

## QUARTERLY STATISTICAL HIGHLIGHT | N. 112 | APRIL 2023

### QUARTERLY STATISTICS ON CIVIL ENFORCEMENT ACTIONS (2007 – 2022)



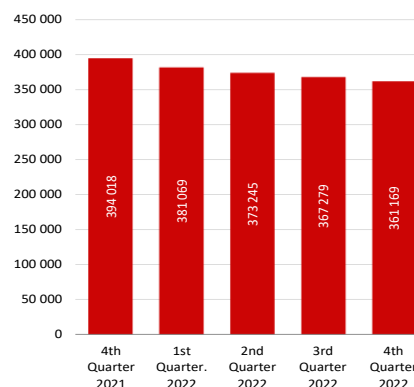
#### Pending civil enforcement actions and clearance rate – Quarterly evolution<sup>1</sup>

In the fourth quarter of 2022, the number of pending civil enforcement actions has decreased 8,3% when compared to the end of the fourth quarter of 2021. On 31 September 2022, the number of pending civil enforcement actions was 361.169 (table 1).

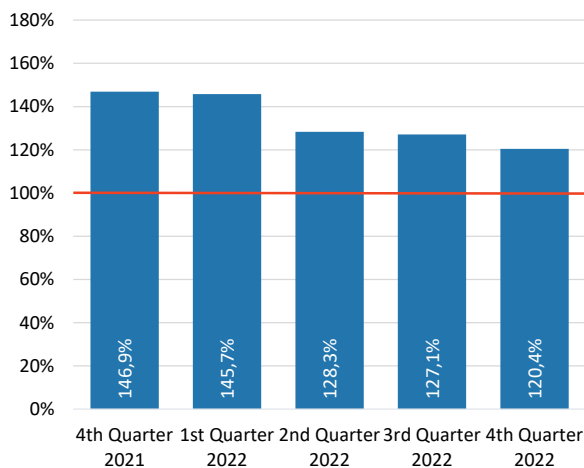
The clearance rate<sup>2</sup>, that measures the capacity of the system on a given moment to face the demand verified on that same moment, was 120,4%, in the fourth quarter of 2022. This resulted in a decrease

in the pendency in this quarter. The fourth quarter of 2022 is the 33rd consecutive quarter with a clearance rate higher than 100% (table 2).

Table 1 - Pending civil enforcement actions, per quarter



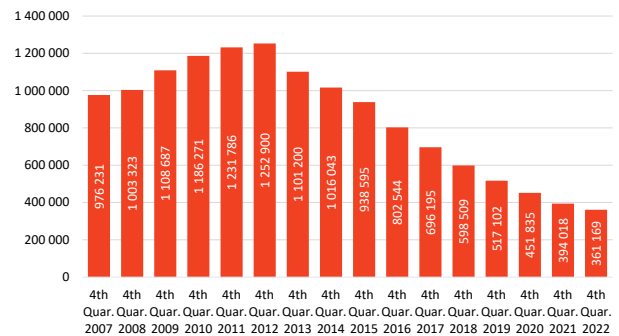
**Table 2 - Clearance rate of the civil enforcement actions, per consecutive quarters**



**Pending civil enforcement actions, clearance rate and disposition time<sup>34</sup> – Similar periods**

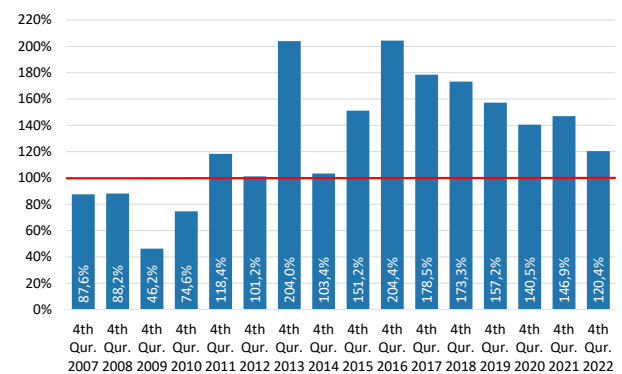
Regarding the similar periods corresponding to the fourth quarters of the years 2007 to 2022 and notwithstanding the increase verified between the fourth quarter of 2007 and the fourth quarter of 2012, in the fourth quarters of 2013 to 2022 there was an accumulated decrease of 71,2% in the number of pending civil enforcement actions (a decrease of 12,1% in 2013, of 7,7% in 2014, of 7,6% in 2015, of 14,5% in 2016, of 13,3% in 2017, of 14,0% in 2018, of 13,6% in 2019, of 12,6% in 2020, of 12,8% in 2021 and of 8,3% in 2022), when compared to the fourth quarter of 2012 (table 3).

