

JUSTICE STATISTICS – FIRST RESULTS

CASE FLOW IN THE ADMINISTRATIVE AND TAX COURTS OF 1ST INSTANCE (2015-2020)

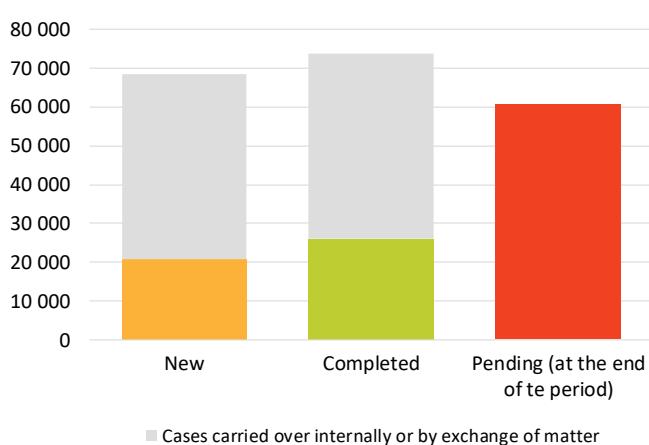


** The values presented do not include processes carried out internally between organic units or through exchange of material. For more information, see footnote 1.

1. Overall flow of new, completed¹ and pending cases

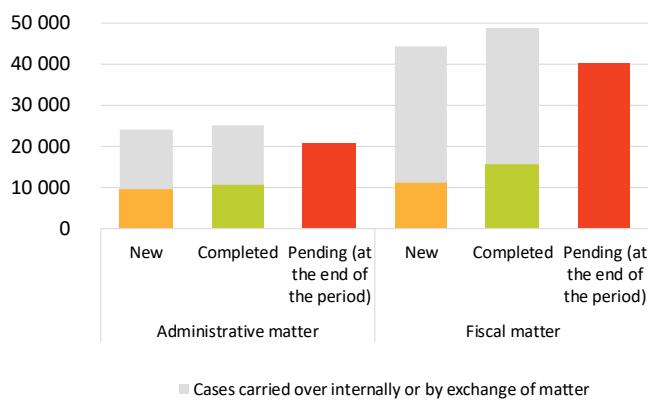
In 2020, the number of cases handled was unusually high, as a result of the installation of specialised judges in the 1st instance administrative and fiscal courts in September 2020. Not considering the cases carried forward between units due to the aforementioned reorganisation, in 2020, the total number of new cases was 20.731 and the total of completed cases was 26.144. At 31 December 2020, the number of pending cases² in these courts was 60.676 (**table 1**).

Table 1 - Overall flow of new, completed and pending cases, 2020



Following the same criteria, at the administrative level, the number of new cases was 9.542 and the number of completed cases was 10.580. At 31 December 2020, the number of pending administrative cases was 20.509. Regarding fiscal matters, the number of new cases was 11.189 and the number of completed cases was 15.564. At 31 December 2020, the number of pending fiscal cases was 40.167 (**table 2**).

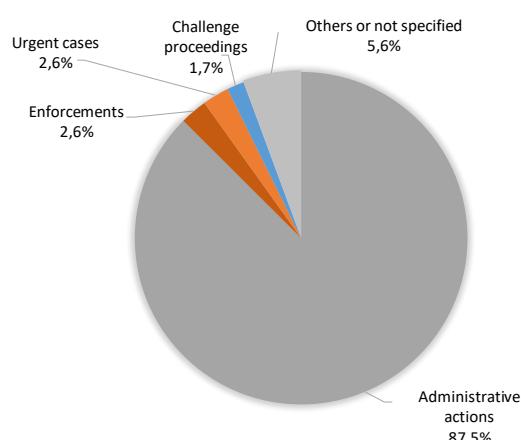
Table 2 - New, completed and pending cases, by matter, 2020



