

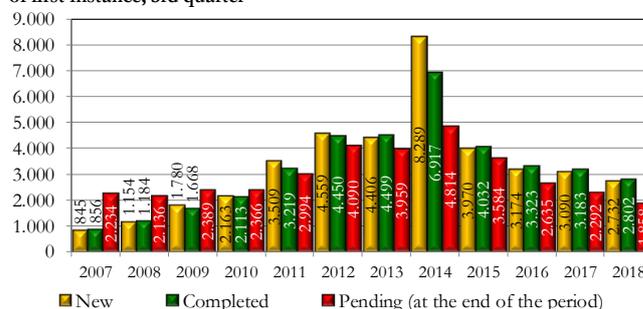
Quarterly statistics on insolvency cases, on special revitalization procedures and on special procedures for payment agreement (2007-2018)

The current report aims to portray the quarterly evolution of bankruptcy, insolvency and company rescue cases, of the special revitalization procedures and of the special procedures for payment agreement, at the first instance courts, from 2007 to 2018.

Case flow of bankruptcy, insolvency and company rescue cases, at the first instance courts, in the 3rd quarter of each year

In **table 1** it is possible to compare the third quarters of the years 2007 to 2018, where it may be observed a sharp increase in the number of new bankruptcy, insolvency and company rescue cases, in the first instance courts, from 2007 to 2012. From 2013 onwards such trend is reversed with a decrease in the number of new cases. When comparing similar periods related to the third quarter of 2007 and to the third quarter of 2018, there is an increase of around 223.3% in the number of new cases. This increase is followed by a similar increase in the number of completed cases, being the variation of 227.3% in that same period. In 2018, the number of pending cases at the end of the third quarter shows a decrease of 18.9%, when compared with the value recorded at the end of the third quarter of 2017. In view of the second quarter of 2007, there is however a decrease of 16.8%. It should be noted that, in the third quarter of 2014, the number of new and completed bankruptcy, insolvency and company rescue cases, in the first instance courts was quite high. These unusually high figures are due to the internal transfers resulting from the application of Law 62/2013, of August 26 (Law for the Organization of the Judicial System).

Table 1 - Bankruptcy, insolvency and company rescue cases in the courts of first instance, 3rd quarter

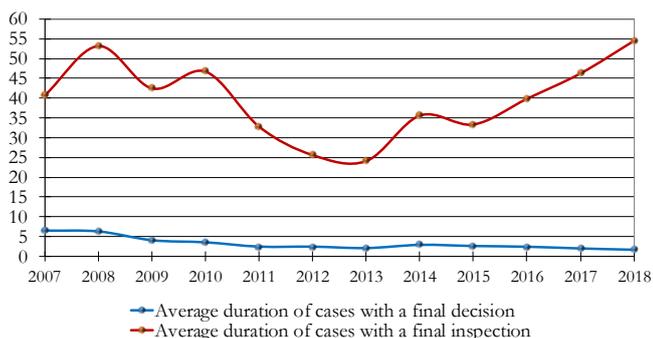


Average duration of bankruptcy, insolvency and company rescue cases, in the 3rd quarter of each year

Regarding the *average duration of completed cases in the third quarter* of each year and considering the time elapsed between their entry and the final decision, that is, the declaration of insolvency or others alike, there was a sharp decrease in the observed trend between 2007 and 2018 (**table 2**). In fact, the average duration of these cases which was of 7 months in the third quarter of 2007, presented, in the second quarter of 2018, less than a third of this value (2 months). This decrease follows the effects of the procedural amendments introduced by Decree-Law 53/2004, of 18 March, which approved the Insolvency and Company Rescue Code. When compared to the third quarter of 2017, the average duration of completed cases in the third quarter of 2018 remained steady (2 months). Considering all the subsequent phases of the case until the final curative inspection¹, the average duration of

these cases was of 41 months in the third quarter of 2007 and of 55 months in the third quarter of 2018 (corresponding to an increase of 14 months). When compared with the third quarter of 2017, the average duration, in the third quarter of 2018, has increased 9 months, going from 46 to 55.

