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Comments on the Organic Law for the Speed and Optimization of Administrative Procedures

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Through Official Gazette No. 7,018 extraordinary, dated April 8, 2026, the aforementioned Law in reference emanating from the National Assembly was published. Below, we present our comments on the aforementioned Law in the following terms:

I. Purpose of the Law

The purpose of the Organic Law in question is to establish the regulations and empower the **State Public Administration** to implement the necessary mechanisms that allow greater **speed and optimization** of administrative procedures and procedures in order to **reduce the processing** and response times to requests and petitions from citizens.

II. Subjects of application of the Law

With regard to the subjects of application of the law, it should be noted that the law does not provide for an express article indicating the subjective scope of application or the administrative entities or bodies to which the law applies. However, it is pointed out throughout the Law that such rules apply to the **Public Administration** without distinction of any kind and to the administrative procedures and formalities **of the State**. Because of this, it is understood that such rules would be applicable to all entities of the State Public Administration, belonging to the Republic, the States and municipalities, both centralized and decentralized, and to the other organs of the other public powers of the State.

In this regard, we consider that with regard to the legal provisions present in said law relating to procedures and the subject matter of the constitutional rights and guarantees of the right to petition and timely response, the right to due process and the principles of the Public Administration in general provided for in the Constitution, among which are the right to speed, effectiveness and efficiency, the National Assembly has the competence and constitutional attribution to legislate, such norms being applicable to the States and Municipalities.

However, with regard to the organization and functioning of the administrative bodies, we consider that the National Assembly only has the competence to legislate with regard to the organization and functioning of the organs of the National Public Power and other national organs and institutions of the State, as provided for in Article 156. numeral 32 in accordance with article 187, numeral 1. of the CRBV. However, the National Assembly would not have the competence to legislate on the organization and functioning of the States and Municipalities in their capacity as autonomous political-territorial entities in accordance with the powers granted to them by the Constitution provided for in Articles 164, 168 and 169.

In this regard, we consider in particular that the powers granted to the President of the Republic provided for in Article 6 of the Law related to the issuance of measures and regulations in matters of speed and optimization of the administrative procedures and procedures of the State, could only be exercised by the President of the Republic with respect to the National Public Administration and other entities of the national public authorities and cannot be demanded of the administrations of the States and Municipalities, unless the latter, through the respective governors and mayors, expressly decide to enact the aforementioned measures and prior state and municipal legal regulations that empower them to do so, within the framework of the legislative powers of the Legislative Councils of the States and the corresponding Municipal Councils.

III. Ratification of the Principles of Public Administration

The articles of the Law under study provide for the application of the principles of: public administration at the service of citizens, honesty, simplicity, celerity, effectiveness, efficiency, transparency, accountability, responsibility in the exercise of public functions, legality and popular participation; as well as the rights to legal certainty, remediability, the presumption of good faith of the interested persons and to a timely response.

In this sense, the law reproduces in general terms, explicitly or implicitly, the aforementioned principles and rights already provided for in the Constitution of the Bolivarian Republic of Venezuela (CRBV) and developed in the Organic Law of Public Administration, the Organic Law of Administrative Procedures and the Law on the Simplification of Administrative Procedures.

IV. Principle of efficiency and effectiveness

Specifically, with regard to the principle of efficiency and effectiveness, the law requires that the Public Administration must implement the necessary actions and provisions to ensure that the procedures and procedures of the interested parties before their offices are clear, easy, agile, rational, pertinent and useful, promoting close, cordial and effective relations with the interested parties.

Within the scope of this principle, it is also required that processes be implemented aimed at eliminating duplication of requirements, ensuring institutional interoperability; Guarantee territorial accessibility, allowing all people, regardless of their geographical location, to exercise their rights and fulfil their obligations in a simple and optimised way and ensure the coordinated action of the bodies and entities dependent on or attached to the same Public Administration in the administrative procedures and procedures within their competence that merit their linkage.

