

QUARTERLY STATISTICAL HIGHLIGHT

QUARTERLY STATISTICS ON CIVIL ENFORCEMENT ACTIONS (2007-2020)



Pending civil enforcement actions and clearance rate – Quarterly evolution¹

In the third quarter of 2020, the number of pending civil enforcement actions has decreased about 12.6% when compared to the third quarter of 2019. On 30 September 2020, the number of pending civil enforcement actions was 472.359 (table 1).

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 166.6% in the third quarter of 2020, resulting in a decrease in the pendency in this quarter. The third quarter of 2020 is

the 24th consecutive quarter with a clearance rate higher than 100% (table 2).

Table 1 - Pending civil enforcement actions, per quarter

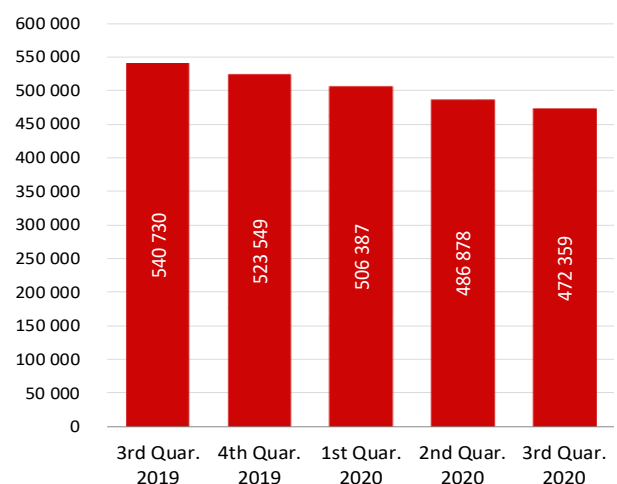
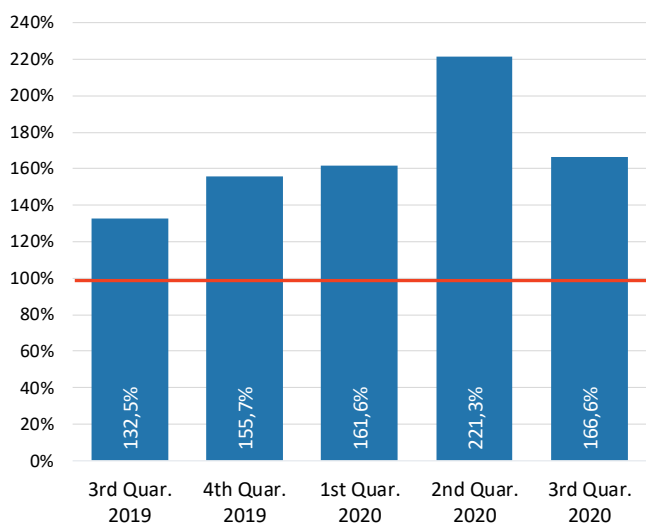
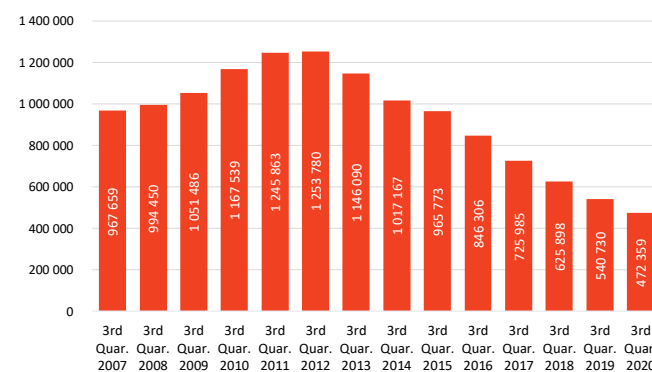


Table 2 - Clearance rate of the civil enforcement actions, per quarter



Considering the similar periods corresponding to the third quarter of each year under analysis, the value registered in the third quarter of 2020 is the sixth consecutive value where the clearance rate has been higher than 100% (table 4).

