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Meeting: 1259 meeting (7-9 June 2016) (DH)

Item reference: Action plan (07/04/2016)

Communication from Portugal concerning the Oliveira Modesto group of cases against Portugal (Application No. 34422/97)

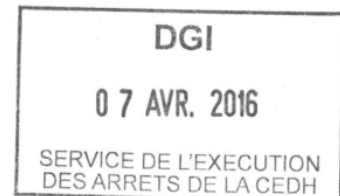
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Réunion : 1259 réunion (7-9 juin 2016) (DH)

Référence du point : Plan d'action

Communication du Portugal concernant le groupe d'affaires Oliveira Modesto contre Portugal (Requête n° 34422/97) (*anglais uniquement*)



GROUP OLIVEIRA MODESTO (judgments against Portugal for excessive length of proceedings, discriminated in the attached table)

CONSOLIDATED PLAN OF ACTION

I – Description of the breach

The Court stated in its judgments on the complaints indicated in the above table that the duration of the internal procedures to which they refer had exceeded a reasonable duration, thus declaring the breach of Article 6, §1 of the Convention.

At the time, the Court did not consider efficient and effective the resort to an internal appeal - administrative action tort against the State – case law recently abandoned due to the judgment in the case *Valada Neves v. Portugal*, on 29 October 2015, which meanwhile became definitive. According to this judgment, the complaints presented as from May 2014 will not be accepted if the applicants have not previously exhausted such internal means, in accordance with Article 35, § 1, of the Convention.

II – Individual measures (see annex 1)

a) Payment of compensations:

As was timely and casuistically stated, the sums awarded by way of just satisfaction were paid to the applicants.

Only regarding the complaint n.º 46336/09 (*Associação de Investidores do Hotel Neptuno c. Portugal*) it was not possible till now to make the payments to two of the applicants, meanwhile deceased, because it has not been possible to identify any eventual heirs.

b) Status of the internal processes

In general, the internal processes are concluded. Only in five cases, the respective proceedings are still pending (three bankruptcy actions, one enforcement action and one civil action at the stage of appeal against the final decision).

In the same table attached, are identified the processes that are still pending as well as their current status.

III – General measures

a) Publication, dissemination and translation

All judgments are published on the website of the GDDC/PGR and were reported to be disseminated by the judges of the Supreme Council for the Judiciary and of the Superior Council of Administrative and Fiscal Courts.

Some of them have been translated into Portuguese.

Several training actions for magistrates were carried out, especially in the Centre for Judicial Studies (escola de formação de magistrados) approaching the subject (length of procedures and case law of the ECHR).

b) Other measures

b)1. Legislative measures adopted to reduce the procedural pendency in the judicial courts

New Civil Procedure Code

Law No. 41/2013 of 26 June, approved the new Civil Procedure Code (CPC). Although the previous code has undergone specific changes towards the simplification and procedural streamlining, the new Code of Civil Procedure welcomes these and other important measures.

With the new code, the hearings became virtually impossible to postpone and any delay will have to be justified. Also, it become heavily penalized all acts aimed to delay the process and it is forbidden to evoke facts that have nothing to do with the action, only aiming to complicate, with no useful purpose to the final decision.

It should be recalled that when an action to collect debts is proposed, it is no longer necessary to propose another enforcement action to give effect to what the court has already decided. Moreover, the interim measures, when endowed with all the elements to render a decision do not require the filing of another action.

The entry into force of the new Civil Procedure Code, simplifying the process and rendering the intervening parties accountable as well as accelerating the process and imposing a truthful justice, involved the review of several ordinances that regulated the previous Code. Such is the case of Ordinance No. 279/2013 of 26 August, which amended the Ordinances Nos 312/2009 and 313/2009 of 30 March, and 202/2011 of 20 May, concerning, respectively, the rules applicable to the recognition of support systems to situations of over-indebtedness, to the public list of enforcements and to the times and ways of payment for services rendered by institutions. In turn, Ordinance No. 280/2013, also of 26 August, came to regulate various aspects of the electronic conduct of judicial proceedings in accordance with the new Code, and Ordinance No. 282/2013 of 29 August, regulates various aspects of civil enforcement actions, taking into account the new CPC.

Pre-Enforcement Extrajudicial Procedure

Law No. 32/2014 of 30 May, approved the pre-enforcement extrajudicial procedure. The pre-enforcement extrajudicial procedure is optional and allows the creditor with a suitable enforcement order for this purpose and through the enforcement agent, to consult the various databases in identical terms to those that occur regarding the enforcement action so as to ascertain whether the debtor has sizeable assets before bringing the corresponding enforcement action. The previous

knowledge by the creditor of the existence or nonexistence of assets by the debtor is an essential factor for the former to decide whether or not to initiate an executive action.

For the processing of this extrajudicial procedure, which is to be speedy and simplified, the competence lies on the enforcement officers. The speed and simplicity are not, however, synonymous of security decrease. On the contrary, on behalf of the fundamental right to privacy, access to databases by the enforcement agent and the practice of all acts of procedure must be recorded in the computer platform that supports it, which operates under the supervision of the Ministry of Justice. Only in this way can the effective control by the organs of supervision and the discipline of the enforcement agents be guaranteed.

On the other hand, it is worth noting that on behalf of safety and legal certainty the information that can be consulted by the enforcement agent in the course of this procedure is absolutely identical to the information that can be found during an enforcement action, with not violation of equality between the creditors who are in default of their obligations and who's patrimony is investigated based on an executive title regardless of whether or not an enforcement action has been established, or whether there is an ongoing procedure of prior consultation which aims to prevent the establishment of enforcement actions that are useless for lack of the debtor's assets.

After the completion of the consultations, the enforcement agent draws up a report indicating the assets identified as being owned by the debtor, or the fact that no attachable assets were identified, which is an essential tool for the creditor to make an informed decision on the relevance of establishing an enforcement action.

After the drafting of the said report by the enforcement agent the applicant may request the conversion pre-enforcement extrajudicial procedure into an enforcement procedure, or, if no attachable assets were identified, the notification of the defendant for the payment of the amount owed, at once or in instalments, to enter into a settlement agreement, to indicate attachable assets or to oppose the procedure.

If the defendant does nothing, the enforcement agent shall include him/her in the public list of debtors, an instrument that will enable economic agents to have a better perception of the people who are unable to meet their obligations, which helps to stimulate a more careful policy of granting credit. After the inclusion of the defendant in the public list of debtors, the applicant may obtain an electronic certificate of uncollectible debt to be issued by the enforcement agent. Such certificate is reported to the tax authorities by electronic means, for the purposes of deduction, by the taxpayer, of the tax relative to credits deemed irrecoverable.

