

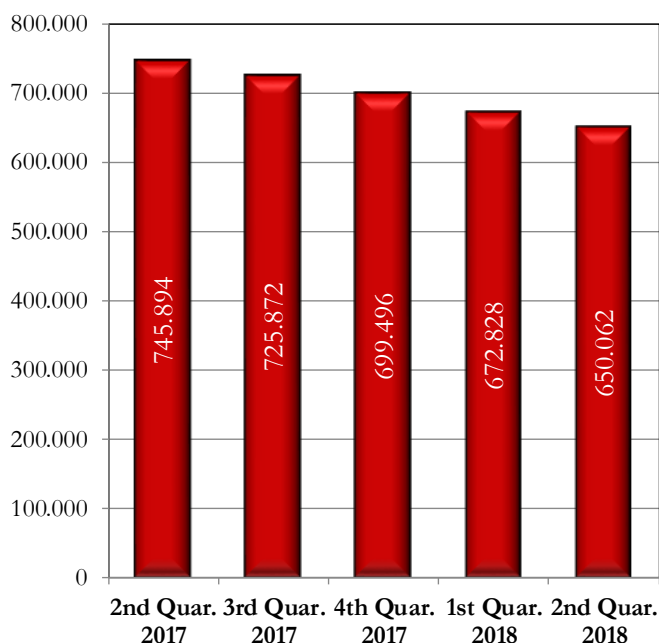
## Quarterly Statistics on civil enforcement actions (2007-2018)

The current report aims to portray the quarterly evolution of the civil enforcement actions, from 2007 to 2018.

### Pending civil enforcement actions and clearance rate - Quarterly evolution<sup>1</sup>

In the second quarter of 2018, the number of pending civil enforcement actions has decreased about 12.8% in view of the second quarter of 2017. On 30 June 2018, the number of pending civil enforcement actions was of 650.062 (table 1).

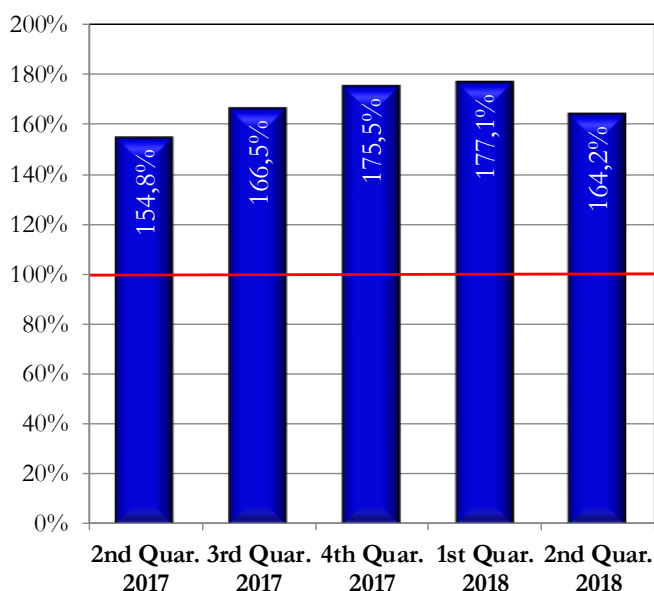
**Table 1 - Pending civil enforcement actions, per quarter**



The clearance rate<sup>2</sup>, that measures the capacity of the system on a given moment to face the demand verified on that same moment, was of 164.3% in the second quarter of 2018. This resulted in a decrease in the pendency at the end of this quarter. The second quarter of 2018 is the 23<sup>rd</sup>

consecutive quarter with a clearance rate above 100% (table 2).

