

April 2019  
Number

63

## STATISTICAL HIGHLIGHT

**Justice Statistics – First results****Procedural flow in the administrative and fiscal courts of first instance, 2015-2018**

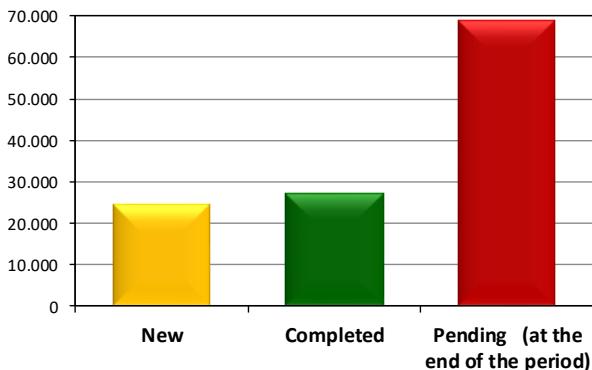
*The number of cases pending before the administrative and fiscal courts of first instance registered a decrease (-3.7% at 31 December 2018 than at 1 January of the same year) corresponding to a clearance rate of 111.0%. This result is due to the fact that the number of completed cases has exceeded the number of new cases.*

*These values are due in large part to the fiscal procedural flow, which represented about 61% of the new cases and 62% of the completed cases in the administrative and fiscal courts of first instance, in 2018. It is important to highlight the behaviour of the challenge proceedings, being this type of case that contributed the most to the pendency.*

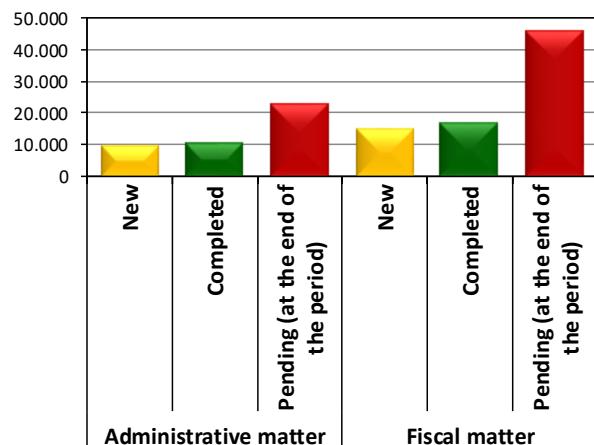
**1. Overall flow of new, completed and pending cases**

In 2018, in the administrative and fiscal courts of first instance, the total number of new cases was 24,382 and the total number of completed cases was 27,055. At 31 December 2018, the number of pending cases<sup>1</sup> in these courts was 68,773 (table 1).

**Table 1 - Total of new, completed and pending cases, 2018**



**Table 2 - New, completed and pending cases, by matter, 2018**

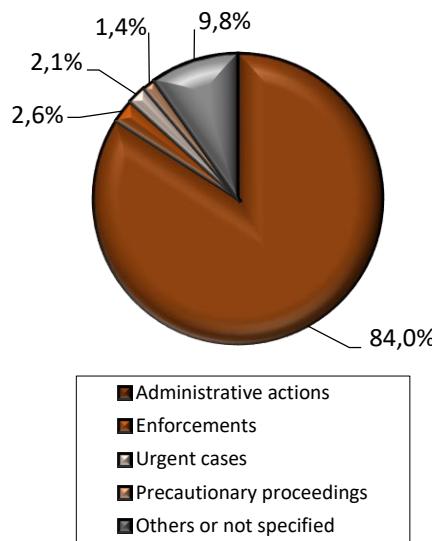


At the administrative level, the number of new cases was 9,487 and the number of completed cases was 10,227. At 31 December 2018, the number of pending administrative cases was 22,775. Regarding fiscal matters, the number of new cases was 14,895 and the number of completed cases was 16,828. At 31 December 2017, the number of pending fiscal cases was 45,998 (table 2).

## 2. Most representative procedural types in administrative and fiscal matters

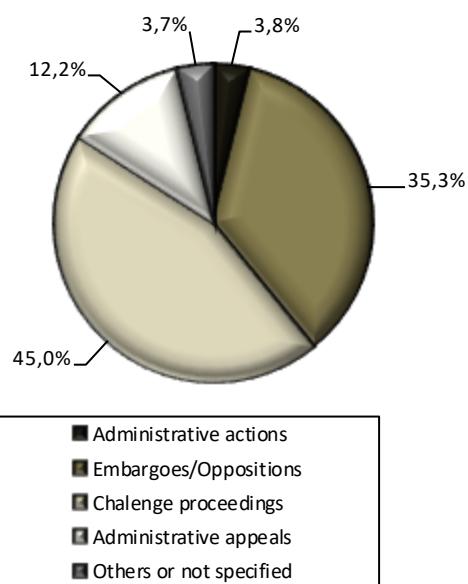
With respect to the most representative types of pending administrative cases, in 2018, it is possible to affirm that 84.0% corresponded to administrative actions, 2.6% to enforcement actions, 2.1% to urgent cases and 1.4% to precautionary proceedings (**table 3**).

**Table 3 - Pending administrative cases, by type, 2018**



Considering the most representative types of pending fiscal cases in 2018, it is possible to affirm that 45.0% corresponded to challenge proceedings, 35.3% to embargoes/oppositions, 12.2% to administrative appeals and 3.8 % to administrative actions (**table 4**).