It is also worth mention the fact that the sums paid by the creditor, under this procedure, as the enforcement agent's fees and costs of consultations, revert to any enforcement action which arises from the following the pre-enforcement extrajudicial procedure.

New legal framework of the inventory process

Law No. 23/2013 of 5 March, established the new legal regime of the inventory process and amended the Civil Code, the Land Registry Code, the Civil Registry Code and the Civil Procedure Code. Until then, the inventory process ran its course in the courts, and was special judicial process particularly time consuming. Law No. 23/2013, of March 5, empowered the notary offices based in the municipality where the succession proceedings were initiated to make the processing of the acts and the terms of the inventory case, the court having a residual competence. In fact, the competence to process the inventory is now up to the notaries, competing only to the courts the decision regarding the sharing of the assets, along with any appreciation of issues that cannot be decided by the notary, given their nature or complexity.

This mitigated system promotes the lessening of the jurisdiction of courts on the inventory processes, and the consequent decongestion of the courts, such as a greater procedural celerity and a greater proximity of citizens to justice. However, it should be noted, the competence of notaries in this field without prejudice to the legitimate interests involved, and this mitigated system is also the guarantor of citizens' rights. It should be noted, moreover, that the processing of the acts and terms of the process running in notary offices was devised by similarity with the previous special judicial procedure, safeguarding thus the guiding principles of the sharing of assets in the event of death or due to the extinction of the community of property between spouses.

The adoption of the new legal framework of the inventory process was accompanied by the adoption of Order No. 278/2013 of 26 August, which regulates the processing of the acts and the terms of the inventory process, operationalising the said framework.

Amendment to the Regulation on Court Costs

The Regulation on Court Costs, approved by Decree-Law No. 34/2008 of 26 February, as well as Order No. 419-A/2009 of 17 April, which regulates the method of drafting, accounting, settlement, payment, processing and destination of court costs, fines and other penalties, has undergone several amendments since its adoption, of which we highlight the last one, operated by Decree-Law No. 126/2013 of 30 August, which aimed to adapt and update the Regulation in the light of the new Civil Procedure Code.

It is emphasized that the system of court costs is guided by the purposes of moralizing and rationalizing the recourse to the courts, in which we emphasize the differentiated treatment of mass litigants (with 200 or more shares) and the punishment for the unnecessary and unjustified recourse to the courts.

Amendment to the legal framework determining the allocation and transfer of jurisdiction related to a set of special procedures from the courts to the Public Prosecution Service and to the civil registry offices

Decree-Law No. 272/2001 of 13 October, establishing the allocation and transfer of jurisdiction related to a set of special procedures from the courts to the Public Prosecution Service and to the civil registry offices, regulating the corresponding procedures, was amended by Decree-Law No. 122/2013 of 26 August.

This amendment aims at revising the legislation in question in view of the new Civil Procedure Code, adapting it to the new planned solutions and updating the information it contains.

In particular, it should be noted the change of the procedures adopted by the judge when the case is referred to him arising from a Civil Registry, no changes occurring, however, in the powers of both the Public Prosecution Service and the civil registry offices. In addition there was an updating in the legal aid system and, given the developments in computerization of courts, the revocation of the system of communication by electronic means between the court secretaries and the enforcement agent.

Amendment to the Land Registry Code

Decree-Law No. 125/2013 of 30 August, given the need to adapt the legal system to the new Civil Procedure Code, amended the Land Registry Code, approved by Decree-Law No. 224/84, of 6 July, Decree-Law No. 263-A/2007 of 23 July and the Notaries Code, approved by Decree-Law No. 207/95 of 14 August.

Regarding the land register, considering the changes in the scope of the enforcement action, alongside the conversion of the seizure into an attachment, there is now the possibility of the conversion of the attachment into a mortgage. Furthermore, the opportunity was taken to eliminate the constraints detected and to densify certain rules, always aiming the simplification and dematerialization of the framework. It is also important to note the strengthening of the contentious guarantees of citizens and businesses.

New Organization of the Judicial System

Law No. 62/2013 of 26 August, approved the new organization of the Portuguese judicial system, combining the systems hitherto applicable and thus offering a comprehensive, systematic and aggregating perception of the whole justice system. The now existing system operates a total change on the paradigm of the Portuguese judicial system, not contradicting, however, the constitutional values enshrined in our Constitution. On the contrary, the new law strengthens the principles of the Constitution, seeking to improve access to justice and to increase the efficiency, effectiveness and transparency of the system, reducing the litigation, the demand for legal protection, the pendency and the duration of the proceedings. This is a way towards a speedy, effective and proximity justice.

Regarding the regime itself, let it be noted, on the one hand, the total restructuring of the organization and functioning of the courts and, secondly, the list of the different professionals of the judicial system now enshrined in the law. Moreover, attention is drawn to the Constitutional Court, the administrative and tax courts, the Court of Auditors, the arbitration courts, the justices of the peace and the investigation and prosecution departments, such as the high councils. Note also the change in the judicial calendar, aligning it with the judicial year, therefore starting in September.

In the regime in question, there is a greater concentration and specialization of the judicial supply, without prejudice to the coexistence of decentralized services, substantially broadening the said specialization to the interior. The aim is, on the other hand, to streamline the distribution and the handling of procedures, such as facilitating the allocation and mobility of human resources and to render the courts management structures more autonomous.

In particular, as the main lines of the reorganization of the courts, it stands out that, first, the extension of the territorial basis of the judicial districts, existing now only 23 judicial districts, which are now adjusted to the administrative districts. Secondly, the changes to the structure and organization of the courts of 1st instance, that are now divided into central instances, with civil, criminal and specialized jurisdiction sections, and local instances, with the respective sections of general jurisdiction and of proximity. It should be underlined the permanence of the extended territorial jurisdiction courts.

In third place a new districts management model is welcomed, which includes a greater autonomy of the courts and the management by objectives. Fourth and finally, the regime regarding the management of human resources is perfected.

Alongside this, we cannot fail to mention the consecration of a bank of judges that intends to affect the judges to the courts who need them, making a more efficient management of members of the judiciary staff.

The adopted system has already been regulated by Decree-Law No. 49/2014, of 27 March.