Table 2 - Average duration (in months) of completed cases of bankruptcy, insolvency and company rescue cases in the courts of 1st instance, 3rd quarter



Characterization of completed bankruptcy, insolvency and company rescue cases, in the 3rd quarter of each year

Taking into account the ranking value (table 3) of the completed bankruptcy, insolvency and company rescue cases in similar periods corresponding to the third quarter of each year under analysis, it is possible to observe an increasing trend in the number of cases whose value is between €1,000 and €9,999, an increase of 22.9 percentage points. On its turn, the group ranging between €10,000 and €49,999 has had a decrease of 16.4 percentage points. The groups up to €999 and €50,000 or more have maintained their weight relatively stable in the overall total of cases (more 0.5 and less 7.1%, respectively, between the third quarter of 2007 and the third quarter of 2018). The intermediate group levels are the most represented and together they present a ratio close to 80% of the overall total of cases. When compared to the third quarter of 2017, there were no significant changes in the ranking of values in the third quarter of 2018 (all the

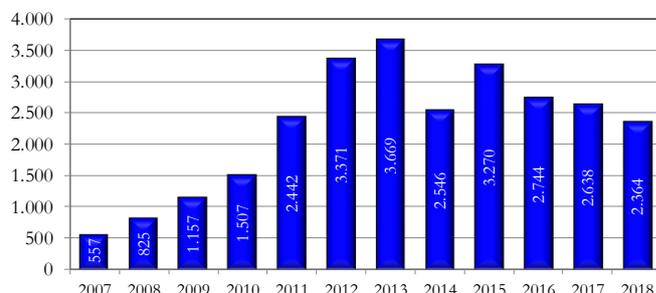
changes are equal or under 3.5 percentage points: less 0.4 in the group up to €999, more 3.3 in the group between €1,000 and €9,999, less 1.3 in the group between €10,000 and €49,999 and less 1.6 in the group of €50,000 or more).

Table 3 - Group value of completed cases of bankruptcy, insolvency and company rescue cases in the courts of 1st instance, 3rd quarter



As regards the *number of declared insolvencies in the 1st instance courts* (table 4), in the similar periods corresponding to the third quarter of each year, it is possible to observe a marked tendency for growth, being the value recorded in the third quarter of 2018 almost four times more than the value recorded in the third quarter of 2007. The increasing trend is quite evident in the increase of 62.0% observed between the third quarter of 2010 and the similar period of 2011. In the third quarter of 2018 and in view of the third quarter of 2017, there was a decrease of 10.4% in the number of declared insolvencies. When compared with the third quarter of 2013 such value has recorded a decrease of 35.6%.

Table 4 - Insolvencies declared in the courts of first instance, 3rd quarter



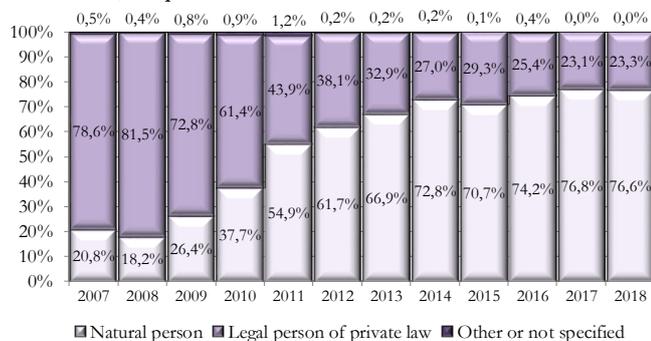
As concerns the *type of person involved in declared insolvencies* (table 5) there is an increase, when

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comparing the third quarter of 2007 with the third quarter of 2018, in the weight of natural persons in the overall total of the cases (going from 20.8% to 76.6%, that is, more than three times the weight), followed by a comparable decrease of legal persons of private law (going from 78.6% to 23.3% and recording a decrease of 55.3 percentage points). In the third quarter of 2018 and in view of the third quarter of 2017, there was a decrease in the proportion value of the natural persons declared insolvent of about 0.2 percentage points. Regarding the legal persons of private law, there was a slight increase in their relative weight (0.2 percentage points less).

