

WHEN PUBLIC AUTHORITIES DO NOT DECIDE: ON THE NEED FOR A FAILURE TO ACT PROCEDURE IN SWEDISH ADMINISTRATIVE LAW*

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Delays in administrative decision-making remain a persistent structural weakness in Swedish administrative law. Although the Administrative Procedure Act (*Förvaltningslagen*) (FL) introduced the general delay action procedure (*dröjsmålstalan*) in Article 12 FL as a mechanism to challenge administrative inaction of public authorities in Sweden in an ongoing case, this article demonstrates that the procedure does not function as a genuine remedy. It enables persons to request a decision after six months, and may lead to a judicial decision of an administrative court under Article 49 FL directing a public authority to decide a case. Yet if a public authority remains passive thereafter, the legal system offers no further recourse. The absence of enforceable consequences for non-compliance with judicial decisions of public authorities in Sweden creates a remedial gap that places the burden of delay entirely on individual persons, while leaving public authorities shielded from accountability. Through analysis of constitutional principles, statutory duties, sector-specific mechanisms, practice of the Parliamentary Ombudsmen, and the limits of existing mechanisms and remedies, the article shows that administrative law in Sweden provides oversight without enforcement and judicial review without effect. It therefore argues that the general delay action procedure must be supplemented by a new failure to act procedure (*underlåtenhetstalan*), thereby enabling administrative courts to enforce their own judicial decisions, impose binding deadlines on public authorities to act, and, where necessary, award financial compensation to persons. Such a reform, through the introduction of a new failure to act procedure, would restore effectiveness, legal certainty, and the rule of law in administrative decision-making in Sweden.

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1. Introduction

Delays in administrative decision-making have long been recognised as a structural challenge within public administration in Sweden.¹ The principle of expeditious handling (*skyndsam handläggning*), embedded in the Administrative Procedure Act (*Förvaltningslagen*) (FL),² reflects a foundational expectation that public authorities in Sweden act without undue delay. This theoretically safeguards legal certainty, trust in public authorities as agents of the state, and the effective realisation of individual rights. Yet, notwithstanding obligations imposed by national law, and the existence of judicial review where expeditious handling is not observed, delays persist across certain public authorities in Sweden.³

The consequences of delays in decision-making can be framed in procedural terms, such as inconvenience, administrative inefficiency, and legal uncertainty. Yet delay may also produce substantive harm to natural and legal persons. When a public authority fails to act in a timely manner, the passage of time may alter the legal or factual context of a case. Furthermore, legislative amendments,⁴ or changes in an applicant's personal circumstances, can transform what would have been a favourable decision into an unfavourable one.⁵ In such cases, inaction of a public authority becomes a form of power, in that an implicit decision not to decide a case determines outcomes for persons, without formal decision-making. Administrative silence may thus carry the same practical effect as a negative decision, yet without the legal protections that a formal decision would entail,⁶ such as a statement of reasons, and a right of appeal before the administrative courts.

¹ See, e.g., recently, Swedish National Audit Office (*Riksrevision*), *Migrationsverkets hantering av medborgarskapsärenden* (RiR 2025:5).

² *Förvaltningslag* (2017:900), which entered into force on 1 July 2018, replacing the earlier *Förvaltningslag* (1986:223). The Bill for FL 2017 was, Prop. 2016/17:180.

³ E.g., JO, *Ämbetsberättelse* 2024/25; JO dnr 3232-2023, decision of 19 June 2023; and, JO dnr 998-2021 and 1610-2021, decision of 25 March 2022.

⁴ See, e.g., the Swedish Citizenship Act 2001 (*Lag (2001:82) om svenskt medborgarskap*), which, amended in 2026 by the Riksdag, coming into effect in June 2026, in part, extended the length of residence needed in Sweden before allowing non-Swedish citizens to become Swedish citizens, without transition provisions (*övergångsbestämmelser*). This in practice meant that 100,000 plus persons with pending applications for Swedish citizenship, that the Swedish Migrations Agency (*Migrationsverket*) had yet not decided (in many cases with decision of an administrative court ordering the public authority to act) would have the newly amended law applied to them retroactively from June 2026, and thus, potentially have negative decisions issued, because of the absence of explicit transition provisions.

⁵ See, Prop. 2016/17:180 pp. 118–120.

⁶ See, Hans Ragnemalm, *Förvaltningsprocessrättens grunder*, Tenth Edition (Jure Förlag, 2014); Torvald Larsson, 'Administrative Silence in Swedish Law', in *Administrative Silence*, ed. Pedro Aberastury, Ius Comparatum (Intersentia, 2023).

The central problem addressed in this article is the absence of a failure to act procedure (*underlåtenhetstalan*) in administrative law in Sweden. The current FL, which entered into force in July 2018, introduced the general delay action procedure (*dröjsmålstalan*) as a general mechanism in national law for challenging administrative inaction.⁷ While this introduction of a general delay action procedure was a significant innovation, the general delay action procedure does not amount to a *genuine* remedy for persons in their dealings with public authorities. It cannot compel a public authority to decide, even where an administrative court has ordered it to do so under Article 49 FL. Should a public authority remain passive after such a judicial decision ordering it to do so, persons have no further recourse to the administrative courts,⁸ until the public authority decides. There are no sanctions, no coercive measures, and no other mechanism through which either applicants or the administrative courts themselves can resolve the matter further. This is the absence that the present article seeks to address.

The overarching research question pursued in this article is therefore the following. How could a failure to act procedure (*underlåtenhetstalan*) be designed in Sweden so as to fit coherently within the existing structure of administrative law, and so as to give effect to judicial orders by the administrative courts issued under Article 49 FL where public authorities remain passive? The question is approached as one of doctrinal analysis (*rättsdogmatisk analys*), with an explicitly normative dimension, and the answer is developed across the sections that follow. Methodologically, the article proceeds in two particular ways. It is, first, a doctrinal analysis of administrative law in Sweden, drawing on the FL, preparatory works (in particular SOU 2010:29 and prop. 2016/17:180), and decisions of the Parliamentary Ombudsmen (*Justitieombudsmannen*) (JO), supplemented by relevant academic literature. It is, second, normative in orientation, in that the analysis undertaken has identified a structural gap in Swedish administrative law. The article thus advances a reasoned proposal for how that gap should be closed by the Swedish legislature (the *Riksdag*).