Amendment to the legal framework pertaining to the admission to the magistracy, the training of magistrates and the nature, structure and functioning of the Centre for Judicial Studies

Law No. 45/2013, of 3 July, was the second amendment to Law No. 2/2008 of 14 January, which regulates the admission to the magistracy, the training of magistrates and the nature, structure and functioning the Centre for Judicial Studies (CEJ). This revision changed, on the one hand, the status of the judicial auditor and the duration of the training course, such as the method of evaluation, the proposed classification and grading and the placement in the courts with regard to the 1st cycle of the training course. The 2nd cycle further changed the organization of activities, the evaluation, the proposed classification and rating, as the organization of the admission stage, the status of the training professionals, the role of teachers and the regime applicable to the training coordinators in the courts, in particular, its powers and duties. There were also the revision of some rules concerning the CEJ, in particular, the rules relating to the territorial scope and headquarters, the deputy directors, the legal substitute of the director, the General Council and its resolutions. All these changes were aimed, on the one hand, improving the regime for the training of magistrates and on the other, the strengthening of the structure and functioning of CEJ.

Increase in the alternative means of dispute resolution

Law No. 29/2013 of 19 April, establishes the general principles for mediation held in Portugal, as well as the legal systems of civil and commercial mediation, of mediators and public mediation in compliance with Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters.

The new law on mediation, following the path of the new regime of voluntary arbitration approved in 2011, establishes as a criteria for the eligibility of the subjection of disputes to mediation the fact that they concern patrimonial interests or that the parties may enter into a transaction regarding the controversial right. With regard to the basic principles to be met by the mediations held in Portugal, we must highlight the willingness and the confidentiality of the mediation procedure, the equality of the parties and the impartiality and independence of the mediators. Also, the new law expressly assigns enforceability to the agreements reached in mediation processes that comply with legal requirements. The law also regulates, among other things, the agreements by which the parties to present disputes to mediation, called mediation agreements, the handling of the mediation procedures and the status of the mediators.

Along with the new regime of mediation, Law No. 54/2013, of 31 July was approved, introducing the first amendment to Law No. 78/2001, of 13 July, improving some aspects of the organization and operation of the Justices of the peace.

Under this amendment, whenever it is necessary to refer the case to a court of 1st instance or when an appeal is made against the court decision, the parties are now obliged to pay the costs set out in

the Regulation of the corresponding Procedural Costs. In addition, the jurisdiction of the justices of the peace is extended to matters whose value does not exceed € 15,000 and to actions regarding claims, possession, adverse possession of accession and division of common property.

On the other hand, whenever expert evidence is required, the documents are sent to the court of 1st instance with jurisdiction to produce the necessary evidence, afterwards returning to the Justice of the Peace in order that the judgment may pursue. It should also be noted that decisions in cases whose value exceeds half of the value allowed in a 1st instance court, i.e. the processes with a value of over € 2,500, can now be challenged by way of appeal to the relevant section of the district court in which the Justice of the peace is based, which has a merely suspensive effect. The Justices of the Peace are also competent to judge and enact the relevant conservatory or anticipatory measure appropriate to ensure the effectiveness of the threatened right invoked by the party.

These legislative measures are intended, therefore, to increase the alternative means of dispute resolution in Portugal, offering a faster and cheaper justice, also contributing to the decongestion of the courts.

Conclusion

The legislative measures listed above are aimed at reducing the procedural backlogs in the courts. Its recent approval prevents us, at this time, of assessing and evaluating the real impact, however the statistical data already, some improvements (see statistical information).

b.2) Measures taken by the Portuguese State to streamline the functioning of the administrative courts

From the range of measures adopted in the legislative, in order to streamline the functioning of the Portuguese administrative justice, we highlight as the decision of greater impact, the approval by the Government of Decree-Law No. 214-G/2015 of 2 October, which operated a deep process of revision of the Code of the Administrative and Fiscal Courts ("CPTA") and of the Statute of Administrative and Fiscal Courts ("ETAF").

In effect, one of the structuring objectives that was behind the reform of the administrative procedural legislation consisted precisely in the search for a more rapid settlement of disputes through the consecration of innovative mechanisms and institutes oriented towards further simplifying and streamlining the procedures.

In this context, the most paradigmatic innovation of this effort to rationalize and simplify procedures relates to the consecration of a single model for the processing of non-urgent

declaratory proceedings, the “*administrative action*”, foreseen and regulated under Articles 37 and following of the CPTA.

As can be seen, the constitution of this monistic model allows to put an end to the difficulties that the delimitation of the scope of the “*special administrative action*” and “*common administrative action*” so often raised in the past, forcing the court to address, at an early stage, on purely procedural issues related to the suitability or unsuitability of the procedural means, and inevitably slowing the appreciation of the merits of the case.

Another innovative solution to be highlighted for its practical relevance in combating the phenomenon of mass procedures, results from the provision of a new form of urgent procedure: the urgent administrative action relating to the “*litigation of mass procedures*” set out in Article 99 of the CPTA.

This is a procedural figure specifically aimed to give a rapid and integrated response to disputes occurred in the areas of contracting procedures, in procedures for performing tests and recruitment, characterized by reporting to a common factual framework and by convening the treatment of identical or similar legal issues.

Under this new procedural means, structured around special rules in terms of territorial jurisdiction, conduct processing and joining of cases, the various claims deducted by the multiple stakeholders in that type of procedures are now aggregated and assessed in a single process to run before a single court, with clear advantages in the celerity of the final composition of the action.

Similarly, in order to address the procedural actions of the parties intended to delay and disrupt the normal conduct of proceedings, the judge was assigned a broad power-duty of procedural management, under which he must actively direct the process and provide for its rapid progress, unofficially promoting the necessary steps to the normal continuation of the action and refusing what is impertinent or merely dilatory, under Article 7-A of the CPTA.

On the other hand, in order to promote a more rapid conduct of procedures a rule was instituted establishing that procedural acts, including the acts of the parties that must be performed in writing, and that the procedures shall be conducted, preferably by electronic means, as is clear from Article 24, paragraph 1, of the CPTA.

Thus, in this new framework, once the electronic petition is presented, the summons of public bodies is also done automatically by electronic means, the defendant entities being obliged to

submit their procedural documents, any investigation file and other documents, preferably, in this way (paragraphs 3 and 4).

This purpose of printing greater celerity in the conduct of administrative procedures through the use of electronic means also manifests itself in the new regime for the presentation of a petition to a court without competence over such matter, which provides that, in such cases, the process should be automatically sent, if possible by electronic means, to the competent court, as is clear from Article 14, paragraph 1.

Finally, still regarding the amendments to the CPTA, it is worth noting the changes that were implemented in the regime applicable to the practice of procedural acts by judges and magistrates, in order to ensure the strict and timely compliance with the procedural deadlines, as well as the accountability of those who do not observe them.

