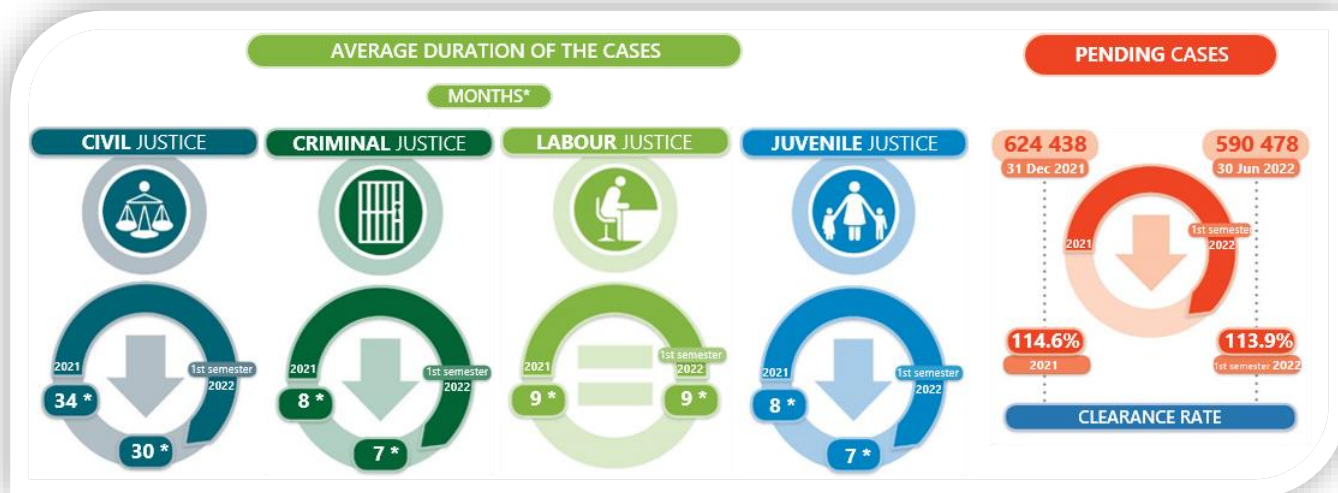


ANNUAL STATISTICAL HIGHLIGHT – 2021

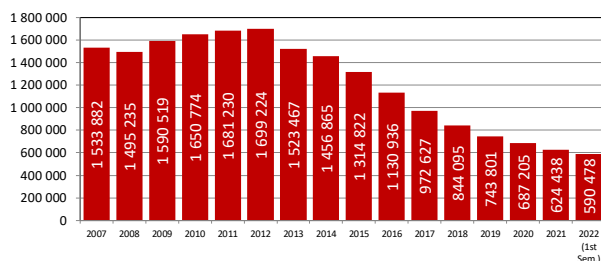
SOME STATISTICAL INDICATORS ON THE CASES IN THE COURTS OF FIRST INSTANCE, 2007-2021^{1, 2}



1. Pending cases³ in the courts of first instance

Data on pending cases at the end of each year show strong declines of less than 5.4% between the end of 2021 and the end of the first semester of 2022 and 65.3% less between the end of 2012 and the end of the first semester of 2022 (**table 1**).

Table 1 - Pending cases as of 31 December at the 1st instance courts, 2007-2022 (1st semester)

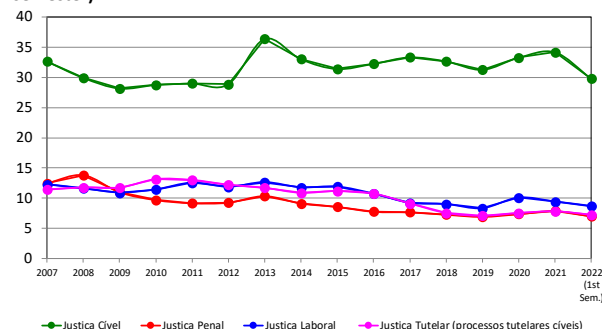


2. Average duration of completed⁴ cases in the courts of first instance

The average duration of the completed cases between 2007 and the first semester of 2022 (**table 2**) decreased, in Civil Justice, from 34 to 30 months. Criminal Justice⁵ ended this period with