It is needless to point out that these requirements were already explicitly or implicitly provided for in the aforementioned laws.

V. Specific powers of the President of the Republic in matters of speed and optimization of administrative procedures and procedures

Article 6 of the law in question refers to the powers conferred on the President of the Republic in matters of speed and optimization of the administrative procedures and procedures of the State. In this regard, the following attributions stand out:

1. Suspend, reduce, modify or eliminate procedures, procedures, authorizations, permits and requirements, respecting the legal reserve, and provided that this results in the adaptation of the respective procedure to a response in a shorter period of time or the facilitation of the procedure for the interested parties.
2. Order the digitization of State procedures and procedures, especially for the reduction of the use of paper.
3. To establish the regulations, norms or standards that allow the uniformity, or unification, of administrative procedures and procedures of the Public Administration.
4. Order the creation and regulate the management of digital and interoperable single windows, when the agencies in charge of doing so omit such obligation.
5. Any other measures that are necessary and appropriate to achieve the speed and optimization of the State's administrative procedures and procedures.

With respect to the last four attributions indicated, it should be noted that they are already included and developed explicitly or implicitly in the aforementioned Laws, namely, in the Organic Law of the Public Administration, the Organic Law of Administrative Procedures, the Law on the Simplification of Administrative Procedures; and in the Law on Electronic Access and Exchange of Data, Information and Documents between State Bodies and Entities and the Infogovernment Law.

VI. Attribution of suspension, reduction, modification or suppression of administrative procedures,

As for the first and novel of the listed attributions related to the power of the President of the Republic to "**suspend, reduce, modify or suppress procedures, procedures, authorizations, permits and requirements**, respecting the legal reserve, and provided that this results in the adaptation of the respective procedure to a response in a shorter period of time or the facilitation of the procedure for the interested parties", We present the following comments:

It should be noted first of all that the National Assembly is competent to issue regulations on procedures and constitutional rights and guarantees as the legislative body in matters of

national competence. (Article 156, paragraph 32 and 187, paragraph 1 of the CRBV). Therefore, such rules in these matters are of legal reserve.

In accordance with the foregoing, the President of the Republic may not issue rules in these matters, the National Assembly being the only competent authority to do so. Under this argument, it would seem that the rule in question could be vitiated by unconstitutionality by enabling and delegating to the President of the Republic the power of said rules aimed at suspending, reducing, modifying or suppressing procedures, procedures, authorizations, permits and requirements aimed at the adaptation of the respective procedure in order to issue a response in a shorter period of time or to facilitate it in favor of the interested parties.

Notwithstanding the foregoing, it is possible, in our opinion, to make a reading and interpretation of the provision in question that could be compatible with the constitutional provisions in the following terms:

As long as the legal reserve and the legal provisions in force issued to regulate administrative procedures and formalities are respected, we consider that such powers could be exercised and applied with respect to procedures, formalities, authorizations, permits and requirements that have been issued through sublegal administrative provisions issued by the entities of the Public Administration and **that do not have a legal support or basis.**

In this sense, and in exercise of the power of administrative self-protection provided for in Articles 82 and 83 of the LOPA and in the regulatory power of the laws provided for in the CRBV, the Public Administration could annul, suspend, reduce, modify or suppress such procedures, procedures, authorizations, permits and requirements **not required in the legal regulations in force** for the purpose of issuing the corresponding response or administrative resolution in a shorter period of time or in order to facilitate the procedure in question, always within the framework of the law and respecting its spirit, purpose and reason.

However, with respect to the reduction of the deadlines for issuing the response to requests or petitions from individuals, we consider that such a reduction could be justified under the premise of optimizing the guarantee of the principle of speed and timely response provided for in the Constitution.

Given that the shorter period established for resolving requests and petitions would not contradict the maximum period established in the laws to issue the corresponding pronouncement, the right to a timely response in accordance with the law would not be affected, so such a reduction in deadlines would be feasible and in accordance with the law.