Accordingly, Article 29 of the CPTA currently provides that once three months have passed over the expiry of the deadline for the practice of the judge's own act without it having been practiced, the judge must assign the specific reason for exceeding the established period (paragraph 7); the court secretary must send to the presiding judge, monthly, specified information on court cases regarding which the said period of three months has already passed over the deadline for the performance of the judge's own act, the president judge having the duty to send the case related documents to the entity with disciplinary competence, within 10 days from the date of receipt, (paragraph 8).

In parallel with the legislative changes made in the administrative procedural system, it should be noted that the Portuguese Government has also sought to strengthen the judiciary framework pertaining to the administrative jurisdiction.

In this sense, and following Order No. 1973/2014, of 30 January 2014, approved by the Minister of Justice, it was authorized the opening of an admission procedure to the Centre for Judicial Studies to fill 40 seats of justice auditor for judges of the Administrative and Fiscal Courts, and this procedure was later released by Notice No. 2141/2014.

More recently, the Minister of Justice decided, by Order No. 1513/2016, of 22 January 2016, to authorize the opening of another admission procedure to the Centre for Judicial Studies to fill 42 seats of justice auditors for judges of the Administrative and Fiscal Courts.

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Conclusion

The legislative measures listed above are aimed at making the administrative jurisdiction more efficient and tackle the problems identified by both the national and international organizations.

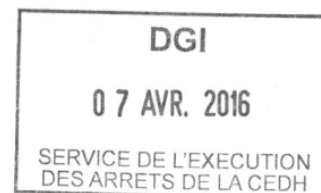
Annexes:

1. Table of Group Oliveira Modesto's cases
2. Analysis and statistical data (2007/2014)
3. Quarterly statistics on civil actions (2007-2015)

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“Oliveira Modesto Group”



Name of the applicant	No. of the request	Date of the CEDH's judgement	Payment of a compensation *	Status of the case
José Domingos Marques Maçarico	12363/10	17/01/2012	Yes	Case/Bankruptcy 413/03.6TBMIR, Mira Court. Concluded
Monteiro da Cruz	14886/03	17/01/2006	Yes	Case 289/95, Paredes Court. Concluded
Cunha Oliveira	15601/09	20/09/2011	The applicant did not present a request for just satisfaction.	Case 718/07.7, Fafe Court. Concluded
Gabriela Sequeira	18545/06	20/10/2009	Yes	Case/Bankruptcy 423/97 pending at the Lisbon Commerce Court under number 689/97 (at the stage of payments).
Castro Ferreira Leite	19881/06	1/12/2009	The applicant did not present a request for just satisfaction.	Case 12/94, Vila Nova de Gaia Court. Concluded
Cardoso Oliveira	21217/09	4/02/2014	Yes	Case 829/03, Castelo Branco Court. Concluded
Marques Jerónimo Barata	22851/11	12/03/2013	Yes	Case 3121/08, Cascais Family Court. Concluded
Flores Cardoso	2489/09	29/05/2012	Yes	Case 22/2001- Lisbon Court. Concluded
Arede Ruivo	26655/09	12/07/2011	Yes	Case 562/04.3TBAGD, Águeda Court. Concluded
Vicente Cardoso	30130/10	12/03/2013	Yes	Case 0465/03 Lisbon Administrative Court. Concluded
Alda Maria Alves Ferreira	30358/08	27/05/2010	The applicant did not present a request for just satisfaction.	Case/Action 1827/07.8BELBSB et Enforcement 1079/05, Lisbon Administrative Court. Concluded

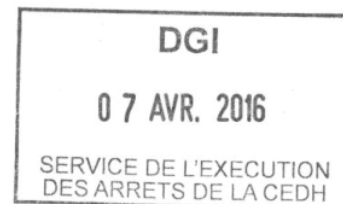
Pereira Santos	30532/12	4/02/2014	Yes	Case150/09.9 and 1605/09 Lisbon and Porto Labour Court. Concluded.
Pinho Lopes	32020/10	23/10/2012	Yes	Case 181/2000, Estarreja Court. Concluded.
Alexandre	33197/09	20/11/2013	The applicant did not present a request for just satisfaction.	Case 408/2001, Marinha Grande Court. Concluded.
Maria de Lurdes Oliveira Modesto	34422/97	8/06/2000	Yes	Case/Bankruptcy 232/09.6T2AVR. Pending at the Baixo Vouga Commerce Court, Aveiro – waiting for the real estate to be sold.
Euroatlantic – Transportes Aéreos	34676/13	8/12/2015	No compensation was attributed.	Case 965/09.7TVLSB, Lisbon Civil Court. Concluded
Isabel Maria Manso Rogeiro	39607/10	12/03/2013	Yes	Case of inventory (succession) 2035/03.2TBCVL, Covilhã Court. Concluded.
Gomes Almeida Henriques Moura	43146/11	12/03/2013	Yes	Case 125/98, Lisbon Labour Court. Concluded
Tomé Monteiro e Outros	43641/09	26/07/2011	Yes	Case 20/97, Lisbon Labour Court. Concluded.
Ernesto Portugal e Outro	44230/10	8/11/2012	Yes	Case 241/96, Cascais Court. Concluded.
Tourtier	44298/98	14/02/2002	Yes	Case 156/89, Montijo Court. Concluded.
Associação de Investidores do Hotel Neptuno	46336/09	16/04/2013	It should be mentioned the payment to the three applicants (who died during the case), the existing difficulties in locating and identifying heirs.	Case/Bankruptcy 74/2014. It's pending at the Olhão Commerce Court. (Waiting for the decision on an appeal lodged after a claim for compensation).
Amadeu Esteves Monteiro e Outro	47001/10	8/11/2012	Yes	Case/Action 565/05.OTBTVR, Tavira Court. Pending at the Faro Court,

				(waiting for the final decision on the appeal).
Pinheiro Silvestre	47031/10	23/10/2012	Yes	Case 57/00, Lisbon Court and 1176/03, Sintra Court. Concluded.
Rosa Marques	48187/99	25/07/2002	Yes	Case 163/90, Oeiras Court. Concluded.
Gil Leal Pereira	48956/99	31/10/2002	Yes	Case 59/94LNH, Lourinhã Court. Concluded.
Abilio Correia Mendes	49185/13	30/10/2014	Yes	Case 697/07.OTTBCL, Barcelos Labour Court. Concluded.
Koncept	49279/99	31/10/2002	Yes	Case 2650/94, Lisbon Court. Concluded.
Ferreira da Nave	49671/99	7/11/2002	Yes	Case 137/84, Barreiro Court. Concluded.
Emília Sousa Marinho e Outro	50775/99	3/04/2003	Yes	Case 58/95, Amarante Court. Concluded.
Rogério Manuel Figueiredo Simões	51806/99	30/01/2003	Yes	Case 74/M/96, Lisbon Family Court. Concluded.
Leong Poy	5190/14	8/12/2015	Yes	Case 3350/07, Oeiras Court. Concluded.
Carlos Marques Nunes	52412/99	20/02/2003	Yes	Case 10711, Lisbon Civil Court. Concluded.
Textile Traders	52657/99	27/02/2003	Yes	Case 780/94, Matosinhos Court. Concluded.
José Augusto Esteves	53534/99	3/04/2003	Yes	Case 5685/94, Lisbon Court. Concluded.
Ramiro Farinha Martins	53795/00	10/07/2003	Yes	Case 40/84, Lisbon Labour Court. Concluded.
Jorge Ferreira Alves	53937/00	27/02/2003	Yes	Case 397/95, Matosinhos Court. Concluded.
Dias da Silva e Gomes Ribeiro Martins	53997/00	27/03/2003	Yes	Case 202/96, Matosinhos Court. Concluded.