an average duration of 5 months lower than initially recorded, with an average of 7 months for the completed cases in the first semester of 2022. Labour Justice⁶ presented in the first semester of 2022 a value of 9 months for the average duration of the completed cases, 3 months below the figure recorded in 2007. In the first semester of 2020, Juvenile Justice⁷ registered an average duration of the completed cases of 7 months, 4 months below the one registered in 2007.

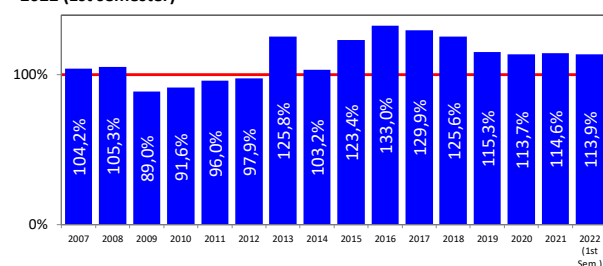
Table 2 - Average duration of completed cases at the 1st instance courts, by procedural area, 2007-2022 (1st semester)



3. Clearance rate⁸

The clearance rate was 113.9% in the first semester of 2022, with an increase of 24.7 percentage points compared to the minimum value of 89.2% recorded in 2009. Since 2013, the clearance rate values have been consecutively higher than 100% (table 3).

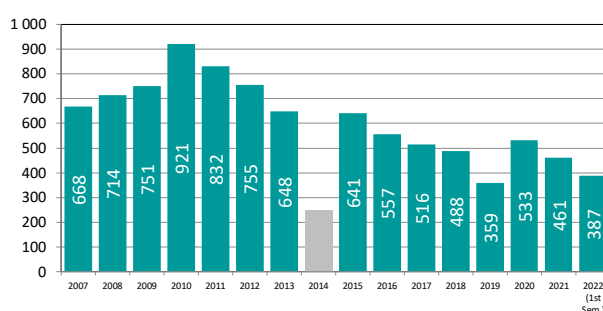
Table 3 - Clearance rate at the 1st instance courts, 2007-2022 (1st semester)



4. Disposition time⁹

In the first semester of 2022 the *disposition time* was of 387 days (or the equivalent to 1 year and 22 days), with a decrease of 59.7% compared to the maximum of 921 days (or the equivalent to 2 years, 6 months and 11 days) registered in 2010. The very low value recorded in 2014 is due to the unusually high number of completed cases this quarter, 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 years 2016 to 2020 the value of the *disposition time* was always less than 600 days (table 4).

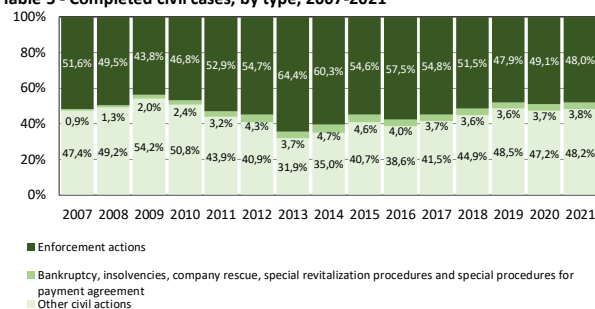
Table 4 - Disposition time at the 1st instance courts, 2007-2022 (1st semester)



5. Civil procedural area

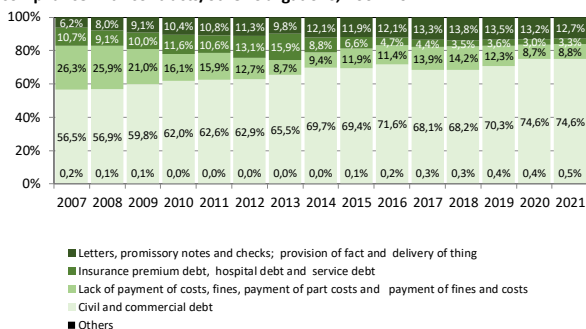
In 2021 and compared to 2020, there was a decrease in the weight of civil enforcement actions in the civil procedural area (1.1 percentage points less). This is a trend that has been observed since 2013, with the weight of this type of actions decreasing by approximately 16.4 percentage points, since then (table 5)⁸.