2. Most representative procedural types in administrative and fiscal matters

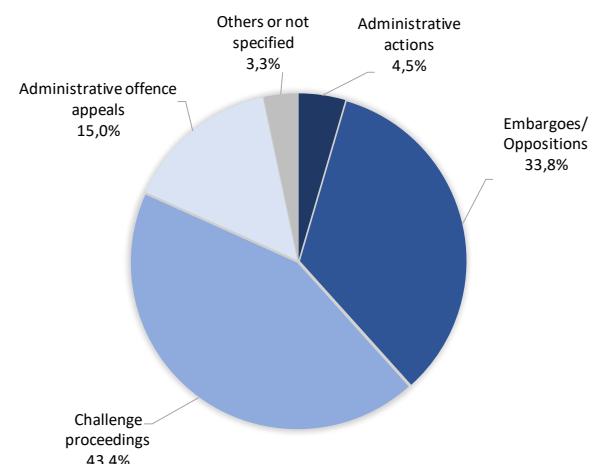
With respect to the most representative types of pending administrative cases, in 2020, it is possible to affirm that 87.5% corresponded to administrative actions, 2.6% to enforcement actions, 2.6% to urgent cases and 1.7% to precautionary proceedings (**table 3**).

Table 3 - Pending administrative cases, by type, 2020



Considering the most representative types of pending fiscal cases in 2020, it is possible to affirm that 43.4% corresponded to challenge proceedings, 33.8% to embargoes/oppositions, 15.0% to administrative appeals and 4.5 % to administrative actions (**table 4**).

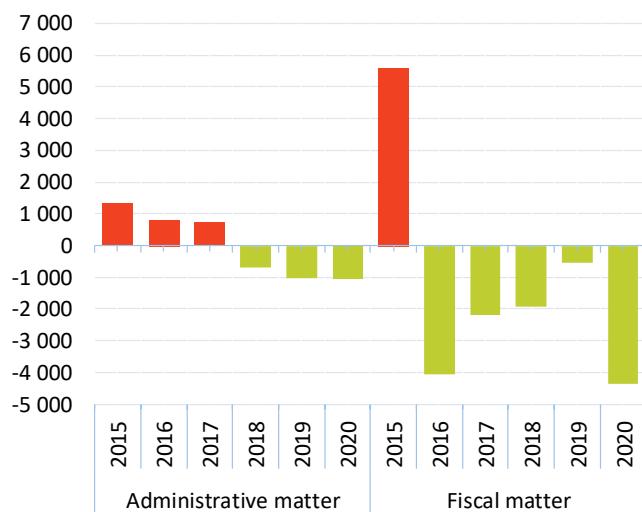
Table 4 - Pending fiscal cases, by type, 2020



3. Procedural balance, clearance rate and *disposition time*, by subject, 2015-2020

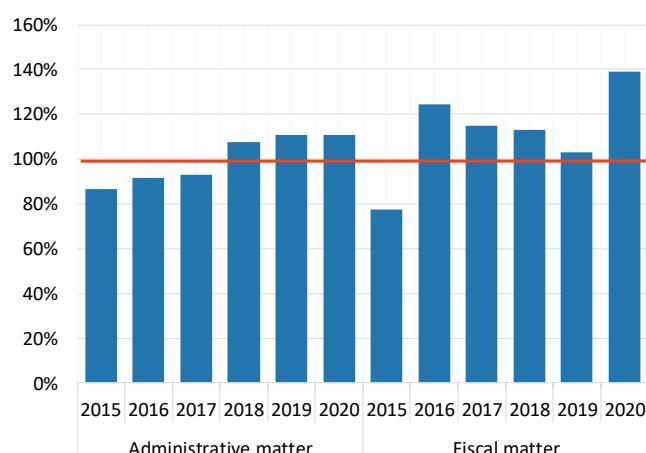
In 2020, the number of completed cases was higher than the number of new cases¹ (**table 5**). The favourable balance of 1,038 less administrative cases and 4,375 less fiscal cases (in a total of 5,413 less cases) justifies the decrease in the pendency of administrative cases of 4.8% and a decrease of 9.8% in fiscal cases, corresponding to an overall decrease in pendency of 8.2%. In 2019, the overall decrease in the pendency of 2.3% was due to the decrease of the pendency by around 4.5% in administrative cases and of around 1.2% in the fiscal cases.