**Table 3 - Pending civil enforcement actions, 4th quarter**



In the fourth quarter of 2022, the clearance rate was 120,4%, an increase of 74,2 percentage points when compared to the minimum value of 46,2% registered in the fourth quarter of 2009. Considering the similar periods corresponding to the fourth quarter of each year under analysis, the value registered in the fourth quarter of 2022 is the twelfth consecutive value where the clearance rate has been higher than 100% (table 4).

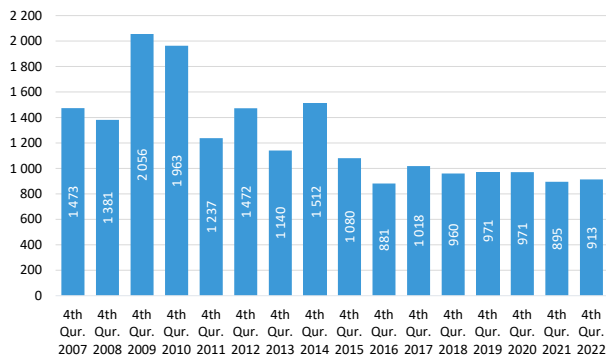
**Table 4 - Clearance rate of the civil enforcement actions, 4th quarter**



The disposition time, in the fourth quarter of 2022, was of 913 days, an increase when compared to the value recorded in the fourth quarter of 2021. Compared to the maximum value recorded in the

fourth quarter of 2009, the value recorded in the fourth quarter of 2022 is the third lowest value of the disposition time (table 5).

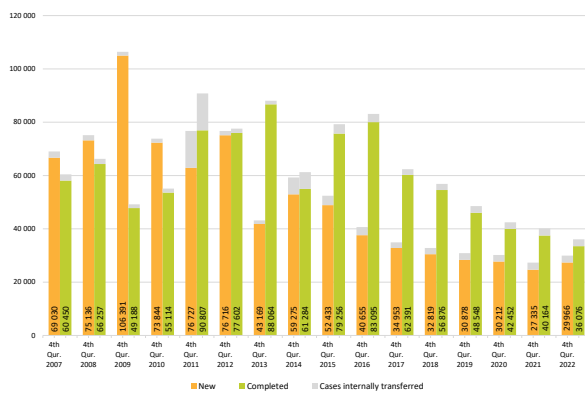
Table 5 - Disposition time (in days) of the civil enforcement actions, 4th quarter



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

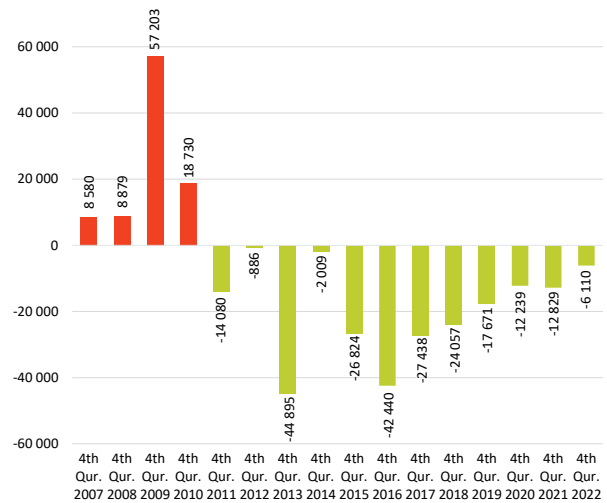
In the fourth quarter of 2022, the number of completed civil enforcement actions was higher than the number of new civil enforcement actions<sup>5</sup> (table 6).