Table 5 - Completed civil cases, by type, 2007-2021



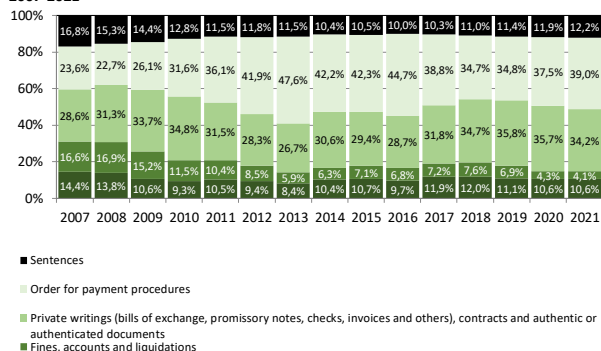
In relation to the main objects of action of the enforcement actions, civil and commercial debts are the most important type of process, rising from 56.5% in 2007 to 74.6% in 2021 (table 6).

Table 6 - Completed civil enforcement actions related to compliance with contracts/other obligations, 2007-2021



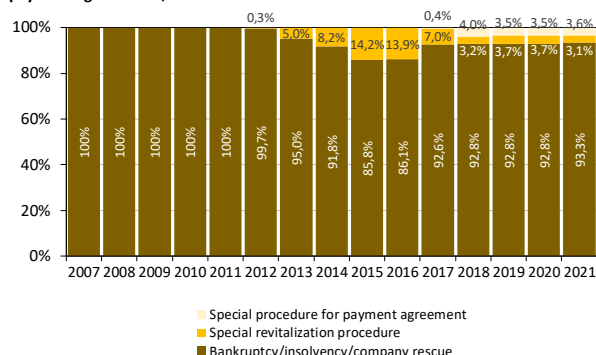
Regarding the enforcement title, the increase in the weight of injunction requirements from 2007 to 2021 rose from 23.6% of the total number of completed enforcement actions in 2007 to 39.0% in 2021 (table 7).

Table 7 - Completed civil enforcement actions, by enforcement order, 2007-2021



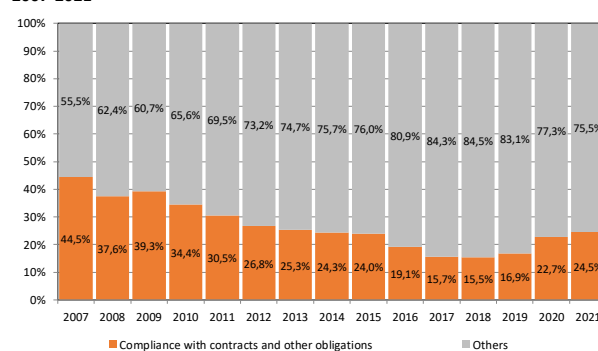
With regard to the number of bankruptcies, insolvencies, company recovery, special revitalization cases and special payment settlement procedures concluded in the lower courts (table 8)¹⁰, the distribution of its weight in 2021 was the following: 93.3% for bankruptcy, insolvency, company recovery, 3.1% for special payment settlement processes.

Table 8 - Completed bankruptcy, insolvency and company rescue cases, special revitalization procedures and special procedures for payment agreements, 2007-2021



In the set of the declaratory actions, the actions for compliance with contracts and other obligations are the ones that present the greatest weight, although this weight shows a decreasing trend over the period 2007-2018. In 2007, the actions for compliance with contracts and other obligations represented 44.5% of the total number of declaratory actions, and in 2021 this figure was of 24.5% (table 9).