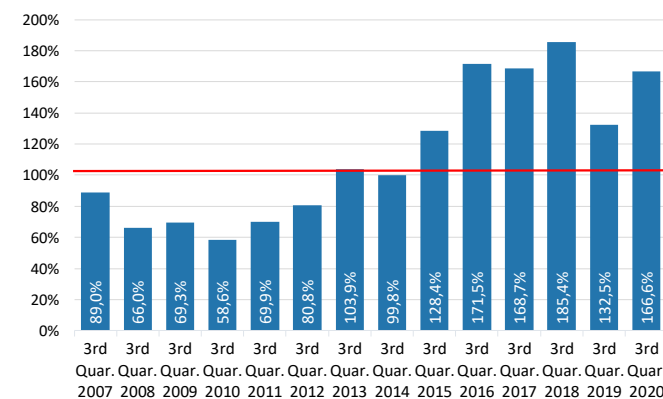
Table 3 - Pending civil enforcement actions, 3rd quarter



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

Regarding the similar periods corresponding to the second quarters of the years 2007 to 2020 and notwithstanding the increase verified between the second quarter of 2007 and the second quarter of 2012, in the second quarters of 2013 to 2020 there was an accumulated decrease of 62.3% in the number of pending civil enforcement actions (a decrease of 8.6% in 2013, 11.2% in 2014, 5.1% in 2015, 12.4% in 2016, 14.2% in 2017, 13.8% in 2018, 13.6% in 2019 and 12.6% in 2020), when compared to the third quarter of 2012 (table 3).

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



In the third quarter of 2020, the clearance rate was 219,7%, with an increase of 108.0 percentage points compared to the minimum value of 58.6% recorded in the third quarter of 2010.

The calculus of the disposition time in the third quarter of 2019 was affected by the unusually high number of cases completed in that quarter, as a result of the internal transfers resulting from the application of the Decree-Law 38/2019, of 18 March, which has reorganised the first instance courts. In the third quarter of 2020, the disposition time was of 1.186 days (table 5).

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

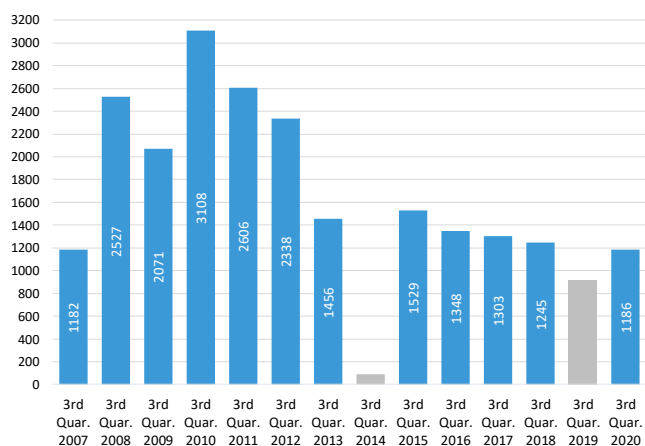
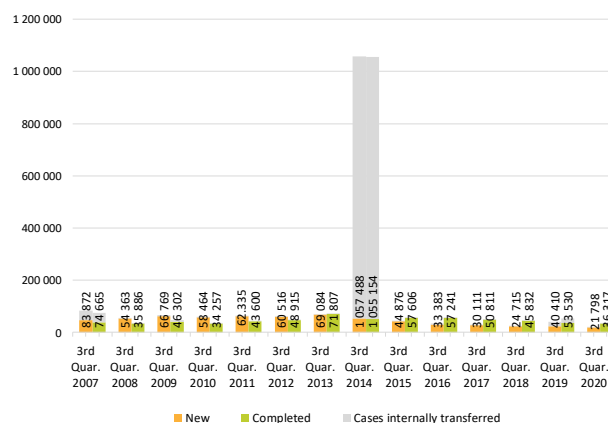


