

QUARTERLY STATISTICAL HIGHLIGHT

Quarterly statistics on civil enforcement actions (2007-2019)

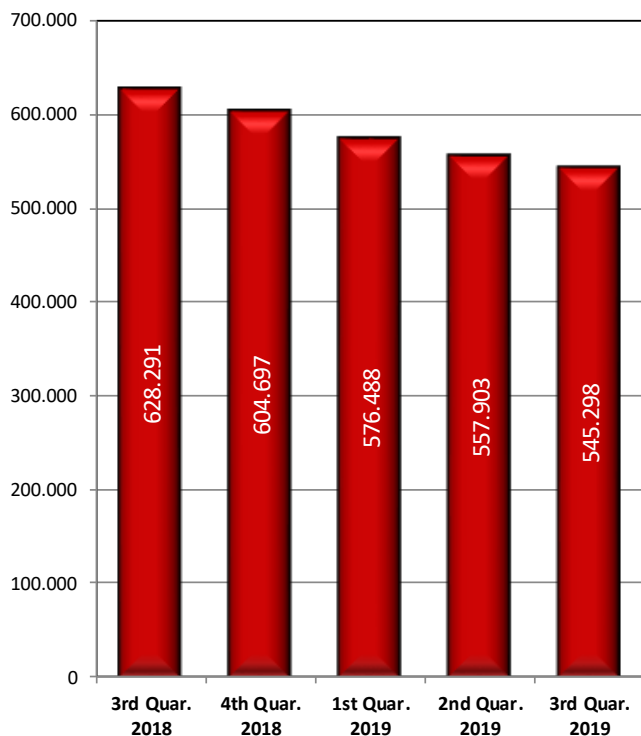
3rd Quarter 2019

The current report aims to portray the quarterly evolution of the civil enforcement actions, from 2007 to 2019.

Pending civil enforcement actions and clearance rate - Quarterly evolution¹

In the third quarter of 2019, the number of pending civil enforcement actions has decreased about 14.2% in view of the third quarter of 2018. On 30 September 2019, the number of pending civil enforcement actions was of 545.298 (table 1).

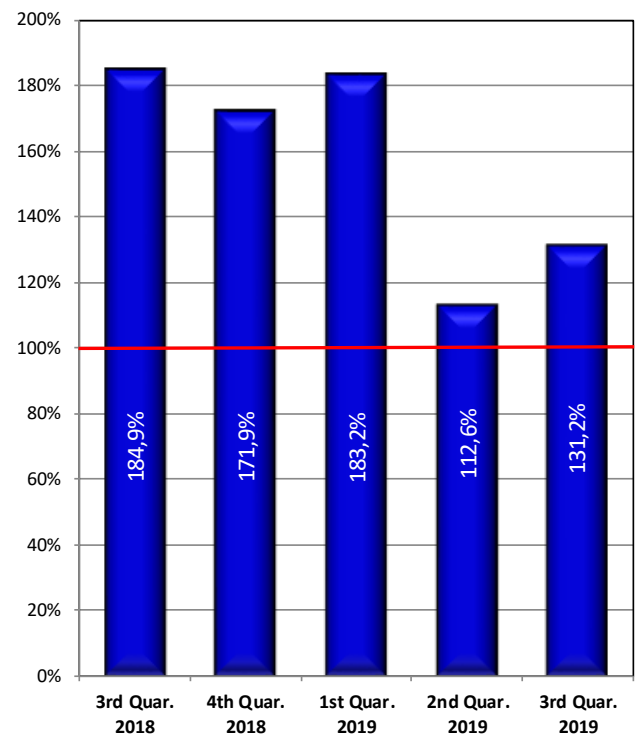
Table 1 - Pending civil enforcement actions, by quarter



The clearance rate², that measures the capacity of the system on a given moment to face the demand verified on that same moment, was of 131.2% in the third quarter of 2019. This resulted in a decrease in the

pending civil enforcement actions at the end of this quarter. The third quarter of 2019 is the 20th consecutive quarter with a clearance rate above 100% (table 2).

Table 2 - Clearance rate of civil enforcement actions, by quarter

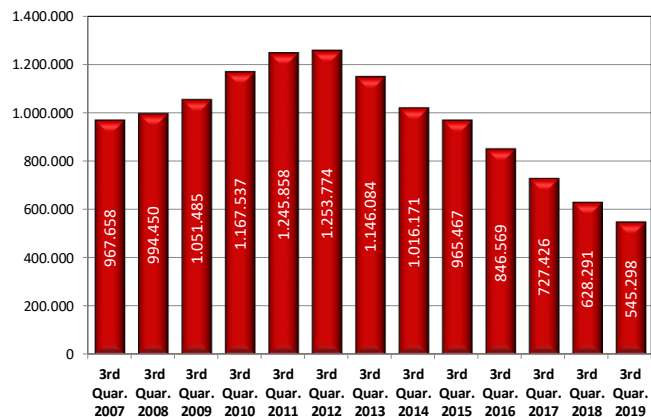


Pending civil enforcement actions, clearance rate and disposition time³ – Similar periods