Table 9 - Other completed civil actions, by subject-matter, 2007-2021



6. Criminal procedural area

The total number of completed criminal cases at the trial stage (table 10) decreased by 51.2% between 2007 and 2021. Among the completed crime cases at the trial stage, the road crimes in 2021 occupy a prominent place in the types of crime judged, with about 30.7% of the total weight (table 11).

Table 10 - Total of criminal cases completed at trial stage, 2007-2021

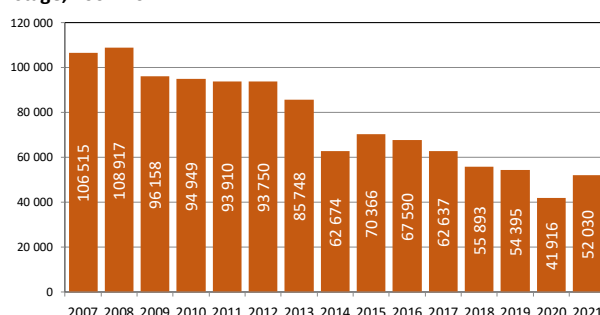
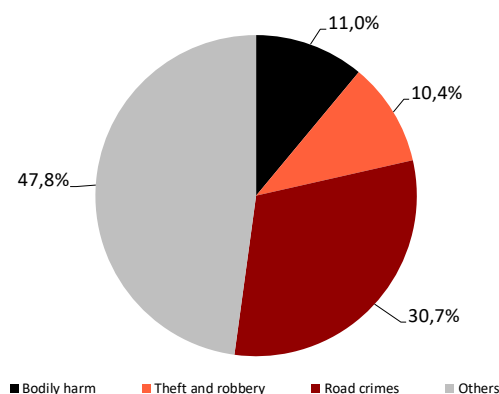


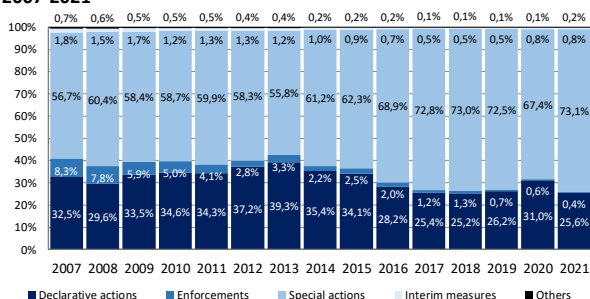
Table 11 - Criminal cases completed at trial stage, by type of crime, 2021



7. Labour procedural area

In Labour justice, regarding the completed actions in 2021, the most expressive weight lies with special labour actions, such as occupational accident or occupational disease actions, representing about 73.1% of the completed labour cases, followed by labour claims that registered a weight of approximately 25.6%. In this procedural area, since 2007, there has been a trend towards an increase in the weight of special labour actions in the total number of completed cases, to the detriment, essentially, of declarative and enforcement labour actions. In 2021 there is evidence that this trend may have resumed (**table 12**).

Table 12 - Completed labour cases, by type of action, 2007-2021

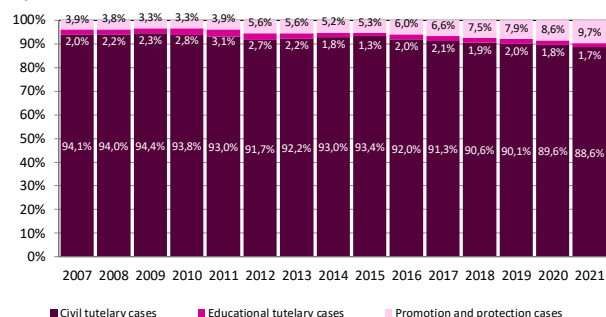


8. Juvenile procedural area

In turn, completed civil tutorial cases in 2021 are clearly the type of case with the highest weight of around 88.6% of the total, followed by the promotion and protection cases with around 9.7%. In this procedural area, since 2007, there has been a trend towards a decrease in the weight of civil tutorial cases in the total number of completed

cases, in contrast to the promotion and protection cases. In 2021, and compared to 2020, this phenomenon continued to be observed (**table 13**).