The article advances three arguments. First, the existing mechanisms available to persons under the FL are procedurally limited and fail to provide adequate protection against the substantive harm that administrative delay by public authorities in Sweden can produce. Second, the interaction between the general delay action procedure and judicial review before the administra-

⁷ See, for history and explanation, SOU 2010:29 p. 285: 'Vi lanserar därför ett helt nytt institut, en form av dröjsmålstalan.'

⁸ Rune Lavin, 'Åtgärder mot långsam handläggning', *Förvaltningsrättslig tidskrift*, no. 3 (2018): 413–22. p. 421.

tive courts reveals a structural gap, in that where a public authority remains passive following the general delay action procedure, the absence of a further remedy leaves persons without meaningful recourse to a genuine remedy. Third, and normatively, it is argued that administrative law in Sweden requires supplementation through the introduction of a failure to act procedure that imposes enforceable consequences on public authorities persisting in inaction after an administrative court has ordered them to decide a case.

The article is structured in seven sections. Following this introduction, section 2 (Foundations of Administrative Decision-Making by Public Authorities) sets out the constitutional and statutory foundations of administrative decision-making by public authorities in Sweden. Section 3 (Operation and Limits of the General Delay Action Procedure) examines the operation and limits of the general delay action procedure as it is currently constituted in Article 12 FL, given its inclusion in the most recent reform of the FL in 2017. Section 4 (Implications of the Absence of a Failure to Act Procedure) addresses the arising issues from the reality that a failure to act procedure does not currently exist in Swedish administrative law, and the fact that a public authority can remain passive after a judicial order under Article 49 FL. Section 5 (Design and Elements of a Failure to Act Procedure) develops the idea of a proposed failure to act procedure (*underlåtenhetstalan*) in Swedish administrative law, and how it might look in a future reform of the FL by the Swedish legislature. Section 6 (Structural Inadequacy of Current Protections) considers the ramifications of the status quo, given that current protections are, it is argued, inadequate, given access to the case file, potential oversight by JO, and potential damages under the Damages Act. Section 7 concludes by drawing together the arguments advanced, and restating the central proposition of the article, in that administrative law in Sweden requires the introduction of a failure to act procedure, complementary to the general delay action procedure, capable of imposing enforceable consequences on public authorities that remain passive after a judicial order of an administrative court to decide a case before it.

2. Foundations of Administrative Decision-Making by Public Authorities

The obligation for public authorities to handle matters promptly is anchored in constitutional law in Sweden, and operationalised, in an administrative sense, through the FL. The Instrument of Government (*Regeringsformen*) (RF) provides that public authorities and the courts of law shall observe

objectivity and impartiality in their activities.⁹ While this provision in the RF does not create an individually enforceable right to a timely decision by a public authority or a court of law, it nonetheless establishes a programmatic norm that frames the entire administrative process for public authorities. It is complemented therein by the principle of legality, which states that public power shall be exercised under the law.¹⁰

At the level of legislation, Article 9 FL requires that cases before public authorities be processed as simply, rapidly, and cost-effectively as possible, without neglecting legal certainty.¹¹ This requirement is not necessarily a novelty of the FL of 2017 in itself, as the duty to process cases efficiently has been a feature of administrative law in Sweden since the first administrative law of 1971, carried through the subsequent iteration of 1986, and into the present FL.¹² What has changed across these iterations is the procedural architecture surrounding it, most notably the introduction of the general delay action procedure in 2018, which for the first time, gave persons a general mechanism for challenging inaction by public authorities, rather than relying near-exclusively on oversight by, for example, JO.¹³ The principle of efficiency is complemented by the overarching requirements of legality, objectivity, and proportionality.¹⁴

A further constitutional dimension deserves mention at this juncture. The RF provides that legal proceedings shall be conducted fairly and within a reasonable time.¹⁵ This guarantee, however, applies to proceedings in courts of law (*rättegång*), and not to administrative proceedings before public authorities. The distinction is significant, as a constitutional guarantee of timely proceedings does not apply to administrative decision-making by public authorities. The principle of efficiency in Article 9 FL, while of practical importance, does not carry the same legal weight, and does not generate individually enforce-

⁹ *Regeringsformen* (1974:152), 1 kap. 9 §.

¹⁰ *Regeringsformen* (1974:152), 1 kap. 1 §, tredje stycket: 'Den offentliga makten utövas under lagarna.'

¹¹ *Förvaltningslag* (2017:900), 9 §: 'Ett ärende ska handläggas så enkelt, snabbt och kostnadseffektivt som möjligt utan att rättssäkerheten eftersätts.'

¹² Lavin, 'Åtgärder mot långsam handläggning', pp. 413–414. See further, SOU 2010:29 pp. 283–286; and, Prop. 2016/17:180 pp. 116–122.

¹³ JO dnr 5600-2016, 6033-2016, 6343-2016, 6670-2016, and 6877-2016, decision of 19 September 2017. See further, Richard Sannerholm, 'Rule of Law and Public Administration in Sweden. Law, Politics, Culture', in *Scandinavian Studies in Law: Volume 69 – Rule of Law*, vol. 2023, ed. Jane Reichel and Mauro Zamboni, Scandinavian Studies in Law (Scandinavian Studies in Law, 2023), p. 238, and, Henrik Wenander, 'Administrative Law', in *Swedish Legal System*, Second Edition, ed. Michael Bogdan and Christoffer Wong (Norstedts Juridik, 2022), p. 78.

¹⁴ *Förvaltningslag* (2017:900), 5–8 §.

¹⁵ *Regeringsformen* (1974:152), 2 kap. 11 §, andra stycket: 'En rättegång ska genomföras rättvist och inom skäligen tid.'

able rights in the same manner. This asymmetry can mean that persons dealing with public authorities find themselves in a more vulnerable position than those engaged in proceedings before a court of law.

Delays in administrative decision-making by public authorities often stem from systemic factors. High caseloads, technically complex law, and resource constraints may create bottlenecks. JO has consistently identified long processing times as one of the most commonly occurring complaints against public authorities from members of the public, receiving nearly 12,000 complaints in 2024 alone.¹⁶ Legislative reforms in particular areas, affecting specific public authorities, frequently impose new procedural requirements, without corresponding increases in administrative capacity, thereby exacerbating existing pressures.