Table 5 - Type of person involved in insolvencies declared in the courts of first instance, 3rd quarter

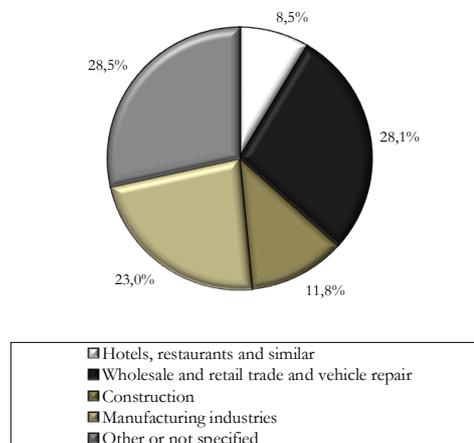


As to the *costs of bankruptcy, insolvency and company rescue cases*, it was approximately calculated the average value² of 2.482,19 €, bearing in mind the cases with a final curative inspection in the third quarter of 2018, in which there were amounts given out for payment by the Institute for Financial Management and Infrastructures of Justice I.P. (1.491 cases).

Considering the *section of the Portuguese Classification of Economic Activities (CAE)* regarding the legal persons of private law involved in declared insolvency cases in the third quarter of 2018, it is possible to state that 28.1% corresponded to the category of wholesale trade, retail trade and vehicle repair and 23.0% to the category of manufacturing industries,

these being the categories with the most relevant weight (table 6).

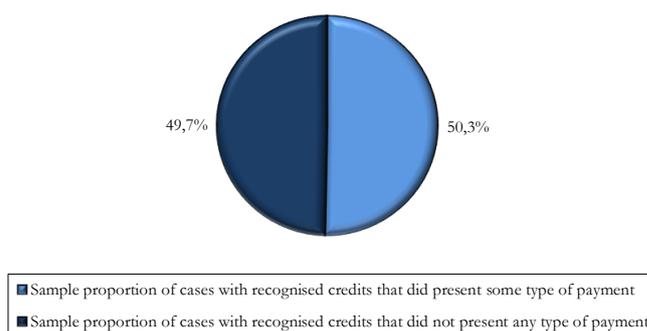
Table 6 - Cases with insolvency declared in the 3rd quarter of 2018, in relation to the section of the Portuguese Classification of Economic Activities (CAE) where a legal person of private law is involved



Sample data³ on the rate of credit recovery in bankruptcy, insolvency and company rescue cases with a final curative inspection, in the 2nd quarter of 2018

The *sample data* collected on *bankruptcy, insolvency and company rescue cases, with a final curative inspection, in the third quarter of 2018*, provide a better understanding on this type of cases.

Table 7 - Cases, in the 3rd quarter of 2018, with recognized credits that presented some type of payment (sample data)



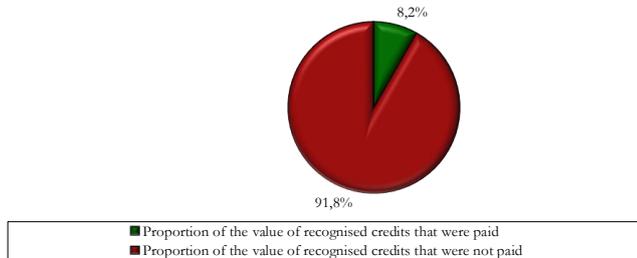
Restricting the analysis to the cases that presented recognized claims (table 7), it is possible to observe that the proportion of cases that present some type of credit payment is of 50.3%, when compared to the 49.7% that do not present any type of payment.

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The *rate of credit recovery*, that is, the ratio of the amount of claims paid over the amount of recognized credits, is of 8.2% (table 8). The remaining 91.8% of the amount of credits recognized by the courts do not correspond to their effective payment.

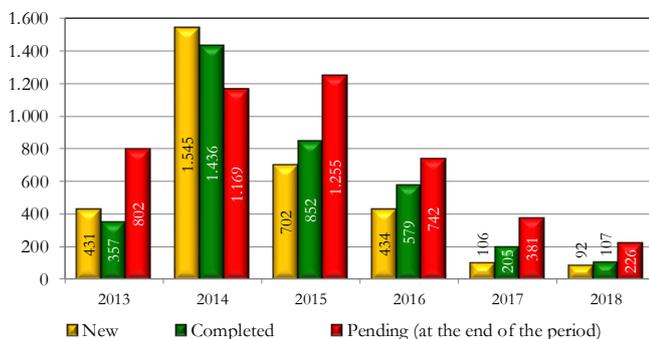
Table 8 - Credit recovery rate in the 3rd quarter of 2018 (sample data)



Case flow of special revitalization procedures, at the 1st instance courts, in the 3rd quarter of each year

Taking into account that these procedures exist since 20 May 2012, table 9 shows that, in the third quarter of 2018, there were 92 new special revitalization procedures (around 78.7% less than in the third quarter of 2013), 107 having been completed, (around 70.0% less than in the third quarter of 2013). At the end of the third quarter of 2018, 226 of these procedures were pending (around 71.8% less than in the third quarter of 2017).