Moreira e Ferreirinha	54566/00	26/06/2003	Yes	Case 79/93, Matosinhos Court. Concluded.
Costa Ribeiro	54926/00	30/04/2003	Yes	Case 499/99, Porto Court. Concluded.
Neves Ferreira Sande e Castro e Outros	55081/00	16/10/2003	Yes	Case 1.160/93, Lisbon Court. Concluded.
Sociedade Agrícola do Peral S.A. e Outros	55340/00	31/07/2003	Yes	Case 2/96 and 12/96, Lisbon Court. Concluded.
Frotal – Aluguer de Equipamentos, S.A.	56110/00	4/12/2003	Yes	Case 1.424/94, Lisbon Civil Court. Concluded.
Ferreira Alves	56345/00	4/12/2003	Yes	Case 1605/94, Matosinhos Court. Concluded.
Pena e Pena	57323/00	18/12/2003	Yes	Case 800/94, Lisbon Civil Court. Concluded.
Jesus Mateus	58294/08	17/01/2012.	The applicant did not present a request for just satisfaction.	Case 157/99, Golegã Court. Concluded.
Garcia da Silva	58617/00	29/04/2004	Yes	Case 4.041/92, Porto Court. Concluded.
Soares Fernandes	59017/00	8/04/2004	Yes	Case 254/95, Sintra Court. Concluded.
Assunção Santos	6015/09	26/06/2012	The applicant did not present a request for just satisfaction.	Case 19/07, Lisbon Court. Concluded.
Vieira Gomes Bezerra	60786/10	28/01/2014	Yes	Case 1908/07.8TBVNG, Vila Nova de Gaia Court, Concluded.
Carlo Josué Escalda Ferreira	62252/12	12/01/2016	No compensation was attributed.	Case/Enforcement 607/05.OTBSTB, Setúbal Court. Pending.
José Luís Cunha Martins da Silva Couto	66436/12	30/04/2015	Yes	Case 1143/05.OTYLSB, Lisbon Commerce Court. Concluded.
Ferreira Araújo do	6655/07	27/10/2009	Yes	Case 439/2001, Porto Labour

Vale				Court. Concluded.
Freitas	8349/13	12/01/2016	Yes	Case 85/A/98, Penafiel Court. Concluded.
Pimentel Lourenço	9223/10	23/10/2012	Yes	Case: Inquest 2817/96, Setúbal Court. Concluded. Case 312/04, Almada Administrative Court. Concluded.
			*The payments made were communicated in due time to the Service for the Enforcement of Judgements, in a proper form, to which the documents proving such transfers/payments were attached.	

“Oliveira Modesto Group”



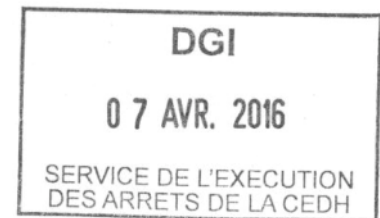
Name of the applicant	No. of the request	Date of the CEDH's judgement	Payment of a compensation *	Status of the case
José Domingos Marques Maçarico	12363/10	17/01/2012	Yes	Case/Bankruptcy 413/03.6TBMIR, Mira Court. Concluded
Monteiro da Cruz	14886/03	17/01/2006	Yes	Case 289/95, Paredes Court. Concluded
Cunha Oliveira	15601/09	20/09/2011	The applicant did not present a request for just satisfaction.	Case 718/07.7, Fafe Court. Concluded
Gabriela Sequeira	18545/06	20/10/2009	Yes	Case/Bankruptcy 423/97 pending at the Lisbon Commerce Court under number 689/97 (at the stage of payments).
Castro Ferreira Leite	19881/06	1/12/2009	The applicant did not present a request for just satisfaction.	Case 12/94, Vila Nova de Gaia Court. Concluded
Cardoso Oliveira	21217/09	4/02/2014	Yes	Case 829/03, Castelo Branco Court. Concluded
Marques Jerónimo Barata	22851/11	12/03/2013	Yes	Case 3121/08, Cascais Family Court. Concluded
Flores Cardoso	2489/09	29/05/2012	Yes	Case 22/2001- Lisbon Court. Concluded
Arede Ruivo	26655/09	12/07/2011	Yes	Case 562/04.3TBAGD, Águeda Court. Concluded
Vicente Cardoso	30130/10	12/03/2013	Yes	Case 0465/03 Lisbon Administrative Court. Concluded
Alda Maria Alves Ferreira	30358/08	27/05/2010	The applicant did not present a request for just satisfaction.	Case/Action 1827/07.8BELBSB et Enforcement 1079/05, Lisbon Administrative Court. Concluded

Pereira Santos	30532/12	4/02/2014	Yes	Case150/09.9 and 1605/09 Lisbon and Porto Labour Court. Concluded.
Pinho Lopes	32020/10	23/10/2012	Yes	Case 181/2000, Estarreja Court. Concluded.
Alexandre	33197/09	20/11/2013	The applicant did not present a request for just satisfaction.	Case 408/2001, Marinha Grande Court. Concluded.
Maria de Lurdes Oliveira Modesto	34422/97	8/06/2000	Yes	Case/Bankruptcy 232/09.6T2AVR. Pending at the Baixo Vouga Commerce Court, Aveiro – waiting for the real estate to be sold.
Euroatlantic – Transportes Aéreos	34676/13	8/12/2015	No compensation was attributed.	Case 965/09.7TVLSB, Lisbon Civil Court. Concluded
Isabel Maria Manso Rogeiro	39607/10	12/03/2013	Yes	Case of inventory (succession) 2035/03.2TBCVL, Covilhã Court. Concluded.
Gomes Almeida Henriques Moura	43146/11	12/03/2013	Yes	Case 125/98, Lisbon Labour Court. Concluded
Tomé Monteiro e Outros	43641/09	26/07/2011	Yes	Case 20/97, Lisbon Labour Court. Concluded.
Ernesto Portugal e Outro	44230/10	8/11/2012	Yes	Case 241/96, Cascais Court. Concluded.
Tourtier	44298/98	14/02/2002	Yes	Case 156/89, Montijo Court. Concluded.
Associação de Investidores do Hotel Neptuno	46336/09	16/04/2013	It should be mentioned the payment to the three applicants (who died during the case), the existing difficulties in locating and identifying heirs.	Case/Bankruptcy 74/2014. It's pending at the Olhão Commerce Court. (Waiting for the decision on an appeal lodged after a claim for compensation).
Amadeu Esteves Monteiro e Outro	47001/10	8/11/2012	Yes	Case/Action 565/05.OTBTVR, Tavira Court. Pending at the Faro Court,

