordance with the regulations issued for that purpose. If the address is unknown, the interested party shall be summoned by public notices to be published in the media specified by the regulations, with the warning that, if the party fails to appear without just cause, the proceedings will continue in absentia.

3. Notifications must be made within ten days after the decision is issued and must:

a) Include or transcribe the full text of the decision being communicated.

b) Indicate which appeal or appeals are available against that decision, as well as the deadlines for filing them, the location where they must be filed, and the authorities competent to rule on them.

c) If the decision exhausts the administrative appeal process, the action and the time limit available for challenging it in court must be indicated.

Failure to meet these requirements does not invalidate the decision, and it takes immediate effect when it produces favorable consequences for the parties concerned; however, the time limit for challenging the notified decision shall begin to run once the omissions regarding the requirements set forth in this article are corrected, without prejudice to the actions and appeals available against deemed decisions.

Article 43.—Time Limits.

Time limits shall be binding ~~on~~ the interested parties and the Administration.

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Where no specific time limit has been established for the completion of procedures, notifications, and summonses; compliance with demands and orders; or responses to notices, hearings, and reports, the time limit shall be ten days.

Prior to the expiration of a deadline, the Administration may, on its own initiative or at the request of the interested party, extend the deadline for a reasonable period of time to be determined by a well-founded resolution, provided that the rights of third parties are not prejudiced.

Article 44.—Calculation of Time Limits.

Time limits expressed in days shall be calculated from the day following notification of the administrative act. Only business days shall be counted, unless otherwise provided by law or unless an extension is granted ex officio or upon request by a party. In administrative proceedings, Saturdays shall be counted as business days only when the administration is open to the public on those days.

Time limits measured in months and years shall be calculated from the day following the date of notification until midnight on the same calendar date, including holidays, regardless of the number of days in the month or year. If the month in which the time limit expires does not contain a day corresponding to the day on which the time limit began, the time limit shall expire on the last day of that month.

When a filing is subject to a strict deadline and electronic filing is not permitted, filings made by 9:00 a.m. on the day following the deadline shall be considered timely.

Article 45.—Initiation of Proceedings.

Proceedings may be initiated by the interested party or ex officio by the competent authority.

Article 46.—Filing.

The interested party's filing document shall state their first and last name, address, the capacity in which they are filing, the authority to which it is addressed, and a brief statement of the facts and rights they invoke.

If there is documentary evidence supporting their right, they shall attach it or indicate the office or location where it is kept. If they wish for the evidence to be reviewed and returned, they shall submit copies that will be certified by the person in charge of the intake desk or the reception area where the document is received, or by the official handling the proceeding.

Article 47.—Information and Guidance.

If the interested party so requests, the officials of the office competent to handle the matter shall provide information and guidance regarding the correctness of the submission, the competent authority, and any other requirements that must be met.

If the authority to which the submission is addressed is not the competent one, the submission must nonetheless be accepted and forwarded without delay to the competent authority for processing, provided that it pertains to the same government agency or entity.

Article 48.—Initiation of the Procedure.

The procedure shall be initiated ~~at~~ the request of the interested party or ex officio by the authority in all ~~matters pertaining~~ to the purpose of the procedure.

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Article 49.—Evidence.

If the facts alleged by the interested party have not been sufficiently substantiated by the evidence submitted or indicated in their initial filing, the authority shall summon them to do so by the means, within the time limits, and in the manner that will be specified.

Notwithstanding the evidence submitted, the Administration may order any investigative measures it deems appropriate.

Article 50.—Cooperation.

Administrative bodies in general shall cooperate with the investigating authority by promptly providing any reports, certificates, or other documents requested by the authority.

Communication between said authority and the other bodies shall take place directly, without the need to refer the request to a higher authority for forwarding.

Article 51.—Decision in Ordinary Proceedings.

The decision concluding the ordinary proceedings shall rule on the issues raised by the interested parties and shall be well-founded. The decision must be rendered in writing and supported by a statement of the proven facts (reasons) and a citation of the applicable legal provisions (justification). The Public Administration is required to issue an express decision in all proceedings, regardless of how they were initiated.

The maximum time limit for issuing a decision in ordinary proceedings shall be three months from the initiation of the proceedings, unless a different time limit is established by law.

If the facts and legal grounds invoked by the petitioner are clear, the decision may simply state its agreement with the petition, on the understanding that its grounds may be demonstrated if the decision itself is appealed.

Article 52.—Failure of the Administration to Respond.

In proceedings initiated at the request of the interested party, if a final decision is not issued within the time limits established by law, the petition shall be deemed denied for the purposes of filing the respective administrative appeals.