Table 9 - Special revitalization procedures in the courts of 1st instance, 3rd quarter



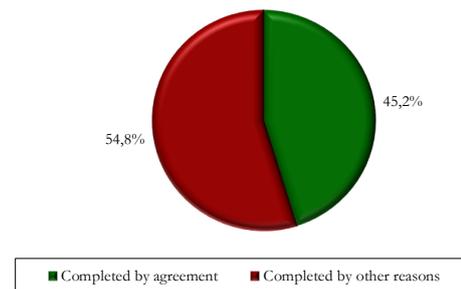
Average duration of the special revitalization procedures in the 3rd quarter de 2018⁴

On its turn, the average duration of the special revitalization procedures completed between July and September 2018 was of 220.5 days, corresponding to about 7 months and 11 days.

Characterization of the special revitalization procedures in the 3rd quarter de 2018⁴

Taking into account the final decision of the special revitalization procedures in the third quarter of 2018, it is possible to observe that 45.2% of these procedures ended by agreement and that the remaining 54.8% ended by other reasons (table 10).

Table 10 - Final decision of the special revitalization procedures in the 3rd quarter of 2018

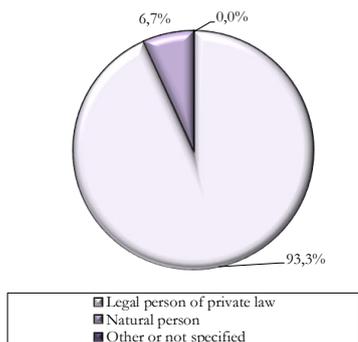


As regards the *type of person involved in special revitalization procedures* (table 11), in the third quarter of 2018, the weight of the legal persons of private law corresponded to 93.3% of the overall total of procedures and the weight of the natural persons was of 6.73% of that total.

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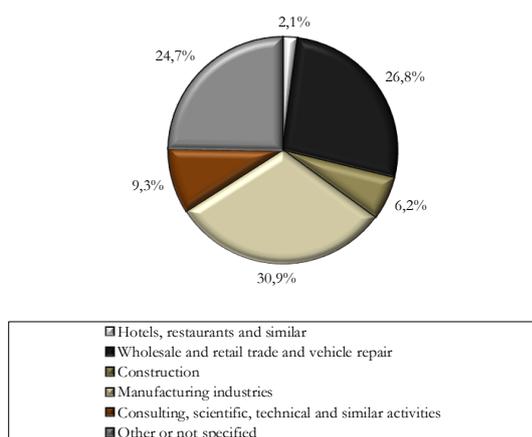
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Table 11 - Type of person involved in the special revitalization procedures in the 3rd quarter of 2018



Considering the *section of the Portuguese Classification of Economic Activities (CAE)* regarding the legal persons of private law involved in special revitalization procedures in the third quarter of 2018, it is possible to state that 30.9% corresponded to the category of wholesale trade, retail trade and vehicle repair, 26.8% corresponded to the category of manufacturing industries, and 9.3% corresponded to the category of construction, these being the categories with the most relevant weight (table 12).

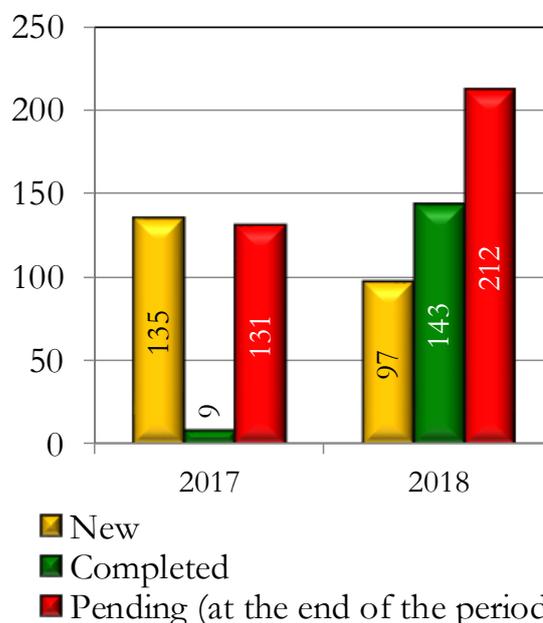
Table 12 - Special revitalization procedures in the 3rd quarter of 2018, in relation to the section of the Portuguese Classification of Economic Activities (CAE) where a legal person of private law is involved