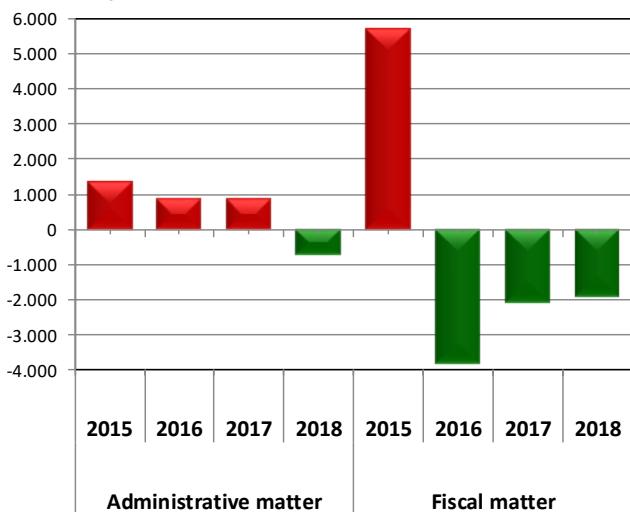
**Table 4 - Pending fiscal cases, by type, 2018**



## 3. Procedural balance, clearance rate and disposition time, by subject, 2015-2018

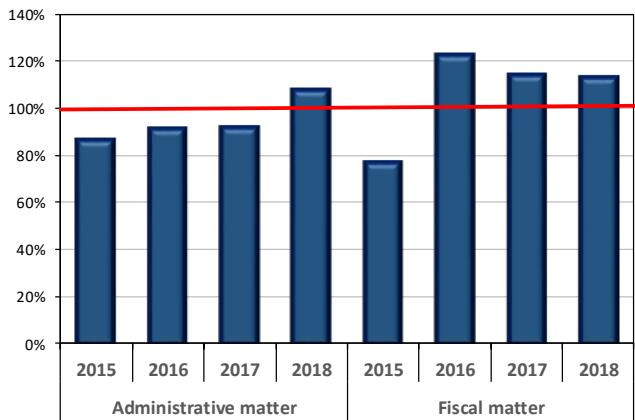
In 2018, the number of completed cases was higher than the number of new cases (**table 5**). The favourable balance of 852 less administrative cases and 1,933 less fiscal cases (in a total of 2,673 less cases) justifies the decrease in the pendency of administrative cases of 3.1% and a decrease of 4.0% in fiscal cases, corresponding to an overall decrease in pendency of 3.7%. In 2017, the overall decrease in the pendency of 1.7% was due to the decrease of the pendency by around 4.2% in fiscal cases, despite the increase of around 3.7% in the pending administrative cases.

**Table 5 - Procedural balance (new cases - completed cases), by matter, 2015-2018**



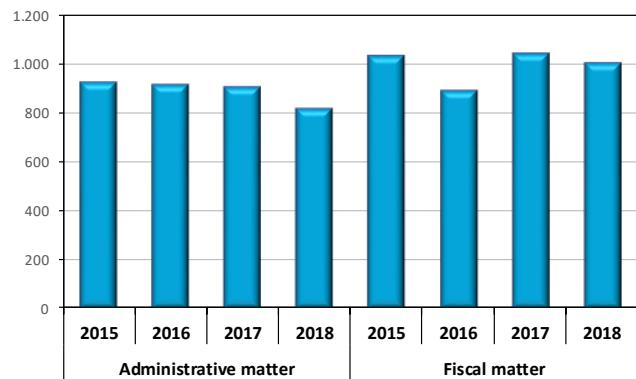
The clearance rate<sup>2</sup> (figure 6), which measures the capacity of the system in a given year to meet the demand during the same period, in 2018 was of 107.8% for the administrative cases and of 113.0% for the fiscal cases (corresponding to an overall value of 111.0%).

**Table 6 - Clearance rate, by matter, 2015-2018**



On the other hand, the disposition time<sup>3</sup> (table 7), which is an indicator that measures the time that would be necessary to complete all the cases that are pending at the end of a given period, considering the rhythm of work accomplished in that same period, in 2018 was of 813 days for the administrative cases and 998 days for the fiscal cases (corresponding to an overall value of 928 days).

**Table 7 - Disposition time, by matter, 2015-2018**



*Footnotes:*

<sup>1</sup> The 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. 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 corresponds to the ratio of the total volume of cases completed over the total volume of new cases entered. Being equal to 100%, the volume of new cases was equal to the one of the completed ones, therefore, the variation of the pendency is null. If it is higher than 100%, a recovery of the pendency occurred. The higher this indicator, the greater will be the recovery of the pending in that year. If it is lower than 100%, the volume of new cases was higher than the one of the completed cases, therefore generating pendency.

<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 full year, this indicator is the multiplication by 365 (number of days in a year) 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.

*Framing notes:*

The data presented were collected from the computer system of the administrative and fiscal courts, representing the status of the cases registered in that system.

The data for 2018 are of a provisional nature and may be altered as a result of quality control and updates made to the computer system of the administrative and tax courts.

**Areas and types of procedures included in the procedural flow**

Administrative area – types of cases included: administrative action; other actions; challenge proceedings; urgent cases - pre-contract litigation; urgent cases - subpoena; urgent cases - others; precautionary procedures - contract formation; precautionary measures - others; administrative appeals; enforcements and other unspecified cases. The category "other actions" includes the common actions and the actions of recognition of rights and interests and the category "challenge proceedings" includes litigious appeals, being these species previous to the reform of 2004.

Fiscal area – types of cases included: challenges; administrative action; other actions; embargoes/opposition; incidents of fiscal enforcement; urgent cases - subpoena; urgent cases - others; precautionary measures; credit claim; administrative appeals; enforcement of judgments and other unspecified cases.

*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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Direção-Geral da Política de Justiça (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](mailto:correio@dgpj.mj.pt)  
<http://www.dgpj.mj.pt>