				(waiting for the final decision on the appeal).
Pinheiro Silvestre	47031/10	23/10/2012	Yes	Case 57/00, Lisbon Court and 1176/03, Sintra Court. Concluded.
Rosa Marques	48187/99	25/07/2002	Yes	Case 163/90, Oeiras Court. Concluded.
Gil Leal Pereira	48956/99	31/10/2002	Yes	Case 59/94LNH, Lourinhã Court. Concluded.
Abilio Correia Mendes	49185/13	30/10/2014	Yes	Case 697/07.OTTBCL, Barcelos Labour Court. Concluded.
Koncept	49279/99	31/10/2002	Yes	Case 2650/94, Lisbon Court. Concluded.
Ferreira da Nave	49671/99	7/11/2002	Yes	Case 137/84, Barreiro Court. Concluded.
Emília Sousa Marinho e Outro	50775/99	3/04/2003	Yes	Case 58/95, Amarante Court. Concluded.
Rogério Manuel Figueiredo Simões	51806/99	30/01/2003	Yes	Case 74/M/96, Lisbon Family Court. Concluded.
Leong Poy	5190/14	8/12/2015	Yes	Case 3350/07, Oeiras Court. Concluded.
Carlos Marques Nunes	52412/99	20/02/2003	Yes	Case 10711, Lisbon Civil Court. Concluded.
Textile Traders	52657/99	27/02/2003	Yes	Case 780/94, Matosinhos Court. Concluded.
José Augusto Esteves	53534/99	3/04/2003	Yes	Case 5685/94, Lisbon Court. Concluded.
Ramiro Farinha Martins	53795/00	10/07/2003	Yes	Case 40/84, Lisbon Labour Court. Concluded.
Jorge Ferreira Alves	53937/00	27/02/2003	Yes	Case 397/95, Matosinhos Court. Concluded.
Dias da Silva e Gomes Ribeiro Martins	53997/00	27/03/2003	Yes	Case 202/96, Matosinhos Court. Concluded.

Moreira e Ferreirinha	54566/00	26/06/2003	Yes	Case 79/93, Matosinhos Court. Concluded.
Costa Ribeiro	54926/00	30/04/2003	Yes	Case 499/99, Porto Court. Concluded.
Neves Ferreira Sande e Castro e Outros	55081/00	16/10/2003	Yes	Case 1.160/93, Lisbon Court. Concluded.
Sociedade Agrícola do Peral S.A. e Outros	55340/00	31/07/2003	Yes	Case 2/96 and 12/96, Lisbon Court. Concluded.
Frotal – Aluguer de Equipamentos, S.A.	56110/00	4/12/2003	Yes	Case 1.424/94, Lisbon Civil Court. Concluded.
Ferreira Alves	56345/00	4/12/2003	Yes	Case 1605/94, Matosinhos Court. Concluded.
Pena e Pena	57323/00	18/12/2003	Yes	Case 800/94, Lisbon Civil Court. Concluded.
Jesus Mateus	58294/08	17/01/2012.	The applicant did not present a request for just satisfaction.	Case 157/99, Golegã Court. Concluded.
Garcia da Silva	58617/00	29/04/2004	Yes	Case 4.041/92, Porto Court. Concluded.
Soares Fernandes	59017/00	8/04/2004	Yes	Case 254/95, Sintra Court. Concluded.
Assunção Santos	6015/09	26/06/2012	The applicant did not present a request for just satisfaction.	Case 19/07, Lisbon Court. Concluded.
Vieira Gomes Bezerra	60786/10	28/01/2014	Yes	Case 1908/07.8TBVNG, Vila Nova de Gaia Court, Concluded.
Carlo Josué Escalda Ferreira	62252/12	12/01/2016	No compensation was attributed.	Case/Enforcement 607/05.OTBSTB, Setúbal Court. Pending.
José Luís Cunha Martins da Silva Couto	66436/12	30/04/2015	Yes	Case 1143/05.OTYLSB, Lisbon Commerce Court. Concluded.
Ferreira Araújo do	6655/07	27/10/2009	Yes	Case 439/2001, Porto Labour

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Freitas	8349/13	12/01/2016	Yes	Case 85/A/98, Penafiel Court. Concluded.
Pimentel Lourenço	9223/10	23/10/2012	Yes	Case: Inquest 2817/96, Setúbal Court. Concluded. Case 312/04, Almada Administrative Court. Concluded.
			*The payments made were communicated in due time to the Service for the Enforcement of Judgements, in a proper form, to which the documents proving such transfers/payments were attached.	



1 ANALYSIS OF STATISTICAL DATA 2007 TO 2014

1.1 JUDICIAL COURTS – 2007 TO 2014

This paragraph seeks to portray the case-flow registered in the judicial courts between the years 2007 and 2014, as well as the values of the average duration of completed cases for the same period.

Throughout this topic it will be made a recurrent use of the concept of pending case and it is therefore relevant to frame this concept with accuracy. Pending cases correspond to incoming cases that have not had a decision, either in the form of a judgment, sentence or order, in the judicial instance, irrespective of whether or not a final decision has been delivered. As such, they may be cases that are waiting for certain acts or diligences to be carried out by the court, by the parties or by other entities. They can also, in certain kinds of procedures, be cases that are waiting for certain facts to take place or that are just waiting for certain time-limits to run out. A suspending case is, for example, a pending case, whatever the cause for suspension may be. An enforcement action awaiting for the payment of the debt in instalments is also a pending case.