Article 53.—Withdrawal.

Any interested party may withdraw their request or, where not prohibited by law, waive their rights. If the initial petition was filed by two or more interested parties, the withdrawal or waiver shall affect only those who filed it.

Article 54.—Precautionary Measures.

The administrative authority may issue and order such interim measures as it deems necessary to protect public health, public safety, public order, or any other matter of public interest.

It may also order such measures to ensure the outcome of proceedings conducted by the Administration, whether initiated ex officio or at the request of the parties.

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The Administration may implement and enforce the precautionary measures it issues or orders by its own means, except in cases where the law requires judicial intervention and express authorization.

Article 55.—Decisions on Petitions That Do Not Require Substantive Review.

In the absence of an express provision, any administrative petition, submission, or request made by private individuals to public administrative bodies that does not require a hearing must be resolved within twenty days of its submission or of the later date on which the interested party has fulfilled the required legal requirements.

For the purposes set forth in this article, the regulations under this Act shall specify which petitions do not require a hearing.

Article 56.—Supplementary Procedural Rules.

The rules of the Code of Civil Procedure shall apply on a supplementary basis in ordinary administrative proceedings, provided they are not incompatible with those of this Act, which are considered special in administrative matters.

CHAPTER IV
PROCEDURE FOR ADMINISTRATIVE APPEALS

SECTION ONE
GENERAL PROVISIONS

Article 57.—Admissibility.

Any administrative decision that resolves the merits of the matter at issue or brings an administrative proceeding to a close and that produces individual and immediate legal effects—whether final, incidental, or merely procedural; unilateral or bilateral; and not merely a statement by the administration in the absence of a special provision to the contrary— may be challenged through the appeals governed by this Chapter, for the defense of legally protected rights and interests.

Administrative appeals may be filed against any type of final decision, provided that such administrative acts, in the opinion of the interested parties, affect, infringe upon, or may cause harm to their subjective rights or legitimate interests.

The appeals system provided for in this Chapter shall be common and mandatory for all administrative proceedings.

Article 58.—Inadmissibility.

Administrative appeals are not admissible against regulations.

Nor may they be filed against administrative acts of a preparatory nature or those involving mere procedural steps, unless such acts render it impossible to continue the proceeding or result in a lack of opportunity to defend one's rights.

Article 59.—Form of Filing.

Appeals must be filed with a statement of grounds, in compliance with the requirements and formalities, within the time limits ~~established~~ by ~~this~~ Act.

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Article 60.—Effects of Filing Administrative Appeals.

The filing of any appeal shall not suspend the enforcement of the contested act, unless an express provision provides otherwise. However, the administrative body competent to decide the appeal may suspend the enforcement of the contested act, either on its own initiative or at the request of the appellant, when:

a) Such enforcement may cause harm to the appellant that is difficult or impossible to remedy, or harm that is proportionally greater than the damage that the suspension would cause to the State.

b) A serious defect that renders the contested act null and void is alleged and established on a prima facie basis.

c) For reasons of public interest.

Article 61.—Affected Third Parties.

If the challenge to a decision affects the subjective rights or legitimate interests of third parties, whether individuals or entities, the administrative authority must notify them of the corresponding challenge.

Article 62.—Decision.

Administrative appeals provided for in this Act shall be resolved by confirming or revoking, in whole or in part, the contested decision, or, where appropriate, by dismissing the appeal if it was filed after the deadline, fails to comply with the formalities expressly set forth in applicable provisions, or fails to meet the respective standing requirements.

The decision shall set forth, with reasons, the factual and legal grounds on which it is based and shall always address the claims made by the appellant; under no circumstances may the appellant's initial situation be worsened as a result solely of the appeal itself.

Article 63.—Evidence.

The administrative authority, either on its own initiative or at the request of a party, may order the opening of a period for the presentation of evidence and shall direct the conduct of the corresponding proceedings.

The time limit for the taking of evidence at this stage shall be determined at the discretion of the authority, in accordance with the circumstances and the provisions of this Act.

The evidentiary period shall proceed only when there are new facts or documents not already included in the case file. Administrative appeals shall comply with the general procedure established in this Act.

SECTION TWO
APPEAL FOR RECONSIDERATION

Article 64.—Time Limit.

An appeal for reconsideration may be filed against final decisions or administrative acts of equivalent nature and must be filed by the interested party with the administrative authority that issued the contested decision or the act that is the subject of the appeal, within ten days of its notification.

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Article 65.—Time Limit for Resolution and Scope.