The question of how long a public authority may take before a delay becomes legally unacceptable cannot be answered in general terms.¹⁷ This may depend on the nature and character of each individual case before such a public authority, the complexity of the applicable law, and the operational circumstances of the public authority in question.¹⁸ The FL does not specify time-limits for particular categories of decision, relying instead on the open-textured standard of Article 9 FL. This, on the one hand, creates a degree of flexibility for public authorities. On the other hand, the absence of specific time-limits breeds uncertainty for persons in their dealings with public authorities. Neither a person seeking a decision, nor a public authority processing a case, can know with sufficient precision when the threshold of unacceptable delay has been crossed.¹⁹ That uncertainty is, in itself, a source of inequality between persons and public authorities, in that public authorities retains discretion over the pace of decision-making, while persons awaiting decisions are left without a clear standard against which to invoke the general delay action procedure in Article 12 FL.

Article 11 FL imposes a duty on public authorities to notify if persons' cases will be significantly delayed, and to explain the reasons for that delay.²⁰

¹⁶ JO, Ämbetsberättelse 2024/25. See further, JO dnr 7403-2016, decision of 22 January 2018; JO dnr 5600-2016, 6033-2016, 6343-2016, 6670-2016, and 6877-2016, decision of 19 September 2017; JO dnr 130-2019 and 554-2019, decision of 21 January 2021; JO dnr 578-2022, 614-2022, 879-2022, 903-2022, and 1271-2022, decision of 13 December 2022; and, JO dnr 8819-2023, 9600-2023, 9899-2023, 10300-2023, and 35-2024, decision of 19 December 2024.

¹⁷ Lavin, 'Åtgärder mot långsam handläggning', p. 414.

¹⁸ Lavin, 'Åtgärder mot långsam handläggning', p. 414.

¹⁹ Lavin, 'Åtgärder mot långsam handläggning', p. 414. See also, Lena Liljegren Victorin, 'Den nya dröjsmålstan – ett tillräckligt rättsskydd? – en undersökning i vad mån förvaltningslagens dröjsmålstan uppfyller unionsrättens krav på rättsskydd', *Juridisk Publikation 2* (2018): 255–83.

²⁰ *Förvaltningslag* (2017:900), 11 §.

The provision is intended to keep persons informed and to maintain trust in the administrative process in case-handling by public authorities. In practice, however, this notification duty has been interpreted by public authorities as relating only to general information about expected processing times in the variety of cases that they may decide, rather than to individual notification in specific cases.²¹ JO has examined how several public authorities apply Article 11 FL, identifying major deficiencies in their approach, ultimately concluding that it was difficult to assess whether the Article 11 FL provision had achieved its intended effect.²² The notification duty, as currently interpreted by public authorities, effectively strips Article 11 FL of its individual character. A provision designed to protect a specific person in a specific case before a specific public authority, has been reduced to a general information function, which is a situation that renders it largely ineffective as a substantive safeguard for persons in their dealings with public authorities, and which illustrates a broader tendency for procedural obligations under the FL to be applied in ways that minimise their practical effect.

3. Operation and Limits of the General Delay Action Procedure

Timeliness of decision-making by public authorities is a component of legal certainty and the protection of persons' rights. The FL's heading on foundations of good administration (*grunderna för god förvaltning*) reflects principles that can be traced to EU law, and in particular to Article 41 of the Charter of Fundamental Rights of the European Union (the Charter), which enshrines the right of every person to have their affairs handled impartially, fairly, and within a reasonable time. While Article 41 of the Charter applies directly to EU institutions and not necessarily to public authorities of EU Member States acting in a domestic context all of the time, its normative influence on the administrative law of EU Member States has been widely acknowledged,²³ and the FL's articulation of good administration draws on the same tradition.²⁴ It is within this broader framework that Article 12 FL introduced the general delay action procedure (*dröjsmålstalan*) as a procedural safeguard against delays in decision-making by public authorities.²⁵ The general delay

²¹ JO dnr 3232-2023, decision of 19 June 2023, pp. 20–25.

²² JO dnr 3232-2023, decision of 19 June 2023, pp. 25–30.

²³ See, Jane Reichel, 'Europeiska principer för god förvaltning och 2017 års förvaltningslag', *Förvaltningsrättslig tidskrift*, no. 3 (2018): 423–41. See, more generally, Jane Reichel and Henrik Wenander, *Europeisk förvaltningsrätt i Sverige*, Second Edition (Norstedts Juridik, 2025).

²⁴ Prop. 2016/17:180, pp. 58–62.

²⁵ *Förvaltningslag* (2017:900), 12 §.

action procedure was an entirely new mechanism in the FL of 2017.²⁶ Prior to its entry into force in July 2018, administrative law in Sweden contained no general right for persons to bring a delay action against the inaction of public authorities in their case-handling.

If six months have elapsed since a case was initiated by a person, without a decision being rendered by the public authority, that person may request, in writing, that the public authority decide the case. The six-month period is not a recommended processing time, nor a statutory deadline. Rather, it is merely the earliest point at which the general delay action procedure may be activated, if a public authority has not decided a case. Upon receiving such a request, the public authority must, within four weeks, either decide the case on its substance or issue a formal refusal to decide the case. A refusal is itself an appealable decision that can be made to an administrative court. The FL provides a general right to appeal decisions,²⁷ but this presupposes that a decision exists. Administrative law in Sweden proceeds on the assumption that there must be an actual decision of a public authority to challenge in order for persons to obtain judicial review. The absence of a formal decision has traditionally created a procedural vacuum that left persons without any avenue of recourse. Article 12 FL partially addressed this gap by enabling persons to trigger the issuance of a decision, or, failing that, a formal refusal that can itself be appealed. The general delay action procedure thus converts administrative silence into a challengeable decision, albeit in a limited and indirect manner.

The appeal process with the general delay action procedure before administrative courts is, however, narrow in scope. Administrative courts do not rule on the merits of the underlying matter.²⁸ Judicial review in general delay action procedure cases is instead exclusively focused on whether the length of processing amounts to an unacceptable delay, and whether the reasons given by the public authority for not deciding the case are valid. The administrative court examines the procedural question of delay only, leaving the substance of the underlying case entirely untouched.

This narrow scope of judicial review in delay cases stands in contrast to the ordinary form of administrative appeal (*förvaltningsrättsligt överklagande*) in Sweden, where, as a matter of general principle, an administrative court has the same powers as the public authority whose decision is under review, and may, accordingly, substitute its own assessment of the merits for that of the public authority. As observed, that general power of the administrative courts is in practice tempered by varying degrees of judicial deference to pub-

²⁶ SOU 2010:29, p. 285: 'Vi lanserar därför ett helt nytt institut, en form av dröjsmålstalan.'