Regarding the case-flow and the average duration of the completed cases in the civil procedural area, in the courts of 1st instance, it can be concluded that:

- The demand of the judicial system in terms of civil proceedings in courts of 1st instance, showed a moderate downward trend, having the number of new cases between 2007 and 2013 decreased by 8.0% (Figure 1).
- The offer of the judicial system in terms of civil proceedings in courts of 1st instance, showed an upward trend, having the number of completed cases between 2007 and 2013 increased by 16.7% (Figure 1).
- Between 2009 and 2013 there was an increase in the clearance rate (culminating in a clearance rate of 134.0% in 2013), which is an improvement of the system with results in the case flow management.
- The average duration of completed civil cases brought in courts of 1st instance went from 33 months in 2007 to 37 months in 2013 (another 4 months, equivalent to an increase of 12.1%) (Figure 2).

Figure 1 – Civil case-flow in the courts of first instance (2007 to 2013)¹

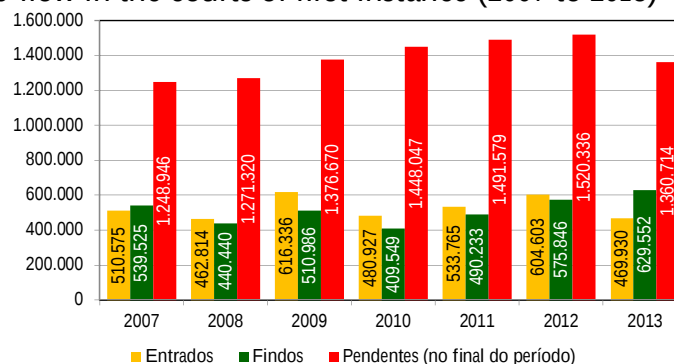
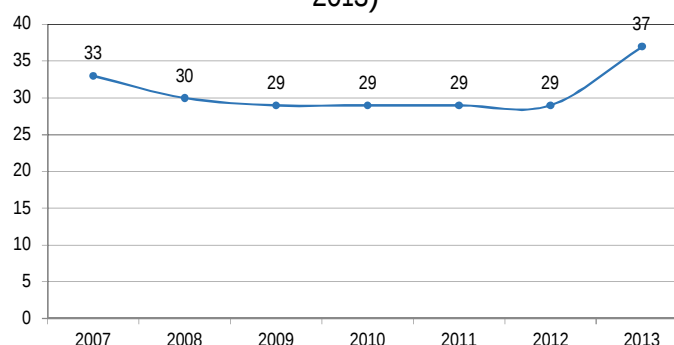


Figure 2 – Average duration of completed civil cases, in the courts of first instance (2007 to 2013)²



Regarding the case-flow and the average duration of the completed cases in the civil procedural area, in the higher courts, it can be concluded that:

- There is a tendency to decrease of new, completed and pending cases between 2007 and 2014 (-9.7%, -9.5% and -22.6%, respectively) (Figure 3).
- The average duration of the completed civil cases in the higher courts remained at significantly reduced values, and 4 months over the period considered (with a decrease up to three months in 2008, 2013 and 2014) (Figure 4).

¹ From 2007 the statistical data on cases in courts of 1st instance began to be collected from the computer system of courts, representing the situation of cases registered in the system. From 2010 the data do not include the cases for the enforcement of sentences.

² The average duration presented in this report corresponds to the total time of the case, even if redistributed, i.e. between the date of the beginning of the case in court and the date it ended, in that same court or in another to where it was redistributed. The cases with final decision, joined, incorporated or integrated, sent to another entity and the cases concluded with the term "N.S." with any modality of the term "N.S." are not accounted for. The average duration of completed cases corresponds to the time between its entry and the date of the final decision (judgment, sentence or order) in the respective instance, regardless of res judicata. From 2007 the statistical data on cases in courts of 1st instance began to be collected from the computer system of courts, representing the situation of cases registered in the system.

Figure 3 – Civil case-flow in the higher courts (2007 to 2014)

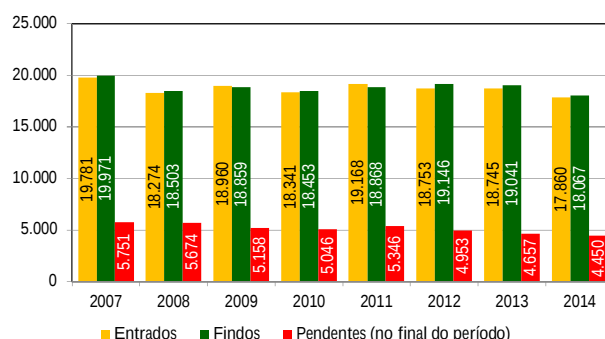
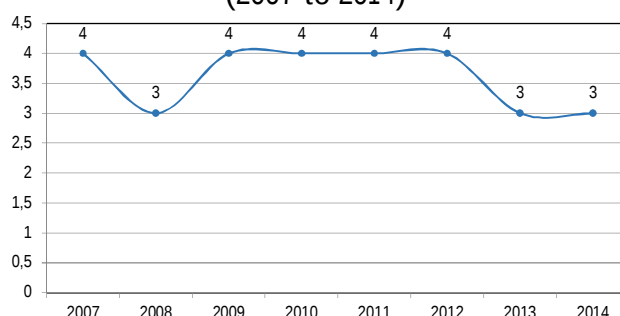


Figure 4 – Average duration of the completed civil cases, in the higher courts (2007 to 2014)³



Regarding the case-flow and the average duration of the completed cases in the civil enforcement proceedings, in the courts of first instance, it can be concluded that:

- Not taking into account the 1,014,938 cases carried internally in 2014, the demand of the judicial system at the level of civil enforcement proceedings, in courts of 1st instance, showed a downward trend, having the number of new cases between 2007 and 2014 decreased by 40.8% (figure 5).
- Once again not taking into account the 1,014,938 cases carried internally in 2014, the supply of the judicial system at the level of civil enforcement proceedings, in courts of 1st instance, showed a trend of moderate decrease, having the number of new cases between 2007 and 2014 decreased by 6.2% (Figure 5).
- In 2013 and 2014 there were favourable clearance rates⁴ (clearance rates of 160.7% in 2013 and 108.7% in 2014), resulting in a decrease in the number of pending cases.

³ The average duration of completed cases corresponds to the time between its entry and the date of the final decision (judgment, sentence or order) in the respective instance, regardless of res judicata. In the higher courts, the average relates only to appeals.

- The average duration of the completed civil enforcement cases in the courts of 1st instance showed a trend of relatively moderate increase, from 39 months in 2007 to 46 months in 2014 (7 months more, equivalent to an increase of 17.9%) (Figure 6).