In any case, and in general, with respect to the measures issued in execution of the aforementioned attributions, in order to be **in force**, they must comply with the requirements

of publicity of **administrative acts of general effect** through the corresponding **publication in the Official Gazette** for the purpose of guaranteeing legal certainty and due process, as provided for in the Organic Law on Administrative Procedures.

VII. Measures to avoid exclusion derived from the digital divide

Another of the relevant provisions in the Law refers to the one that orders the Public Administration to adopt the necessary measures to ensure that no person is excluded from access to public services or to the administrative management of the State for reasons of digital divide. To this end, they must create, stimulate and consolidate mechanisms that prevent the exclusion of those people or groups of the population who, for reasons of age or disability, face difficulties in accessing or interacting with digital platforms, automated systems or electronic means of administrative management.

In relation to this provision, it is pertinent to point out that Article 16 of the Infogovernment Law already establishes that in the design and development of systems, programs, equipment and services based on information technologies, the necessary considerations of accessibility and usability must be foreseen so that they can be used universally by those persons who, for reasons of disability, age, or any other condition of vulnerability, require different types of media or information channels.

To this end, the new law in question provides that the Public Administration must guarantee 1. Personalized face-to-face service channels., 2. Preferential and priority care systems., 3. Agile and simplified procedures that avoid unnecessary administrative burdens., 4. Direct assistance from public servants to carry out the required procedures.

VIII. National Commission for the Speed and Optimization of Administrative Procedures and Procedures

Article 7 of the Act creates the National Commission for the Speed and Optimization of Administrative Procedures and Procedures, whose purpose is to evaluate and propose to the President of the Bolivarian Republic of Venezuela the measures to be adopted in this area. This commission will be made up of: 1 . The President of the Republic, who shall preside over it, 2 . The Executive Vice-President of the Republic, 3. The sectoral vice-presidents of the National Public Administration 4. Two (2) Deputies of the National Assembly., 5. Two (2) Governors elected by all the Governors of the country., 6. Two . Two (2) Mayors elected by all the Mayors of the country.,7. One (1) representative of the Ombudsman's Office. This

Commission shall have a Technical Secretariat appointed by the President of the Republic for the exercise of its functions and shall develop means for popular participation and consultation in order to ascertain the needs and opinions of the people in this matter, as well as of the social, cultural and economic sectors concerned.

IX. Indigenous peoples

The law expressly refers to the duty of the Public Administration at all levels to guarantee that administrative procedures and procedures aimed at **individuals, communities or indigenous peoples** are carried out under the principles of speed and optimization, **respecting their uses and customs**, in accordance with the provisions of the Constitution of the Bolivarian Republic of Venezuela and the law.

X. Incorporation of Information Technologies

The Law provides for the obligation of the Public Administration to incorporate technologies such as electronic or computer and telematic means, taking into account the conditions of feasibility, provided that they contribute to the optimization of procedures and speed in the processing of matters within its competence.

Such measures must be articulated with the legal framework that governs the digital transformation of the State, including the law that governs the national information technology system and the special regulations that develop the digital function in the National Public Administration. In this sense, the provisions of, among other regulations, the Infogovernment Law must be complied with.

XI. Inter-institutional operation for the speed of procedures

Article 11 of the law requires that each organ and entity of the Public Administration shall designate **a unit responsible** for the speed and optimization of administrative procedures, which shall be responsible for the relationship with the rest of the organs and entities of the public administration for the purpose of obtaining documentation and information that rests in the agency in which it provides its services.

The designated units will interact with each other for the purpose of exchanging information, verifying requirements and, in general, for activities that require the confirmation or determination of legal or material situations with respect to the applicants, on the occasion of data or information that rests in the respective public body.

We consider it pertinent to point out that the Public Administration, in order to comply with the rule in question, must comply with the special regulations on interoperability between State entities and bodies provided for in the Infogovernment Law and in the Law on Electronic Access and Exchange of Data, Information and Documents between State Bodies and Entities and other applicable technical provisions.

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