Regarding the similar periods corresponding to the third quarters of the years 2007 to 2019, and notwithstanding the increase verified between the third quarter of 2007 and the third quarter of 2012, in the third quarter from 2013 to 2019 there was an accumulated decrease of 56.5% in the number of

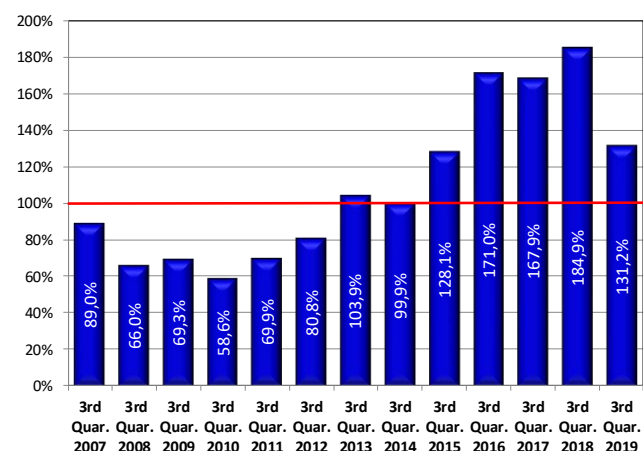
pending civil enforcement actions (decrease of 8.6% in 2013, 11.3% in 2014, 5.0% in 2015, 12.3% in 2016, 14.1% in 2017, 13.6% in 2018 and 13.2% in 2019), in view of the third quarter of 2012 (**table 3**).

Table 3 - Pending civil enforcement actions, 3rd quarter



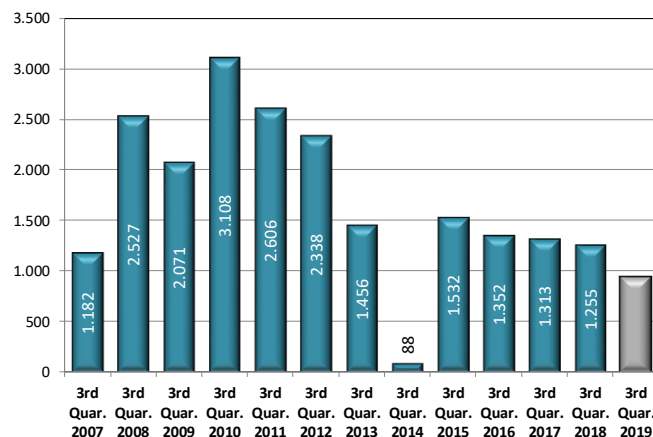
The clearance rate was, in the third quarter of 2019, of 131.2%, an increase of 72.6% in view of the minimum value of 58.6% registered in the third quarter of 2010. Considering the previous similar periods, corresponding to the third quarter of each year under analysis, the value registered in the third quarter of 2019 is the fifth consecutive value of clearance rate above 100% (**table 4**).

Table 4 - Clearance rate of civil enforcement actions, 3rd quarter



The calculation of the disposition time, in the third quarter of 2019, was affected by the unusual high number of completed cases in this quarter, as a result of internal transfers resulting from the application of Decree-Law 38/2019, of 18 March, which proceeds to a reorganization of the courts of first instance (**table 5**).

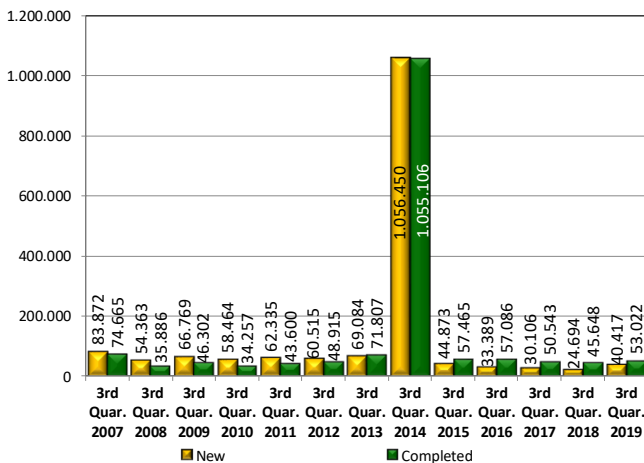
Table 5 - Disposition time (in days) of civil enforcement actions in the 3rd quarter