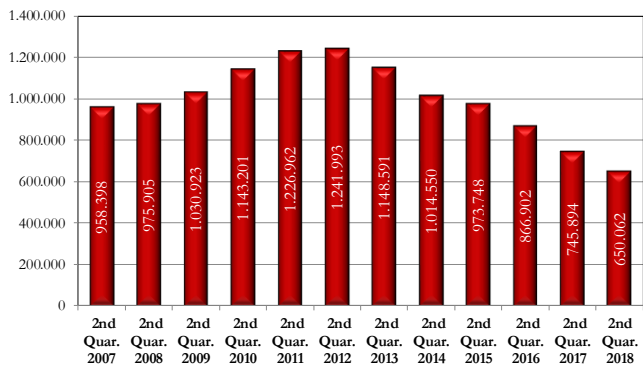
**Table 2 - Clearance rate of the civil enforcement, per quarter**



### Pending civil enforcement actions, clearance rate and disposition time<sup>3</sup> – Similar periods

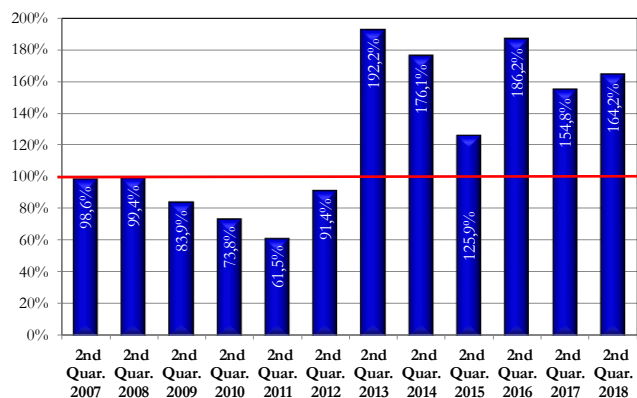
Regarding the similar periods corresponding to the second quarters of 2007 to 2017, and notwithstanding the increase verified between the second quarter of 2007 and the second quarter of 2018, in the second quarters of 2007 to 2018 there was an accumulated decrease of 47.7% in the number of pending civil enforcement actions (decrease of 7.5% in 2013, 11.7% in 2014, 4.0% in 2015, 11.0% in 2016, 14.0% in 2017 and 12.8% in 2018), in view of the second quarter of 2012 (table 3).

**Table 3 - Pending civil enforcement actions, 2nd quarter**



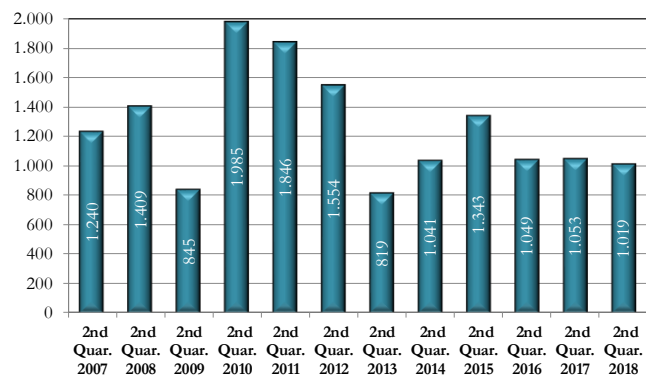
The clearance rate was, in the second quarter of 2018, of 164.2%, an increase of 102.6% in view of the minimum value of 61.5% registered in the second quarter of 2011. Considering the previous similar periods, corresponding to the second quarter of each year under analysis, the value registered in the second quarter of 2018 is the sixth consecutive value of clearance rate above 100% (table 4).

**Table 4 - Clearance rate of the civil enforcement actions, 2nd quarter**



The disposition time was, in the second quarter of 2018, of 1.019 days, having been registered a decrease of 3.2% in view of the value registered in the second quarter of 2017 and a decrease of 48.7% in view of the maximum value registered in the second quarter of 2010. Considering the similar periods corresponding to the second quarter of each year under analysis, the value registered in the second quarter of 2018 is the third lowest value of disposition time (table 5).

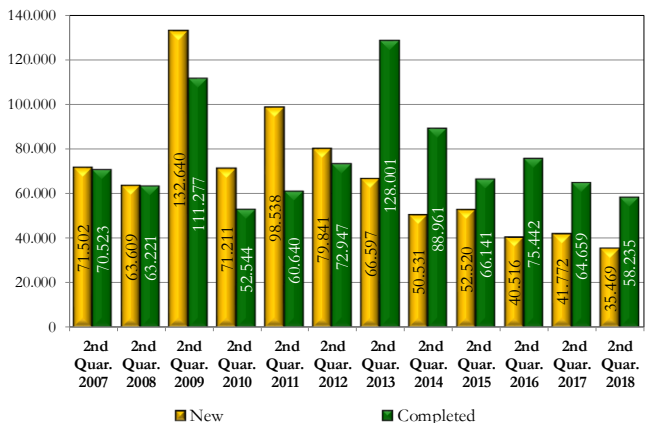
**Figure 5 - Disposition time (in days) of the civil enforcement actions, 2nd quarter**