The body before which the motion for reconsideration is filed shall have twenty days to hear and decide the matter. If the appeal is denied, the interested party may file a hierarchical appeal or seek judicial review through administrative litigation if a hierarchical appeal is no longer possible because the matter involves the highest authority. If no decision is issued by the end of the time limit, the appeal shall be deemed denied.

SECTION THREE
APPEAL TO A HIGHER AUTHORITY

Article 66.—Administrative Appeal.

The interested party or affected party may file an administrative appeal against a decision rejecting the request for reconsideration.

An appeal within the administrative hierarchy may also be filed directly against final decisions or administrative acts of equivalent nature, taking precedence over the motion for reconsideration.

The hierarchical appeal shall be filed with the competent hierarchical body authorized to resolve it. The deadline for filing the appeal is ten days from the day following notification of the act being appealed, or from the day following the expiration of the deadline for resolving the appeal for reconsideration.

Once the appeal has been filed, the competent body shall immediately request that the case file be forwarded to the lower-level body that issued the contested act, which must forward it within forty-eight hours.

The authority competent to rule on hierarchical appeals shall be the highest administrative body of the agency whose decision is being appealed.

Article 67.—Time Limit and Scope.

The competent administrative authority shall have twenty days to hear and decide the hierarchical appeal.

The time limit shall be calculated from the date the appeal is filed. If no decision is issued by the end of that period, the appeal shall be deemed denied.

Decisions on hierarchical appeals must address the merits of the case at hand and may in no case require the lower-level authority to issue a new decision.

Once the hierarchical appeal has been resolved, the interested party may seek judicial review through a contentious-administrative action.

SECTION FOUR
EXHAUSTION OF ADMINISTRATIVE REMEDIES

Article 68.—Exhaustion of Administrative Remedies.

The administrative remedies shall be deemed exhausted in the following cases:

a) When the decision was issued by the highest authority of a State Agency or Entity)

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b) In the case of a decision resolving an appeal for reconsideration, provided that no higher-level appeal is available.

c) In the case of a decision resolving a hierarchical appeal.

d) In the case of administrative acts against which no administrative appeal may be filed, in accordance with the provisions of this Act or of special laws.

Article 69.—Contentious-Administrative Action.

Once administrative remedies have been exhausted, the interested party may file a judicial challenge through an administrative-litigation action before the competent court within eighteen business days.

The time limit shall be calculated from the day following notification of the decision declaring the administrative remedies exhausted.

In the event that the administrative remedies are exhausted due to a deemed denial, the period for filing the contentious-administrative action shall begin on the day following the expiration of the time granted to the Administration to issue the corresponding decision; however, the right to appeal shall remain available to the affected individual until such time as the deemed denial is deemed to have been personally served upon the State Agency or Entity.

CHAPTER V
SANCTIONING PROCEDURE

SECTION ONE
GENERAL PRINCIPLES

Article 70.—Principles Governing Sanctions.

Administrative sanctions that the competent authorities must impose on individuals shall be subject to the principles of legality, specific definition of offenses, presumption of innocence, proportionality, non-retroactivity, and substantive truth.

Article 71.—Principle of Legality.

Administrative sanctions may only be imposed when they have been expressly provided for by law, in accordance with the procedure established in this Act and applicable regulatory provisions.

Article 72.—Principle of Specificity.

Administrative offenses are those acts or omissions expressly defined in laws and regulatory provisions.

Only those administrative sanctions expressly established in laws and regulatory provisions may be imposed.

Administrative sanctions, whether or not they are of a pecuniary nature, may not under any circumstances, either directly or indirectly, entail deprivation of liberty.

Article 73.—Principle of Presumption of Innocence and Individual Rights.

Persons are presumed innocent until proven otherwise in an appropriate administrative proceeding.

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In administrative disciplinary proceedings, the alleged offender shall have the right a:

a) To receive prior and detailed notice of the charges against them, as well as to have access to the copies, resources, and timeframes necessary to prepare their defense in full freedom of communication.

(b) To present, examine, review, and challenge evidence.

c) To have access, either personally or through their defense counsel, to the proceedings of the case, which under no circumstances may be kept from them.

d) To remain silent, or to refuse to testify against themselves, their spouse, the person with whom they are in a domestic partnership, or their relatives up to and including the fourth degree of consanguinity or the second degree of affinity.

e) To have evidence obtained or proceedings conducted in violation of legal norms excluded from the case.

Article 74.—Principle of Proportionality.

The establishment of monetary penalties must ensure that the commission of the defined offenses is not more advantageous to the offender than compliance with the violated regulations.