Table 5 - Procedural balance (new cases - completed cases), by matter 2015-2020

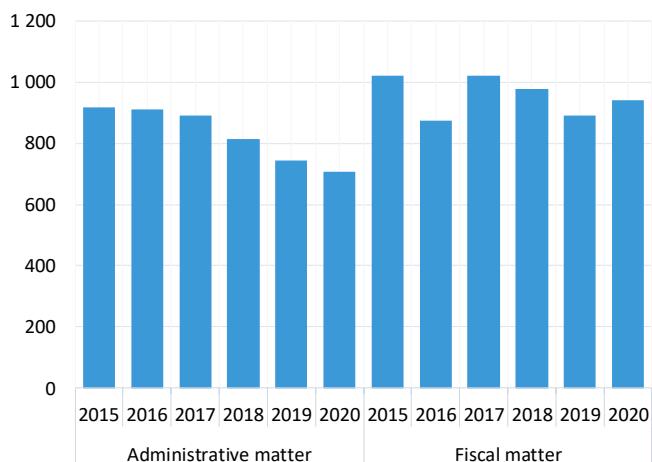
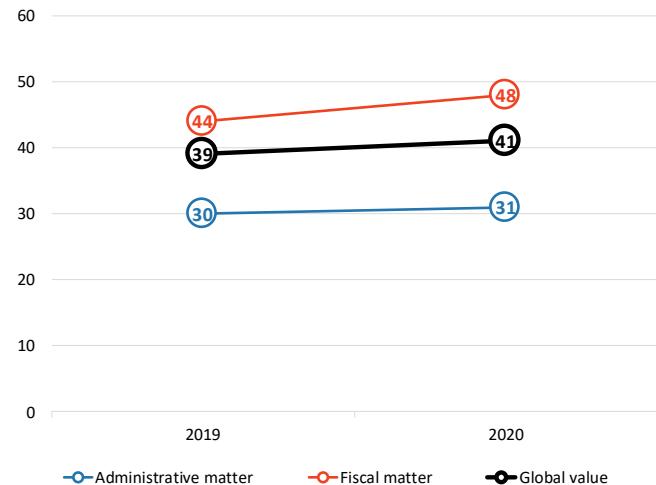


The clearance rate³ (**table 6**), which measures the capacity of the system in a given year to meet the demand during the same period, in 2020 was of 110.9% for the administrative cases and of 139.1% for the fiscal cases (corresponding to an overall value of 126.1%).

Table 6 - Clearance rate, by matter, 2015-2020



In turn, the *disposition time*⁴ (**table 7**), 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 2020 was of 707 days for the administrative cases and 941 days for the fiscal cases (corresponding to an overall value of 847 days).

Table 7 - Disposition time, by matter, 2015-2020**Table 8 - Average duration (in months) of the completed cases in the administrative and fiscal courts of 1st instance, by matter, 2019-2020**

4. Average duration of the completed cases in the administrative and fiscal courts of 1st instance, by matter, 2019-2020

The average duration⁵ of the completed cases in the administrative and fiscal courts of 1st instance increased by two months, between 2018 and 2019. In the fiscal matter, during the period in question, there was an increase from 44 to 48 months. In administrative matters, there was an increase in the average duration of the completed cases from 30 to 31 months (**table 8**).

Footnotes:

¹ In 2020 there were 68,467 new cases and 73,880 completed cases. However, of these totals, only 20,731 new cases and 26,144 completed cases corresponded to real movements of the beginning and end of cases. The remaining 47,736 cases refer to cases that were internally transferred between units, namely due to the establishment of specialised courts in September 2020, or that were subject to changes in the subject matter. These 47,736 cases were not considered in the calculation of the annual variations of new and completed cases, the clearance rate or the disposition time.

² 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, wait 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.

³ 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. The figures presented are always net, and do not include cases transferred between organic units or by exchange of subject matter. Given the high volume of cases carried forward, the figures presented herein are significantly different from those contained in the reports of the Justice Statistics Information System.

⁴ 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. The figures presented are always net, and do not include cases transferred between organic units or by exchange of subject matter. Given the high volume of cases carried forward, the figures presented herein are significantly different from those contained in the reports of the Justice Statistics Information System.

⁵ 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. The average duration of completed cases corresponds to the average duration of cases completed in the year in question, and can therefore be determined by the completion of older cases.

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 2020 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 fiscal 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:

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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