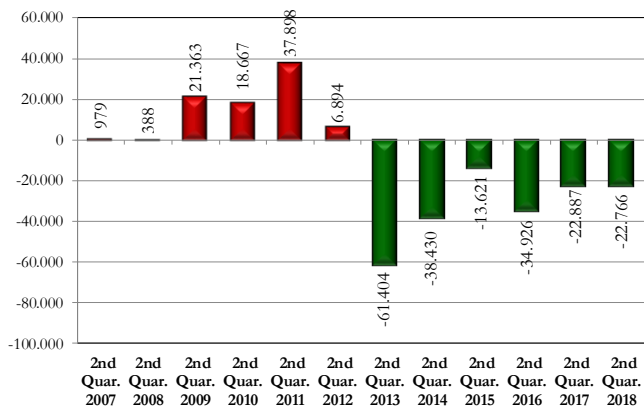
**New and completed civil enforcement actions and procedural balance – Similar periods**

In the second quarter of 2018, the number of completed civil enforcement actions was higher than the number of new civil enforcement actions<sup>4</sup> (table 6). As a result, the procedural balance<sup>5</sup> (table 7), in the second quarter of 2018, was very favorable and corresponding to at least 22,766 cases. This balance justifies the decrease in the pendency, representing the sixth consecutive quarter with a favorable evolution.

**Table 6 - New and completed civil enforcement actions, 2nd quarter**



**Table 7 - Procedural balance of the civil enforcement actions, 2nd quarter**



**Average duration<sup>6</sup> of the completed civil enforcement actions – Similar periods**

Regarding the average duration of the completed civil enforcement actions between the second quarter of 2007 and the second quarter of 2018, it is possible to verify that the value ranged between 38 and 50 months (table 8). In view of the second quarter of 2007, in the second quarter of 2018 there was a decrease of 1 month in the average duration of the completed civil enforcement actions. The increase in the average duration of the completed cases between the second quarter of 2007 and the second quarter of 2018 is accompanied by an increase in the percentage of older completed cases in those quarters. In view of the minimum value registered in the similar period of 2007, in the second quarter of 2018, the proportion of completed cases that had been waiting for completion for more than 5 years (60 months) increased by 11.9 percentage points, its percentage of the total having increased from 22.8% in the second quarter of 2007 to 34.7% in the second quarter of 2018.

**Civil enforcement actions pending at the courts of first instance (quarterly evolution)**

Article 551, paragraph 5, of the Code of Civil Procedure, approved by Law 41/2013, of 26 June, provides that the enforcement proceedings run in court when the practice of an act of the jurisdiction of the secretary or of the judge is required or derives from the law and until its practice. Accordingly, the enforcement proceedings should not therefore be considered pending in court in other circumstances. From this perspective, the data presented in this highlight represent, for now, only the total of pending cases, including those that are not awaiting for the practice of any action by the court<sup>7</sup>.

<sup>1</sup> Pending cases correspond to cases that have not yet received the final decision in the form of judgment, sentence or order, in their respective instance, regardless of *res judicata*. These cases are thus awaiting the practice of acts or diligences by the court, the parties or other entities and may also, in certain types of cases, await for certain facts to occur or the expiration of a time. A suspended case is, for example, a pending case, irrespective of the cause of suspension. In particular, in the case of pending civil enforcement actions, in the legal model in force until 1 September 2013, when the new Code of Civil Procedure came into force, proceedings may not be awaiting the practice of acts by the court but rather waiting the practice of acts by external entities, public or private, as well as the practice of acts by enforcement agents. A pending case is not necessarily a case in delay, such as the case of those being handled within the legal timelines.

<sup>2</sup> The clearance rate is the total volume of the ratio of completed cases on the total volume of new cases. Being equal to 100% the volume of new cases was equal to the completed ones, then the variation of the pendency is zero. Being greater than 100%, there was a recovery in pendency. The higher this indicator the higher the recovery in the pendency in that year. If less than 100%, the volume of new cases was higher than the completed ones, generating pendency for the following year.