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

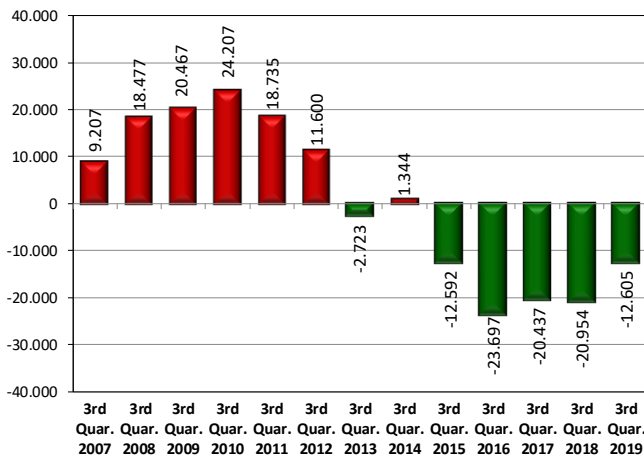
In the third quarter of 2019, the number of new and completed cases was relatively high, as a result of the application of the said legal diploma, which proceeds to a reorganization of the courts of first instance. Note that in the third quarter of 2014, the number of new and completed civil enforcement actions was unusually high, as a result of internal transfers resulting from the application of Decree-Law 38/2019, of 18 March, which proceeds to a reorganization of the courts of first instance. Nevertheless, in the third quarter of 2019, the number of completed civil enforcement actions was considerably higher than the number of new civil enforcement actions⁴ (**table 6**).

Table 6 - New and completed civil enforcement actions, 3rd quarter



The procedural balance⁵ (table 7) in the third quarter of 2019 was quite favourable and amounted to 12,605 less cases. This balance justifies the decrease in the pendency, representing the fifth consecutive similar quarter with a positive evolution.

Table 7 - Procedural balance of completed civil enforcement actions, 3rd quarter

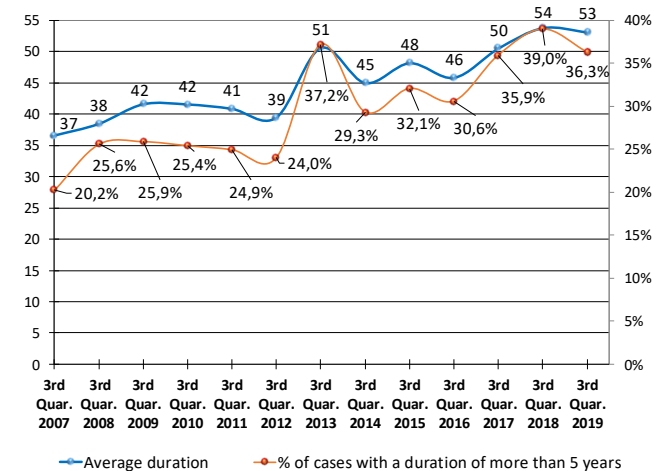


Average duration⁶ of the completed civil enforcement actions – Similar periods

Regarding the average duration of the completed civil enforcement actions between the third quarter of 2007 and the third quarter of 2019, it is possible to verify that the value ranged between 37 and 54 months (table 8). In view of the third quarter of 2007, in the third quarter of 2019 there was an increase of 17 months in the average duration of the

completed civil enforcement actions. Considering the similar period corresponding to the third quarter of 2018, in the third quarter of 2019 there was an increase 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 third quarter of 2007 and the third quarter of 2019 is accompanied by a considerable increase in the percentage of older completed cases in those quarters. In view of the minimum value in the similar period of 2007, in the third quarter of 2019, the proportion of completed cases that had been waiting for completion for more than 5 years (60 months) increased by 16.0 percentage points. Its percentage of the total of cases increased from 20.2% in the third quarter of 2007 to 36.3% in the third quarter of 2019.

Table 8 - Average duration (in months) of completed civil enforcement



Civil enforcement actions pending at the courts of third 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 point of view, the figures presented in this statistical highlight concern, for the time being, only the total amount of civil enforcement actions, including cases that are not waiting for the practice of any act by the court⁷.

¹ 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.

² 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.

³ 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.

⁴ In the third quarters of 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 were registered, in the legal model in force until 1 September 2013, respectively, 83.872, 54.363, 66.769, 58.464, 62.335, 60.515, 69.084, 1.056.450, 44.873, 33.389, 30.106, 24.694, 40.417 new civil enforcement actions and, also respectively, 74.665, 35.886, 46.302, 34.257, 43.600, 48.915, 71.807, 1.055.106, 57.465, 57.086, 50.543, 45.648 and 53.022 completed civil enforcement actions. However, from these totals, only 47.077, 53.461, 61.077, 57.665, 61.413, 59.206, 68.376, 52.292, 42.122, 30.684, 28.498, 22.960 and 22.815 new civil enforcement actions and 37.870, 34.984, 40.610, 33.458, 42.678, 47.606, 71.099, 50.948, 54.714, 54.381, 48.935, 43.914 and 35.420 completed civil enforcement actions correspond to actual movements of beginning and end of the cases. The remaining 36.795, 902, 5.692, 799, 922, 1.309, 708, 1.004.158, 2.751, 2.705, 1.608, 1.734 and 17.602 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.

⁵ 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.

⁶ 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.

⁷ Following the changes made to the system of the procedure in the courts of first instance to implement the aforementioned legal provision, in October 2017, work is underway to implement it within the framework of the official Justice statistics, including monitoring data quality. 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

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:

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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