²⁷ *Förvaltningslag* (2017:900), 40–44 §§.

²⁸ Prop. 2016/17:180 pp. 330–332; SOU 2010:29 pp. 289–290.

lic authorities,²⁹ depending on the nature of the matter at hand. The point that matters for present purposes is therefore not that administrative courts are confined, in general, to a legality review; but rather, that in the specific procedural setting of the general delay action procedure, the administrative courts are restricted to the question of delay, and do not determine the underlying matter on its substance. A judicial decision in favour of a person in the general delay action procedure is only an order mandating the public authority to decide a case on its substance.

This reality highlights the nub of a problem. The general delay action procedure in Article 12 FL cannot accurately be described as a remedy (*rättsmedel*). A remedy, in the meaningful legal sense, implies the capacity to resolve a person's situation in relation to a public authority, such as restoring, protecting, or vindicating a right.³⁰ The general delay action procedure does none of these things, as all it can do is create a procedural trigger capable of generating a judicial decision ordering a public authority to act, but contains no means for enforcing that judicial decision. Given the absence of any consequence for non-compliance by a public authority, Article 12 FL is better characterised as a mere procedural prompt, as opposed to a genuine remedy. It may induce compliance in cases where public authorities are willing to act, but it offers nothing further where they are not.

Several features of the general delay action procedure reinforce this assessment. The request under Article 12 FL may be made only once during the processing of a case.³¹ If a public authority continues to delay its decision-making in a case after the general delay action procedure has been invoked, the person has no second recourse to it. The practical application of Article 12 FL has been most extensively tested in relation to one particular public authority, the Swedish Migration Agency (*Migrationsverket*). Within the first few years of the general delay action procedure becoming available, the Swedish Migration Agency received over eighty thousand requests under the general delay action procedure, more than three quarters of which concerned citizenship cases.³² JO found that the public authority had engaged in systematic circumvention of the provision, automatically refusing all Article 12 FL requests using template decisions that lacked individualised reasoning, contrary to the

²⁹ See further, Henrik Wenander, 'Full Judicial Review or Administrative Discretion? A Swedish Perspective on Deference to the Administration', in *Deference to the Administration in Judicial Review*, ed. Guobin Zhu, *Ius Comparatum – Global Studies in Comparative Law* (Springer, 2019).

³⁰ See, e.g., Case C-432/05, *Unibet v Justitiekanslern*, ECLI:EU:C:2007:163, paras 37–41.

³¹ *Förvaltningslag* (2017:900), 12 § tredje stycket.

³² JO dnr 6744-2020, decision of 10 December 2021. See also, JO dnr 9043-2024, decision of 24 September 2025.

duty to state reasons under Article 32 FL.³³ In a follow-up investigation, JO noted that while some improvement had occurred, the reasoning in refusal decisions by the Swedish Migration Agency remained sparse.³⁴

In a further investigation of the Swedish Migration Agency, JO examined citizenship cases that had taken years to resolve, and found that the public authority had failed to prioritise cases, even after administrative courts had ordered decisions to be taken as soon as possible under the general delay action procedure, characterising the effect as one in which judicial decisions of administrative courts were not, in practice, being complied with.³⁵ This was a generous way of JO characterising the public authority as effectively being in contempt of court (*domstolstrots*). The example of this one public authority thus exposed a fundamental design flaw in Article 12 FL, in that the provision was conceived on the assumption that the prospect of judicial review would incentivise timely decision-making. The one-time use limitation compounded the problem in a particularly acute way, in that persons who had already invoked Article 12 FL had no further recourse, regardless of how long the public authority continued to delay, and regardless of whether an administrative court had ordered it to act.

Where a refusal is successfully appealed, Article 49 FL provides that the administrative court shall order the public authority to decide the case as soon as possible, or within a specified period of time, and this decision of the administrative court may not itself be appealed further.³⁶ A further and somewhat remarkable feature of the general delay action procedure is that if the public authority does not respond to the Article 12 FL request within four weeks, for example, by simply failing to issue any decision, whether on the substance or by way of a formal refusal, judicial review may itself be unavailable, because there is no decision for a person to appeal. The requirement that a formal rejection decision must exist, before a person can turn to the administrative courts, means that persons are not given an unconditional right to judicial review once the specified time-limits have passed.³⁷ Should the public authority fail entirely to take a position on the person's request under Article 12 FL, there are no sanctions, no coercive measures, and no other means by which the person can enforce a decision through an action

³³ JO dnr 6744-2020, decision of 10 December 2021.

³⁴ See, JO dnr 8819-2023, decision of 19 December 2024, pp. 10–15; and, JO dnr 9043-2024, decision of 24 September 2025.

³⁵ See, JO dnr 7753-2024, 8834-2024, and 9197-2024, decision of 23 September 2025; and, JO dnr 8819-2023, decision of 19 December 2024.

³⁶ *Förvaltningslag* (2017:900), 49 §.

³⁷ See, Liljegren Victorin, 'Den nya dröjsmålstalan – ett tillräckligt rättsskydd? – en undersökning i vad mån förvaltningslagens dröjsmålstalan uppfyller unionsrättens krav på rättsskydd'.

before an administrative court. The general delay action procedure therefore depends, ultimately, on a public authority's willingness to participate in it. This is a design characteristic that is difficult to reconcile with the purpose of a legal safeguard against delays in decision-making by public authorities.

Before the general delay action procedure in Article 12 FL came into effect in 2018, national law in Sweden concerning the banking and financial sector already contained sector-specific delay action procedures.³⁸ These were introduced as part of the transposition of EU directives requiring EU Member States to provide for judicial review in the event that no decision had been taken within a prescribed period. It has since been acknowledged that Article 12 FL does not satisfy all such EU secondary law requirements in every case.³⁹

EU law continues to generate specific obligations in this area, beyond just directives. For example, Article 78(2) of the General Data Protection Regulation (GDPR) confers a right to seek judicial review where a supervisory authority fails to handle a complaint or inform the data subject within three months.⁴⁰ A recent and instructive illustration can be found in the field of data protection. In 2022, the European Commission (Commission) took the view that national law in Sweden did not provide data subjects with an effective remedy in cases of inaction on the part of the national data protection authority, observing that the only avenues open to data subjects were complaints to JO or the Chancellor of Justice (*Justitiekanslern*), neither of which produced a legally binding decision capable of being challenged before a court of law. The Commission considered, in essence, that reliance on the general delay action procedure in Article 12 FL was insufficient to discharge Sweden's obligations under Article 78(2) GDPR.⁴¹ National law in Sweden was amended with changes to the Data Protection Act with effect from May 2025,⁴² introducing what is, in effect, a specific delay action procedure for cases concerning the national data protection authority.