<sup>3</sup> The disposition time is an indicator that measures, in days, the time that would be required to complete all the processes that are pending at the end of a particular period based on the rate of work done in the same time interval, i.e., the number of completed cases in this period. Applied to a quarter, this indicator is the multiplication by 91.25 (average number of days in a quarter) of the total of pending cases at the end of the quarter divided by the total number of completed cases during that same period of time.

<sup>4</sup> In the second quarters of 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 were registered, in the legal model in force until 1 September 2013, respectively 71.502, 63.609, 132.640, 71.211, 98.538, 79.841, 66.597, 50.531, 52.520, 40.516, 41.772 and 35.469 new civil enforcement actions and, also respectively, 70.523, 63.221, 111.277, 52.544, 60.640, 72.947, 128.001, 88.961, 66.141, 75.442, 64.659 and 58.235 completed civil enforcement actions. However, from these totals, only 65.902, 62.055, 66.428, 69.738, 97.013, 76.583, 65.155, 48.433, 49.727, 37.073, 39.121 and 33.124 new civil enforcement actions and 64.923, 61.667, 45.065, 51.071, 59.115, 69.689, 126.559, 86.863, 63.348, 71.999, 62.008 and 55.890 completed civil enforcement actions correspond to actual movements of beginning and end of the cases. The remaining 5.600, 1.554, 66.212, 1.473, 1.525, 3.258, 1.442, 2.098, 2.793, 3.443, 2.651 and 2.345 cases do not correspond to new civil actions in the courts or to civil actions that have been completed. This numbers of new and completed cases refer to the total of civil enforcement actions that were handled internally between organic units/courts. These are not, therefore, new cases that re-entered in the Portuguese courts but cases that were completed at the organic unit/court from where they left and that entered the organic units/courts to which they were transferred.

<sup>5</sup> The procedural balance usually divulged, which corresponds to the difference between new and completed cases is not included in this statistical highlight due to a problem in the collection of the data that allows this indicator to be calculated. In any case, this does not significantly affect the remaining indicators of the current highlight.

<sup>6</sup> The average duration of a completed case in the court is the period of time between the date of its beginning and the date in which the case was completed, even if it was redistributed, i.e., between the date of commencement of the case in the court where it entered and the date of completion of the case in this or in another court to which it was redistributed. The concept of average duration used in this statistical highlight corresponds to the also called duration of the initial case, by adding the duration in the various courts by where it passed.

<sup>7</sup> Following the changes introduced in the procedural system of the courts of first instance for the implementation of the aforementioned legal provision, in October 2017, the work necessary for its implementation within the scope of the official Justice Statistics, including monitoring of quality of the data. These works will allow us to portray, in this context, the evolution of civil enforcement actions in the courts of first instance.

*Framing note – Time scope and other considerations*

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From 2007 onwards, the statistical data on cases at the courts of first instance are received through the courts' computer system and represents the state of the cases recorded in this system. New and completed cases include those transferred between organic units as a result of extinction and creation of new courts or court sections.

*Technical sheet:*

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The Directorate-General for Justice Policy (DGPJ) of the Ministry of Justice, in accordance with Article 2 (1) of Decree-Law 163/2012 of 31 July has the mission to give technical support within the scope of legislative production and legal assessment, to monitor the policies and the strategic planning for the sector, to coordinate the external affairs and the cooperation in the justice area, being also responsible for the statistical data in the Ministry of Justice.

Law 22/2008 of 13 May defines the basic general guidelines and principles that govern the National Statistical System (NSS), particularly with regard to the delegation of attributions of the National Statistics Institute (INE), in other entities.

Under the provisions of Article 24 of Law 22/2008, of 13 May, a protocol was celebrated empowering the DGPJ of the production and dissemination of the official Justice statistics.

As delegated entity, the DGPJ is subject to the fulfilment, in its relevant part, of Law 22/2008, of 13 May, of Decree-Law 166/2007, of 3 May, as well as of rules established by Community legislation, adopting the Code of Conduct for European Statistics and the Regulation for the Application of the Principle of Statistical Confidentiality of the National Statistics Institute.

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