There must be a proper balance between the seriousness of the act constituting the offense and the penalty imposed, with special consideration given to the following criteria in determining the severity of the penalty to be imposed:

a) The existence of damage and its extent.

b) The nature of the violation, based on its materiality or severity.

c) The timely acknowledgment of the facts constituting the violation.

d) The voluntary rectification of the violation, without prior request by the Administration.

e) Recidivism or prior conduct, taking into account any penalties imposed during the last five years.

Article 75.—Principle of Non-Retroactivity.

Only those penalty provisions in force at the time the acts constituting the administrative violation occurred shall be applicable.

Article 76.—Principle of Substantive Truth.

The administrative sanctioning proceeding, throughout its course, must be directed toward the search for the material or objective truth, ensuring through its conduct compliance with the other principles set forth in this Chapter. In this regard, the Administration may request and produce as many expert opinions and reports as are necessary to clarify the facts under investigation.

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Article 77.—Statute of Limitations for Violations.

Offenses shall be subject to a statute of limitations of two years. The statute of limitations for offenses shall be interrupted by the initiation of disciplinary proceedings.

Article 78.—Relationship to Other Proceedings.

Administrative liability is independent of criminal and civil liability.

In the event of dismissal or acquittal of the defendant in criminal proceedings, the existence of the principal act on which the dismissal or acquittal was based may not be invoked in administrative proceedings if the judgment has declared that act to be nonexistent. This provision does not apply when the judgment has determined that the act does not constitute a punishable offense, or when the dismissal or acquittal was based on the fact that the defendant is exempt from criminal liability, or when the defendant has admitted to the act in order to avail themselves of an alternative to prosecution.

Following a conviction in criminal proceedings, the existence of the principal act constituting the punishable offense may not be denied in administrative disciplinary proceedings, nor may the convicted person's guilt be contested. A judgment rendered in criminal proceedings shall not be enforceable against a person held liable for another's act if that person did not have the opportunity to present a defense.

SECTION TWO
STAGES OF THE DISCIPLINARY PROCEEDINGS

Article 79.—Stages.

Administrative sanctioning proceedings that are conducted must necessarily include successive stages that guarantee the effective exercise of the rights of the parties involved. The following stages must be observed: stages of proceedings prior to the initiation of the investigation, the initial stage, the processing stage, and the final or conclusive stage.

It shall not be necessary to initiate disciplinary proceedings when the accused person admits to the offense and voluntarily complies with the sanction imposed by the applicable regulatory framework.

Article 80.—Expiration of Disciplinary Proceedings.

Any type of disciplinary proceeding, disciplinary case, or administrative investigation shall lapse if it is not pursued within three months from the date of the last action appropriate for advancing the proceeding.

If, upon the expiration of the period specified above, the Administration has not taken the necessary steps to resume the proceedings—either on its own initiative or at the request of a party—the proceedings shall be deemed abandoned, and an order shall be issued to close the case, with notice given to the interested party.

Investigative, inspection, or analytical procedures conducted prior to the formal initiation of the disciplinary proceeding—which begins with the order to open an investigation or similar document—shall not be counted toward the statute of limitations provided for herein.

A declaration that the administrative disciplinary proceeding has lapsed does not imply that the Administration's right to take action has expired. However, the lapsed proceeding shall be deemed nonexistent for the purposes of interrupting the statute of limitations.

Article 81.—Reasonable Timeframe for Conducting Disciplinary Proceedings.

The preliminary proceedings must be conducted within a reasonable time frame, taking into account the following factors: the complexity of the matter, the procedural actions of the party subject to the proceedings, and the impact on that party’s legal status.

Without prejudice to the provisions of the preceding article and in the absence of any contrary legal provision, the Investigating Judge shall take the necessary measures to ensure that the administrative proceedings under his or her jurisdiction do not exceed four months in total, a period to be calculated from the date of issuance of the order initiating the administrative investigation until the party subject to the proceedings is notified of the court’s ruling. Once notified, the respective authority shall have thirty days to issue the final decision.

If, during the course of the preliminary proceedings, due to unforeseen or extraordinary circumstances, the complexity of the matter, the volume of evidence presented, or difficulties in fully producing the admitted evidence, the Investigating Judge is unable to ensure that the conduct of the administrative investigation under his or her supervision does not exceed four months in total, he or she may extend said period to twice the established duration by means of a well-reasoned decision, stating the reasons that have made it impossible to complete the administrative investigation within the prescribed timeframe.

Failure to comply with the time limits established in this article for the conduct of the preliminary proceedings shall not, in and of itself, have any effect on the administrative investigation.