³⁸ For a list of examples, see, Lavin, 'Åtgärder mot långsam handläggning', pp. 417–418.

³⁹ As illustrated by the need for special legislation implementing the Professional Qualifications Directive. See, Prop. 2020/21:96, Dröjsmålstalan vid erkännande av yrkeskvalifikationer, pp. 14–16.

⁴⁰ Article 78(2), Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance).

⁴¹ Europeiska kommissionen, skrivelse till svenska regeringen angående genomförandet av artikel 78.2 i förordning (EU) 2016/679 och införlivandet av artikel 53.2 i direktiv (EU) 2016/680, INFR(2022)2022. C(2022) 1665 final, 6 april 2022.

⁴² *Lag (2018:218) med kompletterande bestämmelser till EU:s dataskyddsförordning.*

Thus, now, a complainant concerning data protection to the relevant public authority, may initiate a specific delay action procedure after only three months,⁴³ rather than the six months under Article 12 FL. The relevant public authority, here, *Integritetsskyddsmyndigheten* (IMY), must then respond within two weeks, either by deciding the matter, or by issuing a refusal that may be appealed to an administrative court.⁴⁴ Where the relevant public authority fails to respond within that period, the request is deemed to have been refused, and that deemed refusal is itself appealable to an administrative court. Fresh proceedings under the specific delay action procedure may be further initiated every three months thereafter, in contrast to the one-time-use limitation that applies under Article 12 FL.⁴⁵ This is significant for the present argument, in that it confirms, by way of response to the scrutiny of the Commission, that the general delay action procedure in Article 12 FL is not, in itself, regarded as a sufficient remedy where EU law requires effective protection against the inaction of public authorities; and the features the amendment for a specific sector introduced, namely, a shorter qualifying period, an automatic deemed refusal, and the absence of a one-time-use limitation, which are precisely the kinds of features that the general delay action procedure lacks. Thus, where EU law imposes such requirements and national law relies on the general delay action procedure to satisfy them, the adequacy of Article 12 FL in those contexts is, evidently, open to question.⁴⁶

The most significant distinction between the sector-specific delay action procedures and the general delay action procedure in Article 12 FL lies in their legal consequences. The sector-specific procedures can produce a deemed refusal (*negativt fiktivt beslut*) once the applicable time-limit expires, generating a formal decision that can be appealed to the administrative courts on its merits. The general delay action procedure in Article 12 FL, produces, at most, a judgment under Article 49 FL, directing a public authority to decide

⁴³ *Lag* (2018:218) med kompletterande bestämmelser till EU:s dataskyddsförordning, 6 kap. 8 §.

⁴⁴ *Lag* (2018:218) med kompletterande bestämmelser till EU:s dataskyddsförordning, 6 kap. 8 § och 7 kap. 3 a §.

⁴⁵ *Lag* (2018:218) med kompletterande bestämmelser till EU:s dataskyddsförordning, 6 kap. 8 §. Compare, *Förvaltningslag* (2017:900), 12 § tredje stycket, which limits the request under the general delay action procedure to once during the processing of a case.

⁴⁶ Indeed, in cases before the Swedish Migration Agency, even cases related to the acquisition of Swedish citizenship now come within the scope of EU law, as a result of the case-law of the Court of Justice of the European Union. See, e.g., Case C-118/20, *JY v Wiener Landesregierung*, ECLI:EU:C:2022:34, and, Katarina Hyltén-Cavallius, 'Stateless Union Citizens in a Nationality Conundrum: EU Law Safeguarding against Broken Promises', *European Constitutional Law Review*, vol. 18, no. 3 (2022): 556–71. See also, Case C-181/23, *Commission v Malta*, ECLI:EU:C:2025:283 (*Acquisition of nationality*).

a case. The person is left holding a decision of an administrative court that a public authority is free, in practice, to disregard at will.

The existence of sector-specific procedures that provide stronger protection is significant for two reasons. It demonstrates that national law in Sweden already recognises that administrative delays should produce enforceable legal consequences in certain contexts, and it demonstrates that the general delay action procedure in Article 12 FL was therefore designed as a weaker instrument, by means of prioritising administrative discretion over the effective protection of persons and their dealings with public authorities. The normative case for supplementing Article 12 FL with a failure to act procedure follows directly from this gap.

4. Implications of the Absence of a Failure to Act Procedure

The most significant weakness of the general delay action procedure is that public authorities can remain passive after a decision of an administrative court under Article 12 FL, and thus be beyond the effective reach of judicial review. Article 49 FL provides that an administrative court may order the public authority to decide the case as soon as possible, or within a specified period, but there is no means for persons to enforce that order. If the public authority ignores the judicial decision, the person has no further legal recourse through the administrative courts. The judicial order is issued, but its legal force ends at the point of issuance.⁴⁷ Whether it produces any consequence depends entirely on the public authority's own disposition.

This gap reflects a deeper structural feature of administrative law in Sweden, which has historically been reluctant to subject public authorities to coercive judicial mechanisms.⁴⁸ Whilst there has been an increasing judicialisation of administrative appeals over time, expanding the scope of judicial oversight in many substantive areas, thus progressively strengthening persons' position before the administrative courts, this development has not extended to encompass judicial review of inaction *per se*, beyond the sector-specific delay action procedures discussed above. The judicialisation of administrative law in Sweden has, in other words, proceeded along the axis of challenging decisions, and not the axis of compelling decisions. The general delay action procedure represents a partial and tentative step in the latter direction, but one that stops well short of providing effective enforcement.

⁴⁷ See, e.g., JO dnr 7753-2024, 8834-2024, and 9197-2024, decision of 23 September 2025.

⁴⁸ As highlighted recently in, Graham Butler, "Domstolarna måste nu försvara rättsstaten", *Dagens Juridik*, 5 May 2026.