Table 6 - New and completed civil enforcement actions, 4th quarter



The procedural balance<sup>6</sup> (table 7), in the fourth quarter of 2022 was positive, corresponding to less than 6.110 cases. This balance justifies the decrease in the pendency and is the twelfth consecutive similar quarter recording a favourable evolution.

Table 7 - Procedural balance of the civil enforcement actions, 4th quarter

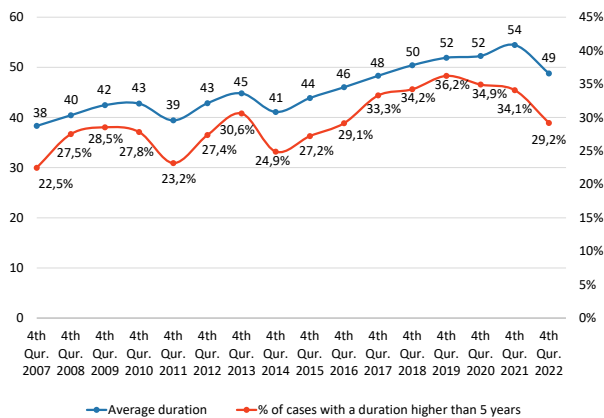


**Average duration<sup>7</sup> of completed civil enforcement actions – Similar periods**

Regarding the average duration of the civil enforcement actions completed between the fourth quarter of 2007 and the fourth quarter of 2022, it is possible to observe that the value has ranged between 38 and 54 months (table 8). In the fourth quarter of 2022, when compared to the fourth quarter of 2007, there was an increase of 11 months in the average duration of the completed civil enforcement actions. Considering the similar period, corresponding to the fourth quarter of 2021, in the fourth quarter of

2022 there was a decrease of 5 months in the average duration of the completed civil enforcement actions. The increase of the average duration of completed cases between the fourth quarter of 2014 and the fourth quarter of 2022 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 fourth quarter of 2022, the ratio of completed cases that were awaiting a final decision for more than 5 years (60 months) has increased 6,7 percentage points. In relation to the overall total, this percentage has increased, going from 22,5% in the fourth quarter of 2007, to 29,2% in the fourth quarter of 2022.

**Table 8 - Average duration (in months) of the civil enforcement actions, 4th quarter**



### 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 court<sup>8</sup>.

## Footnotes

<sup>1</sup> 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 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> As the indicators are calculated based on the number of new and completed cases, the clearance rate and the disposition time of the periods in which internal transfers occur between organic units/courts may be affected and should therefore be interpreted accordingly.

<sup>5</sup> In the fourth quarters of the years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022 were registered, respectively, in the legal model in force until 1 September 2013, 69.030, 75.136, 106.391, 73.844, 76.727, 76.716, 43.169, 59.275, 52.432, 40.655, 34.953, 32.819, 30.877, 30.213, 27.335 and 29.966 new civil enforcement actions and also respectively, 60.450, 66.257, 49.188, 55.114, 90.807, 77.602, 88.064, 61.284, 79.256, 83.095, 62.391, 56.876, 48.548, 42.452, 40.164 and 36.076 completed civil enforcement actions. However, from these totals only 66.691, 73.199, 105.010, 72.336, 62.899, 75.109, 41.838, 52.965, 48.905, 37.610, 32.825, 30.495, 28.371, 27.754, 24.690 and 27.389 new civil enforcement actions and 58.111, 64.320, 47.807, 53.606, 76.979, 75.995, 86.733, 54.974, 75.729, 80.050, 60.263, 54.552, 46.042, 39.993, 37.519 and 33.499 completed civil enforcement actions correspond to actual movements of beginning and end of the cases. The remaining 2.339, 1.937, 1.381, 1.508, 13.828, 1.607, 1.331, 6.310, 3.527, 3.045, 2.128, 2.324, 2.506, 2.459, 2.645 and 2.577 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.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.

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