Table 13 - Completed juvenile cases, by type of action, 2007-2021



Foot notes:

¹ The results presented do not include the courts for the enforcement of sentences (see Framing notes) and, with respect to the enforcement action, follow the legal model in force until September 1, 2013, when the new Code of Civil Procedure came into force, approved by Law no. 41/2013, of June 26. Pursuant to Article 551 (5) of this Code, the enforcement process runs in court when the practice of an act of the jurisdiction of the court or of the judge is requested or derived from the law and until it is practiced. Accordingly, the enforcement proceedings should not therefore be considered pending in court in other circumstances. However, since it was not yet possible to conclude and validate the technical developments necessary for the implementation of this legal provision in the computer system of support for the procedural processing of first instance judicial courts (CITIUS), the results continue to be presented according to the previous model.

² Available on 28 October 2022.

³ 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. In particular, in the case of pending civil enforcement actions, in the legal model in effect until 1 September 2013, the date on which the new Civil Procedure Code came into force, the proceedings may not be waiting for the acts of the courts, but rather, awaiting 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 arrears, examples of which are the cases being handled within the legal deadlines.

⁴ Completed case – any case in which a final decision is rendered, in the form of a judgment, sentence or order, in the respective instance, regardless of *res judicata*. The completed cases do not include cases carried over, joined, incorporated or integrated and sent to another entity.

⁵ Where the categories are classified: "criminal proceedings at the trial stage", "administrative offenses / transgressions" and "others".

⁶ Where criminal proceedings are excluded.

⁷ Where only civil juvenile cases are included.

⁸ 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.

⁹ 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. If the period consists of a semester, the multiplication must be done by 182.5 (number of days in a semester).

¹⁰ In the characterization of the completed cases, starting in 2012, the category corresponding to bankruptcy, insolvency and company recovery cases will include special cases of revitalization and as of 2017, it includes the special cases for payment agreements.

Framework note:

From 2007, the statistical data related to the cases in the first instance courts are directly gathered from the courts' computer system, representing the procedural situation of the cases that are recorded in this system.

The 2019 data regarding the case flow have now been updated, confirming the trends and conclusions reached in the previous report.

Data for 2019 may be subject to changes as a result of quality control and updates to the courts' computer system.

Areas and types of procedures included in the procedural flow

Civil procedural area – types of cases included: declarative action; civil enforcement actions; special actions; orders for payment proceedings and other cases.

Criminal procedural area – types of cases included: criminal procedures (trial); misdemeanours; judicial decisions on administrative offences; enforcement of sanctions; other procedures/proceedings; the criminal cases that are strictly military are also comprised in this procedural area.

Juvenile procedural area – types of cases included: civil juvenile cases; promotion and protection cases; tutorial educational cases.

Labour procedural area – types of cases included: declarative actions; enforcement actions; special actions; orders for payment proceedings and other cases, administrative offences and misdemeanours.

Failure to include the data of the courts for the enforcement of sentences in the results disclosed on the movement of cases in the courts of first instance

As part of the verification and correction procedures carried out by the Directorate General for Justice Policy on the information received from the courts' computer system, marked discrepancies were detected in 2010, in the courts for the enforcement of sentences, whose overriding was not possible until at the closing date of the determination of the results of the courts of first instance. Based on the procedural movement of 2009, it is estimated that the missing information represents about 3% of total cases filed, 4% of total cases closed and 1% of total pending cases. In order to ensure comparability between the results of 2021 and the results of the other years considered, it was decided not to include this type of case in the analysis presented in this document.

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 Justice area.

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.

**Directorate-General for Justice
Policy**

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