It has been acknowledged that the design of Article 12 FL appeared to have assumed that public authorities would, as a matter of course, comply with a decision of an administrative court.⁴⁹ In practice, it is evident that this assumption does not always hold. JO decisions regarding the persistent failure of certain public authorities to prioritise cases following judicial orders confirm that the concern is well-founded.⁵⁰ The absence of a coercive follow-up procedure, such as a failure to act procedure, means that judicial decisions of administrative courts under Article 49 FL function, in practice, as a mere recommendation, rather than a binding instruction. A public authority that has already demonstrated willingness to delay, and to circumvent the general delay action procedure through template refusals and inaction,⁵¹ has little reason to treat a judicial decision of an administrative court as dispositive when there is no consequence attached to ignoring it. A public authority's defiance of a judgment of an administrative court is, in legal terms, consequence-free. This is a remarkable gap for a national legal system based on the principles of legality, accountability, and the rule of law.

The consequence is a form of legal limbo in that a public authority has failed to comply with a judicial decision, and the national legal system provides no further avenue of judicial redress. This is structurally distinct from the ordinary situation in which a person disagrees with the outcome of a decision. In that situation, appeal and judicial review are available. Here, however, a person does not dispute an outcome, because they have been denied one entirely, including by the public authority's non-compliance with a court order directing it to produce one.

The reluctance to date to introduce coercive procedures against public authorities reflects a broader disposition to preserve administrative autonomy, and to resist what might be characterised as judicial encroachment. There is a recognisable logic to this position, in that all public authorities operate under resource constraints, and the imposition of enforceable deadlines could displace priorities in ways that produce their own distortions. The concern is not without merit. Yet it must be weighed against the right of persons to a decision on the substance of a case, a right that is meaningless if it cannot ultimately be enforced. The rule of law applies equally to the relationship

⁴⁹ Lavin, 'Åtgärder mot långsam handläggning', p. 421.

⁵⁰ See, e.g., JO dnr 8010-2017, decision of 24 October 2018; JO dnr 3075-2019, decision of 20 October 2020; JO dnr 6744-2020, decision of 10 December 2021; JO dnr 6423-2022, decision of 13 February 2023; JO dnr 10151-2022, decision of 14 June 2023; JO dnr 8819-2023, decision of 19 December 2024; and, JO dnr 7753-2024, 8834-2024, and 9197-2024, decision of 23 September 2025.

⁵¹ See, e.g., JO dnr 6744-2020, decision of 10 December 2021. See also, JO dnr 9043-2024, decision of 24 September 2025.

between public authorities and the persons subject to their decisions. A system in which a public authority can, with impunity, disregard both its statutory duties, and the orders of the administrative court is a system in which the rule of law is, in this respect, nominal rather than real. Administrative law in Sweden, at present, effectively subordinates a person's interest in a timely decision to a public authority's institutional convenience, a result that is difficult to justify on any principled basis, and which the introduction of a failure to act procedure would be designed to correct.

5. Design and Elements of a Failure to Act Procedure

The general delay action procedure should be retained, and no carve-outs for particular public authorities or categories of decision should be introduced. It has an important function in establishing a procedural baseline, marking the point at which administrative inaction becomes formally challengeable, and in creating structured incentives for public authorities to address their processing times. The mere existence of the general delay action procedure has some deterrent value, even where, for now, there is no means of enforcement thereafter. This is because the general delay action procedure, despite its flaws, signals to public authorities that their delays are subject to some scrutiny. Thus, to remove it, or to limit its application, would diminish even that minimal signal. The argument advanced here is, therefore, not that Article 12 FL is superfluous, but that it is necessary but also insufficient, and that it must be complemented with a further procedure.

The case for supplementing the general delay action procedure with a failure to act procedure rests on a straightforward principle that obligations imposed by law, including decisions of administrative courts, given in fulfilment of those obligations, must carry legal consequences, if they are to have any meaning. A national legal system that creates duties, provides some means for their enforcement, but then permits such enforcement to be defied without consequence has, at that point, ceased to enforce the underlying obligation. The general delay action procedure as currently designed produces, at its maximum, a judicial order to decide. Where that order is complied with, the legal system functions as intended. Where it is not, the legal system offers nothing further. The failure to act procedure is the missing element that would close this gap, transforming a judicial order of an administrative court from a statement of expectation, into an instruction with enforceable consequences.

A failure to act procedure in administrative law in Sweden could operate in the following way. Upon a decision of an administrative court under Article 49

FL directing a public authority to decide a case, a defined period would begin to run. If the public authority fails to render a decision within that period, sixty days, which is a figure that strikes a reasonable balance between allowing adequate time for compliance and preventing indefinite further delay, a person would become entitled to bring a failure to act application directly before the administrative court. The sixty-day period would not be a further reprieve for the public authority, but would rather operate as a reasonable outer limit, set to accommodate legitimate administrative constraints, beyond which continued inaction becomes legally untenable. The period could be adjusted by the administrative court in its original Article 49 FL order in exceptional cases where the complexity of the decision warrants a longer period, provided that the administrative court states reasons for any extension.

Upon receiving a failure to act application, the administrative court would have a range of powers designed, proportionate to the gravity and persistence of the non-compliance. At minimum, the administrative courts would be empowered to impose a binding deadline for the decision to be made by the public authority, with a specific calendar date, rather than the open-ended direction to decide 'as soon as possible' (*att snarast*) that Article 49 FL currently provides. The indeterminacy of 'as soon as possible' is itself part of the problem, in that it allows public authorities to characterise continued inaction as a form of compliance, on the basis that they are, in their own assessment, working towards a decision. A binding deadline, in a failure to act procedure, removes that ambiguity.

Beyond the imposition of a deadline, administrative courts would have the power to award financial compensation to the person for demonstrable harm, economic and/or non-economic, caused by the failure of a public authority to decide a case following a court order. The financial compensation mechanism would serve two functions. It would, first, be a genuine remedy for the person, who may have suffered material harm as a result of the continued delay that cannot be undone by a decision arriving late. It would, second, be an incentive for public authorities to prioritise compliance, since non-compliance would carry a direct budgetary consequence, payable from the budget of the public authority responsible for the delay. The quantum of compensation would need to be attuned carefully, in that it should be sufficient to be meaningful, without creating a perverse incentive for persons to allow delays to continue in order to accumulate a larger award. A modest daily rate accruing from the expiry of the sixty-day period would be one approach. Alternatively, compensation could be assessed on the basis of demonstrable loss, with a procedural presumption of harm after a certain threshold of continued non-compliance by a public authority.