Table 6 - New and completed civil enforcement actions, 3rd quarter

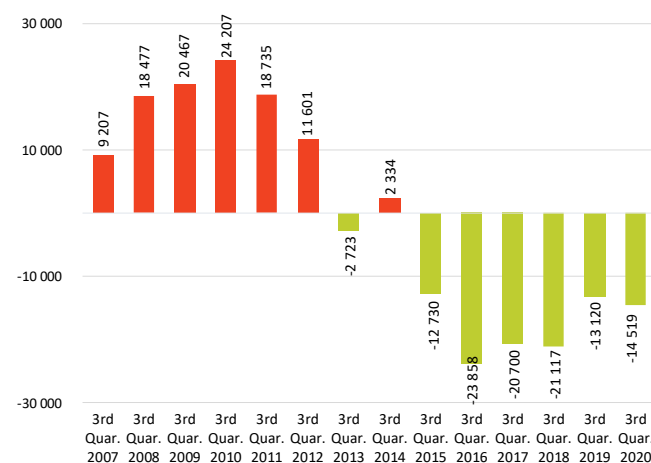


New and completed civil enforcement actions and procedural balance – Similar periods

In the third quarter of 2019, the number of new and completed civil enforcement actions has been unusually high, as a result of the application of the aforesaid diploma, which has reorganised the first instance courts. It should be noted 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 Law No. 62/2013, of 26 August (Law of the Organization of the Judiciary System). In the third quarter of 2020, the number of completed civil enforcement actions has been higher than the number of new civil enforcement actions⁴ (table 6)

The procedural balance⁵ (table 7), in the third quarter of 2020 was positive, corresponding to 14.519 less cases. This balance justifies the decrease in the pendency, and is the sixth consecutive similar quarter recording a favourable evolution.

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



Average duration⁶ of completed civil enforcement actions – Similar periods

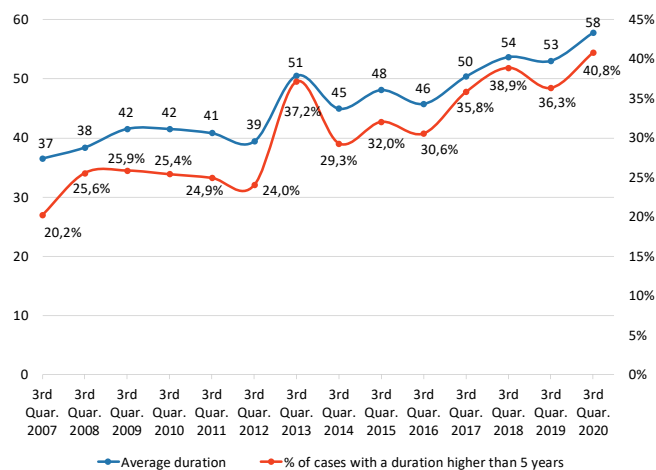
Regarding the average duration of the civil enforcement actions completed between the third quarter of 2007 and the third quarter of 2020, it is possible to verify that the value has ranged between 37 and 58 months (table 8). In the third quarter of 2020, when compared to the third quarter of 2019, there was an increase of 5 months in the average

duration of the completed civil enforcement actions. Compared to the third quarter of 2007, there was an increase of 21 months in the average duration of completed civil enforcement actions in the third quarter of 2020. Considering the similar period, corresponding to the third quarter of 2019, in the second quarter of 2020 there was an increase of 5 months in the average duration of the completed civil enforcement actions. The increase of the average duration of completed cases between the third quarter of 2019 and the third quarter of 2020 is followed by an increase in the percentage of the older cases that were completed in those quarters. When compared to the minimum value registered in the similar period of 2007, in the third quarter of 2020, the ratio of completed cases that were awaiting a final decision for more than 5 years (60 months) has increased 20,6 percentage points. In relation to the overall total, this percentage has increased, going from 20,2% in the third quarter of 2007, to 40,8% in the third quarter of 2020.