Case flow of the special procedures for payment agreement in the 1st instance courts, in the 3rd quarter of each year

Considering that these procedures exist since 1 July 2017, table 13 shows that in the third quarter of 2018 there were 97 new special procedures for payment agreement, 143 having been completed. At the end of the third quarter of 2018, 212 of these procedures were pending (around more 61.8% than in the third quarter of 2017).

Table 13 - Special procedures for payment agreement in the courts of first instance, 3rd quarter



Footnotes

¹ The final curative inspection is a note issued by the judge after finding that a given completed case has followed all the subsequent proceedings, has no irregularities, or that any potential irregularities were corrected.

² The average value is based on the amounts given out for payment by the Institute for Financial Management and Infrastructure of Justice, on account of the work carried out by the insolvency administrators in insolvency, bankruptcy and company rescue cases with a final curative inspection, from July to September 2018. This average value was calculated considering the cases in which amounts given out for payment have been identified, which correspond to 73.5% of the cases with a final curative inspection in said period.

³ Sample size equal to 324 cases; size obtained from the formula designed to calculate the sample size for proportions, for a population size equal to 2.0293 cases, a significance level of 5% (which corresponds to a confidence range of 95%) and absolute accuracy of 5.00% (corresponding to the maximum difference between the values of the sample proportions presented and the true values of these proportions in the population).

⁴ In order to achieve a better representation of the reality of the phenomenon under study, the characterization data for the special revitalization procedures, in the first instance courts, do not include procedures carried over, incorporated, joined and sent to another entity.

Framing note 1 – Time scope and other considerations

From 2007, the statistical data related to the cases in the first instance courts are directly gathered from the courts' computer system. Thus the present procedural situation corresponds to the cases that are recorded in this system. Data related to the year 2007 reflect the effects of the entry into force of Decree-Law 250/2007, of 29 June, which proceeds to reorganize the courts of first instance, recording the corresponding processing of the cases. New and completed cases include those transferred between organizational units as a result of extinction and creation of new courts or sections. Exception is made in relation to transfers resulting from Law 3/99 of 13 January, which, in that year, introduced changes in the organization and functioning of the courts.

Framing note 2 – Concept of pending case

Pending cases correspond to cases that have not yet had a final decision, judgment, sentence or order, in their respective instance, regardless of *res judicata*. These are cases that are waiting for acts or due diligences to be carried out by the court, by the parties or by other entities. In certain types of cases, they may also be waiting for certain facts to occur or for a time period to run out. A suspended case is, for instance, a pending case, irrespective of the cause of suspension.

Framing note 3 – Concept of average duration of completed cases

The average duration of a completed case in court corresponds to the period of time between the day in which the case began in the court first seized and the day it was completed, even if re-distributed, that is, between the day the case began in the court where it entered and the day it was completed in that same court or in any another court to which it has been redistributed. The concept of average duration used in this statistical highlight corresponds to the so-called duration of the initial case, to which the duration in the various courts where it has run is added.

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Framing note 4 – Concept of average duration of cases until the final curative inspection

The average duration of a case until the final curative inspection corresponds to the time period between the date of its beginning and the time of the final curative inspection in the court in which the latter occurs.

Technical sheet:

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 a delegated entity, DGPJ is subject to compliance, in its relevant part, with the Law 22/2008, of 13 May, with the Decree-Law 166/2007, of 3 May, as well as with the 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 Statistical Institute.

The statistical indicators related to the duration, to the rate of credit recovery and to the average cost of the insolvency, bankruptcy and company rescue cases with a final curative inspection were produced within the scope of extraordinary statistical operations carried out outside the framework of those foreseen in the National Statistical System.

Directorate General for Justice Policy (DGPJ)
Av. D. João II, n.º 1.08.01 E, Torre H, Pisos 2/3
1990-097 Lisboa, Portugal
Tel.: +351 217 924 000
Fax: +351 217 924 090
E-mail: correio@dgpj.mj.pt
<http://www.dgpj.mj.pt>