The relationship between financial compensation under a proposed failure to act procedure and existing avenues of damages under the Damages Act (*Skadeståndslagen*) would require clarification upon the introduction of a failure to act procedure. The existing routes are not, in practice, effective remedies for delay-induced harm. The threshold for establishing causation and fault under the Damages Act is high. A failure to act procedure's compensation mechanism would operate as a more accessible and more targeted instrument, specifically designed for the situation where a public authority has defied an order of the administrative court, rather than requiring the person to establish the full conditions for liability. The two tracks could coexist, with the failure to act procedure providing a lower-threshold route that operates automatically upon non-compliance, leaving the other existing route available for more serious cases involving demonstrable material loss.

The design of the failure to act procedure raises the question of which court of law should hear the application. The most coherent approach would be to vest jurisdiction in the same administrative court that issued the original Article 49 FL order, on the basis that it is already familiar with the case and the history of non-compliance. This would avoid the duplication and delay associated with commencing proceedings before a different court of law, and would allow the administrative court to develop expertise in assessing failure to act applications over time.⁵² The application process would be straightforward, a written application by the person, with a copy of the original Article 49 FL order and evidence that the specified period has elapsed without a decision, would be sufficient to establish the threshold for the administrative court to adjudicate. The public authority would be given a short period to respond, after which the administrative court would proceed to judgment.

It is important to address foreseeable objections to this proposal. The most significant is the concern about resource implications for public authorities. If public authorities are already not deciding cases within existing time-limits, the argument runs, imposing financial compensation to persons for non-compliance will not produce more decisions, but would simply add a further burden to public authorities. This objection has some practical force, but it ultimately mistakes the nature of the problem. The failure to act procedure is not designed to conjure administrative capacity out of thin air. It is designed to ensure that, where capacity exists, it is directed toward compliance with

⁵² A notable problem in this regard is that decisions of administrative courts under Article 49 FL are not generally appealable. Thus, no administrative courts of appeal, nor the Supreme Administrative Court, are in a position to establish sufficient precedent on the case-law concerning the general delay action procedure. Though, see, HFD 2023 ref. 49.

judicial decisions of administrative courts. The failure to act procedure would create an incentive to make a different choice.

A related objection is that empowering administrative courts to impose financial penalties on public authorities amounts to an undue interference by the administrative courts on public authorities. However, a failure to act procedure would not give courts the power to decide cases on their substance, to set administrative priorities, or to direct the internal organisation of public authorities. It would merely give the administrative courts the power to enforce their own judicial decisions, a power needed as part of their judicial function. The principle that judicial decisions of administrative courts must be enforceable is far from a novel one.

The introduction of a failure to act procedure in national law in Sweden need not be dramatic in scope. It would merely require an amendment to the current FL introducing a new provision, complementing the existing Article 12 FL and Article 49 FL, that provides for enforceable consequences when public authorities remain passive after an administrative court has directed them to act. The procedural architecture is, thus, already in place. A failure to act procedure, added into the FL by the Swedish legislature, would extend the status quo, and in doing so, would transform the general delay action procedure from a procedural aspiration into a genuine instrument of legal protection for persons in their dealings with public authorities who do not make decisions in a timely manner.

6. Structural Inadequacy of Current Protections

In individual cases before public authorities, persons have a right of access to the case file (*akt*) under Article 10 FL.⁵³ This entitlement provides an aspect of procedural transparency, in that persons have the right to access the material on which the case is being processed, which in principle enables them to identify the source and extent of delays, and to monitor the progress of their case. In practice, where a public authority keeps a register of entries in the case file (*dagboksblad*), each document is dated, so a lack of new entries over time may indicate that delays are occurring, giving the person a record of how, and how slowly, the case has been handled. Access to the case file is something of a small safeguard in many respects, and its availability reflects the broader Swedish tradition of administrative openness (*offentlighetsprincipen*). Yet this appearance of transparency, while valuable in itself, does not translate into any enforcement power. A person can see that their case has been neglected,

⁵³ *Förvaltningslag* (2017:900), 10 §.

with time passing without substantive action, and that no decision is forthcoming, and is nonetheless unable to compel the public authority to act on it. Transparency without enforceability is, in this context, a form of accountability that reveals the problem without providing any means of resolving it. The person is, in effect, informed of their powerlessness.

JO has in recent years played a role in identifying and publicly criticising delays in decision-making by public authorities. JO decisions provide some of the most detailed and empirically grounded evidence of the problem, and JO's institutional willingness to examine systemic failures demonstrates a genuine commitment to scrutiny of delays in decision-making by public authorities.⁵⁴ However, JO's powers are, by design, limited to expressing criticism and making recommendations. JO cannot order a public authority to act, and cannot award any form of relief to the person whose case remains undecided. Complaint proceedings before JO are investigative and advisory in character; in that their outcomes do not bind public authorities, and they carry no legal consequences for non-compliance. A person whose case has been pending for years cannot use a JO complaint to obtain a decision. At most, JO may criticise the public authority concerned, and recommend that it address the situation, without any assurance that this will produce results for the person in question, or indeed for similarly situated persons in the future.

This structural limitation reflects a deliberate design choice in the architecture of administrative oversight in Sweden. JO operates as an institution of parliamentary oversight, and is not a judicial body. Its power derives from the persuasive force of its findings, and from the reputational consequences of public criticism, rather than from any capacity to compel compliance. In contexts where public authorities are responsive to institutional criticism, JO can be an effective accountability mechanism. In contexts where delays are systemic or institutionally entrenched, JO's criticisms, however well-founded and however severe, produce no change in the legal position of persons awaiting a decision. A public authority that has been criticised by JO, even repeatedly, and in strong terms, remains free to continue the same practices.⁵⁵ The person remains without a decision.

⁵⁴ See, e.g., JO dnr 6744-2020, decision of 10 December 2021; JO dnr 3232-2023, decision of 19 June 2023; and, JO dnr 7753-2024, 8834-2024, and 9197-2024, decision of 23 September 2025.