The expiration of the reasonable time limit for conducting the preliminary investigation—or, where applicable, its extension—does not result in the termination of the investigation nor does it imply the dismissal of the case against the person under investigation; however, it shall constitute a serious offense on the part of the responsible official.

Article 82.—Reduction of the Administrative Penalty.

The administrative authority may reduce the amount of the fine that would otherwise be imposed as a sanction or, where applicable, mitigate a non-pecuniary sanction, when the individual or legal entity charged accepts the offense alleged by the Administration. For these purposes, the general parameters and criteria must be established by regulation.

The rules applicable to concurrent offenses shall be determined in the regulations of this Act.

Article 83.—Discount on Penalty Imposed for Prompt Payment.

The administrative authority may reduce the amount of the fine imposed as a penalty when the sanctioned natural or legal person accepts the penalty decision, thereby exhausting the administrative remedies, and proceeds to comply with the penalty imposed by the Administration within the period specifically established for that purpose.

~~For~~ these purposes, the general parameters and criteria must be ~~regulated~~.

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Article 84.—Appeals and Effects.

Administrative appeals provided for in this Act may be filed against any decision imposing a sanction. Appeals filed against administrative acts imposing sanctions shall have suspensive effect, except in cases where the Administration deems that their immediate enforcement and effectiveness cannot be postponed for reasons of public interest.

TITLE III
ELECTRONIC PROCEDURES AND PROCESSES

Article 85.—Use of Electronic Means.

The procedures and actions that constitute the administrative proceedings provided for in this Act, as well as the administrative acts and measures issued or ordered pursuant to this Act, may be carried out by electronic means.

Their legal validity and probative value shall be identical to those of administrative actions processed by conventional means.

Article 86.—Regulations Governing the Use of Electronic Means.

The use of technological resources for public administration shall be conducted in accordance with the specific legislation enacted to regulate them or, in the absence thereof, the regulations issued by the Executive Branch.

Article 87.—Exchange of Data Among Units and Departments of the Public Administration.

It is in the public interest, for the better provision of services, to ensure the ongoing and direct exchange of data and information between units and departments of the Public Administration, regardless of their legal status or institutional position, through any suitable means of communication, with no limitation other than documents or records classified as secret, confidential, or restricted, in accordance with the applicable legal or regulatory provisions. Where applicable, the duty of secrecy or confidentiality is passed on.

For the purpose of implementing systems for the free flow of information, efforts shall be made to interconnect electronic data processing equipment or other similar means, as well as to make public information available in open data format.

TITLE IV
FINAL AND TRANSITIONAL PROVISIONS

Article 88.— In administrative proceedings initiated prior to the effective date of this Act, the time limits set forth herein shall apply as of that date, if doing so reduces the duration of the proceedings.

Article 89.—Repeal.

Articles 11, 12, 13, 14, 15, 16, and 17 of CHAPTER III ON THE LAPSE OF ADMINISTRATIVE PROCEEDINGS of Law No. 4679/2012 "ON ADMINISTRATIVE PROCEDURES," and ~~all~~ general legal provisions contrary to this Act.

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Article 90.— This Act shall enter into force one year after its publication in the Official Gazette of the Republic. Within that period, the Executive Branch shall issue the applicable regulations and provisions and shall adopt the necessary administrative measures for the best implementation of this Act, establishing that each State Agency or Entity must give the widest possible publicity to the procedures, deadlines, and requirements.

Article 91.— This Act is hereby transmitted to the Executive Branch.

The Bill was approved by the Honorable Chamber of Deputies on the **sixteenth day of September, two thousand twenty, and** was subsequently enacted by the Honorable Senate on the **twenty-third day of March, two thousand twenty-one**, in accordance with the provisions of Article 207, paragraph 1) of the National Constitution. The partial objection raised by the Executive Branch in Decree No. 5191 dated April 29, 2021, has been accepted, and the unobjected-to portion is hereby enacted once again, pursuant to Resolution No. 2045 of the Honorable Senate dated June 24, 2021, and Resolution No. 2769 of the Honorable Chamber of Deputies dated August 25, 2021, in accordance with the provisions of Article 208 of the National Constitution.

Pedro Alliana Rodríguez
President
Honorable Chamber of Deputies

Oscar Rubén Salomón Fernández
President
Honorable Senate

Freddy Tadeo D'Ecclesiis
Parliamentary Secretary

José Ledesma
Parliamentary Secretary

Asunción, *October 29*, 2021

Let this be deemed a Law of the Republic; let it be published and entered into the Official Register.

The President of the Republic

Mario Abdó Benítez

Cecilia Arminda Pérez Rivas
Minister of Justice

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