Pending civil enforcement actions in the first instance courts (quarterly evolution)

Article 551(5) of the Civil Procedure Code, approved by the Law 41/2013, of 26 June, sets forth that the enforcement procedure takes place in court when the law requires or indicates that the court registry or the judge should take action within their competence and until they do so. As such, the enforcement procedure must not be considered as pending in court under any other circumstance. In this perspective, data given in this statistical highlight refer just to the total of civil enforcement actions, and include those cases that are not awaiting the practice of any act by the court⁷.

Table 8 - Average duration (in months) of the civil enforcement actions, 3rd quarter



Footnotes

¹ 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 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. In the case of pending civil enforcement actions in particular, and according to the legal model in force until 1 September 2013, where the new Civil Procedure Code entered in force, the cases rather than awaiting the practice of acts by the courts, may be waiting for acts to be carried out by external entities, public or private, as well as the practice of acts by the enforcement agents. A pending case is not necessarily a delayed case, as it may be a case that is running within the legal timeframes.

² The clearance rate corresponds to the ratio of the total volume of completed cases over the total volume of new cases. If equal to 100% the volume of new cases is equal to the completed ones, being the variation of the pendency zero. If greater than 100%, there is a recovery in the pendency. The higher this indicator is the higher the recovery in the pendency in that year. If less than 100%, the volume of new cases is 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 cases that are pending at the end of a particular period based on the rate of work done in the same time period, i.e., the number of completed cases in this period. Applied to a quarter, this indicator multiplies by 91.25 (average number of days in a quarter) 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 the years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020 were registered, respectively, in the legal model in force until 1 September, 83.872, 54.363, 66.769, 58.464, 62.335, 60.516, 69.084, 1.057.488, 44.876, 33.383, 30.111, 24.715, 40.410 and 21.798 new civil enforcement actions and also respectively, 74.665, 35.886, 46.302, 34.257, 43.600, 48.915, 71.807, 1.055.154, 57.606, 57.241, 50.811, 45.832, 53.530 and 36.317 completed civil enforcement actions. However, from these totals only 47.077, 53.461, 61.077, 57.665, 61.413, 59.207, 68.376, 53.329, 42.125, 30.681, 28.503, 22.980, 22.802 and 19.913 new civil enforcement actions and 37.870, 34.984, 40.610, 33.458, 42.678, 47.606, 71.099, 50.995, 54.855, 54.539, 49.203, 44.097, 35.922 and 34.432 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, 1.004.159, 2.751, 2.702, 1.608, 1.735, 17.608 and 1.885 cases do not correspond to new civil enforcement actions or to civil enforcement actions that have been completed. These numbers on new and completed cases refer to the total of civil enforcement actions that have run internally between organic units/courts. They are not thus cases that have re-entered the Portuguese courts but cases that were completed in the organic unit/court from where they left and that have entered the organic units/courts to which they were transferred.

⁵ The procedural balance corresponds to the difference between new and completed cases. If positive, there is an increase in the pendency. If negative, there is a decrease in the pendency.

⁶ The average duration of a completed enforcement case in court, according to the legal model in force until 1 September 2013, 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.

⁷ Following the changes introduced in the processing system of the first instance courts on the implementation of the aforementioned legal provision in October 2017, the works necessary for its implementation in the scope of the Justice official statistics, including the monitoring of data quality are being carried out. These works will enable us to portray, in this context, the evolution of the civil enforcement actions in the first instance courts.

Framework note – 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. In the new and completed cases are included those that were transferred between organic units as a result of extinction and creation of new courts or 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 (SEN), particularly with regard to the delegation of powers of the National Statistical Institute (INE), in other entities.

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

**Directorate-General for Justice
Policy**

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