⁵⁵ See, illustratively, the successive JO reviews of the processing times at the Swedish Migration Agency over nearly a decade, in which JO has, on each occasion, criticised the same persistent failures. See, JO dnr 7403-2016, decision of 22 January 2018; JO dnr 5600-2016, 6033-2016, 6343-2016, 6670-2016, and 6877-2016, decision of 19 September 2017; JO dnr 130-2019 and 554-2019, decision of 21 January 2021; JO dnr 8443-2018, 335-2019, 447-2019, decision of 21 January 2021; JO dnr 659-2019 and 790-2019, decision of 21 January 2021; JO dnr 2079-

This makes JO, on the one hand, a valuable diagnostic instrument for identifying systemic failures in public authorities, and on the other hand, not a real remedy for persons in their individual dealings with public authorities. Reliance on JO as the primary accountability mechanism for delays in the decision-making by public authorities effectively substitutes institutional reputation management for legal protection of persons' rights. A JO decision in 2023 explicitly questioned whether Article 11 FL and Article 12 FL require legislative review,⁵⁶ which is a significant acknowledgment from within the oversight system itself that the current options available to persons are inadequate.

The question of whether damages can fill the remedial gap must also be addressed with some care. National law permits claims for compensation arising from fault or negligence in the exercise of public authority under the Damages Act.⁵⁷ The Supreme Court (*Högsta domstolen*) has developed a line of case law recognising damages for violations of the reasonable time requirement under Article 6 of the European Convention on Human Rights (ECHR), and since 2018, the Damages Act has been amended to provide expressly for state liability for violations of fundamental rights under the RF and the ECHR.⁵⁸

These developments represent a meaningful expansion of state liability for wrongs to persons. They do not, however, adequately address delay in administrative decision-making by public authorities. Article 6(1) ECHR, which guarantees proceedings within a reasonable time, applies primarily to judicial proceedings before courts of law once a civil right or criminal charge is at stake. Its application to decision-making by public authorities before any court proceedings have commenced is not straightforward, and national courts in Sweden have not consistently extended it to cover delay in administrative contexts.

The practical result is a cumulative remedial gap. Persons can access their case file and see that their case has stalled. They can invoke Article 12 FL and, if successful, obtain an order of an administrative court that the public authority may disregard. They can complain to JO and receive, at best, a critical finding that does not alter their legal position. They can seek damages under the Damages Act, but will face high thresholds of fault, and causation that delay in decision-making by public authorities rarely satisfies. At no point in

2019 and 2878-2019, decision of 21 January 2021; JO dnr 578-2022, 614-2022, 879-2022, 903-2022, and 1271-2022, decision of 13 December 2022; JO dnr 8819-2023, 9600-2023, 9899-2023, 10300-2023, and 35-2024, decision of 19 December 2024; and, JO dnr 7753-2024, 8834-2024, and 9197-2024, decision of 23 September 2025.

⁵⁶ JO dnr 3232-2023, decision of 19 June 2023.

⁵⁷ *Skadeståndslagen* (1972:207), 3 kap. 2 §.

⁵⁸ *Skadeståndslagen* (1972:207), 3 kap. 4 §.

this chain of mechanisms and procedures does a person obtain what they are fundamentally entitled to, a substantive decision on their case, made within a reasonable time, with enforceable consequences if that entitlement is not met.

Each available mechanism and procedure addresses a part of the problem, but none combines these elements into a coherent and enforceable judicial remedy. A failure to act procedure proposed in the preceding section is designed precisely to supply that coherence, by providing a procedure that follows the judicial order to act with genuine enforcement, and that compensates persons for harm caused by continued non-compliance. The status quo, in which the accountability chain breaks at the point where enforcement is most needed, is not a defensible equilibrium. It is an incomplete system of administrative law that leaves persons exposed to consequences of delays by public authorities in their decision-making.

7. Conclusion

Delays in administrative decision-making remain a persistent structural problem in administrative law in Sweden. The introduction of the general delay action procedure (*dröjsmålstalan*) in Article 12 FL and its entry into force in 2018 marked an important advancement for persons in their dealings with public authorities, for it created a procedure through which persons could challenge administrative inaction. Yet, as demonstrated, the general delay action procedure, in its current form, is neither an effective safeguard, nor a meaningful remedy. It operates only as a procedural prompt, dependent on a public authority's willingness to participate in it, and incapable of addressing continued inaction once an administrative court has issued a decision under Article 49 FL. Three conclusions are therefore drawn.

First, administrative law in Sweden contains a structural remedial gap. Public authorities may comply with neither the six-month expectation embedded in Article 12 FL, nor with an explicit judicial order of an administrative to decide a case, without facing any legal consequence for continued inaction. This places the burden of delay entirely on the person awaiting a decision, while shielding public authorities from accountability. As shown, the one-time-use limitation of the general delay action procedure, coupled with the requirement that a refusal be issued before judicial review becomes possible, leaves persons without further recourse once the procedure has been exhausted.

Second, existing mechanisms of oversight (access to the case file, complaints to JO, and the possibility of damages under the Damages Act) do not fill this remedial gap. These mechanisms and procedures may illuminate

the problem, or in rare circumstances compensate for part of the harm, but none of them can compel a public authority to decide a case. Administrative law merely provides the appearance of transparency without enforceability, oversight without consequence, and judicial review without teeth. A system of administrative justice that allows public authorities to disregard a judicial order with impunity risks rendering the principle of legality, which is enshrined in the RF,⁵⁹ devoid of practical effect in this context.

Third, and most importantly, this article has advanced the argument that Swedish administrative law now requires a supplementary procedure, a failure to act procedure (*underlåtenhetstalan*), capable of enforcing judicial orders issued under Article 49 FL. Such a failure to act procedure would transform the general delay action procedure from a symbolic safeguard into a functionally effective one for persons, ensuring that a judicial decision of an administrative court to decide is not merely an expression of expectation, but a judicial order backed by explicit consequences. The proposed design, built around a defined compliance period, the possibility of binding deadlines, and targeted compensation for harm, strikes the appropriate balance of interests.

The introduction of a failure to act procedure would further align administrative law in Sweden with necessary principles of the rule of law. It would ensure that persons faced with prolonged administrative silence by public authorities have access to an enforceable remedy, that the judicial decisions of administrative courts carry binding effect, and that public authorities are held to a necessary standard of legality and accountability.

As Article 12 FL approaches its first decade in operation, the need for reform in this regard is clear. The general delay action procedure should be retained as an accessible first step, but it must be supplemented by a failure to act procedure capable of addressing non-compliance with judicial orders. Only then will administrative law in Sweden provide persons with the protection that the principle of effectiveness demands. Public authorities will thus be held to their most basic obligation, which is to decide the cases entrusted to them within a reasonable time.

⁵⁹ *Regeringsformen* (1974:152), 1 kap. 1 §, tredje stycket: 'Den offentliga makten utövas under lagarna.'