Figure 5 – Case-flow of the civil enforcement cases in the courts of 1st instance (2007 to 2014)

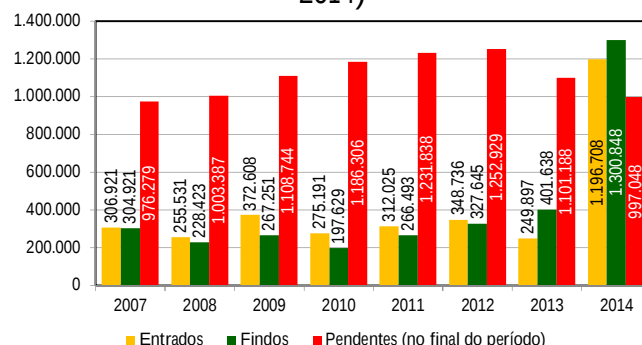
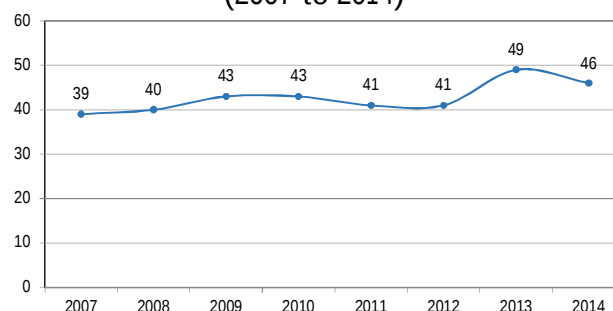


Figure 6 – Average duration of the civil enforcement cases in the courts of 1st instance (2007 to 2014)⁵



Regarding the case-flow and the average duration of the completed civil declaratory cases⁶, in the courts of first instance, it can be concluded that:

⁴ The clearance rate corresponds to the ratio of the total volume of completed cases over the total volume of new cases. Being equal to 100% the volume of new cases was equal to the volume of completed ones thus the variation of pending cases is zero. Being higher than 100%, there was a recovery in pending cases. The higher this index, the higher the recovery of pending cases in that year. If it is lower than 100%, the volume of new cases was higher than the completed ones, thus generating pendency for the following year.

⁵ From 2007 the statistical data on cases in courts of 1st instance began to be collected from the computer system of courts, representing the situation of cases registered in the system. The average duration presented in this report corresponds to the total time of the case, even if redistributed, i.e. between the date of the beginning of the case in court and the date it ended, in that same court or in another to where it was redistributed. The cases with final decision, joined, incorporated or integrated, sent to another entity and the cases concluded with the term "N.S." with any modality of the term "N.S." are not accounted for. The average duration of completed cases corresponds to the time between its entry and the date of the final decision (judgment, sentence or order) in the respective instance, regardless of res judicata. From 2007 the statistical data on cases in courts of 1st instance began to be collected from the computer system of courts, representing the situation of cases registered in the system.

⁶ From 2007 the statistical data on cases in courts of 1st instance began to be collected from the computer system of courts, representing the situation of cases registered in the system. The values of new and completed cases for 2014 are

- Not taking into account the 86,747 cases carried internally in 2014, the demand of the judicial system at the level of civil declaratory cases in the courts of 1st instance, showed a downward trend, having the number of new cases between 2007 and 2014 decreased by 39, 2% (figure 7).
- Once but not taking into account the 86,747 cases carried internally in 2014, the supply of the judicial system at the level of civil declaratory proceedings in courts of 1st instance, also showed a downward trend, having the number of new cases between 2007 and 2014 decreased by 53.3% (figure 7).
- The number of pending civil declaratory cases has benefited from a continued downward trend (a reduction of 53.7% between 2007 and 2014) (figure 7).
- The average duration of civil declaratory cases brought in courts of 1st instance registered a very sharp decrease from 35 months in 2007 to 20 months in 2014 (less 15 months, equivalent to -42.9%) (Figure 8).

Figure 7 – Case-flow of the civil declaratory cases in the courts of 1st instance (2007 to 2014)

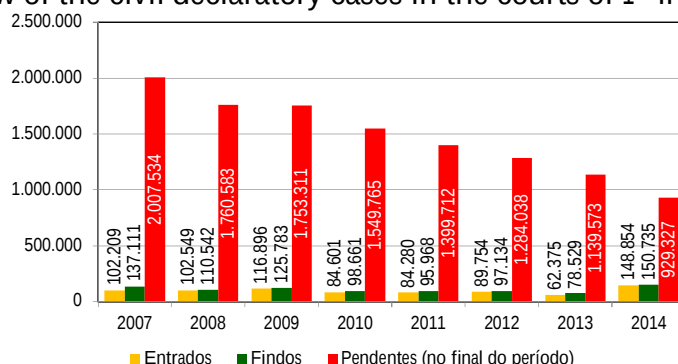
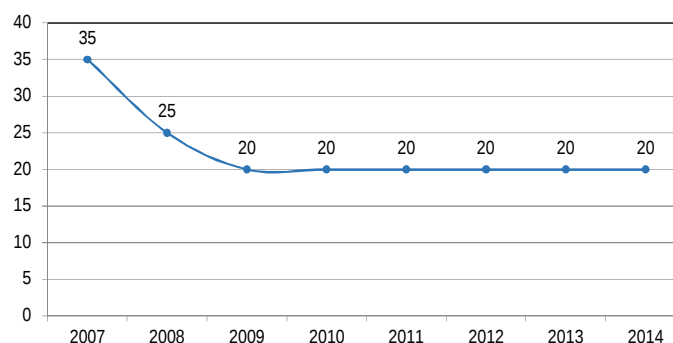


Figure 8 – Average duration of the completed civil declaratory cases, in the courts of 1st instance (2007 to 2014)⁷

a result of internal transfers arising from the implementation of Law No. 62/2013 of 26 August (Law for the Organization of the Judicial System). Of the 148,854 new cases and 150,735 completed cases, only 62,107 and 63,988 cases, respectively, correspond to new and completed civil declaratory actions. The remaining 86,747 cases do not correspond to new or completed civil declaratory actions.

⁷ The average duration of completed cases corresponds to the time between the entry of the case and the date of the final decision (judgment, sentence or order) in the respective instance, regardless of res judicata. In the higher courts, the average relates only to the appeals.



Regarding the case-flow and the average duration of the criminal cases, in the courts of first instance, it can be concluded that:

- The demand of the judicial system in terms of criminal cases, in the 1st instance, showed a sharp downward trend, having the number of new cases between 2007 and 2014 decreased by 49.2% (Figure 9).
- The offer of the judicial system in terms of criminal cases, in the 1st instance, presented a less sharp downward trend, having the number of completed cases between 2007 and 2014 decreased by 46.5% (Figure 9).
- The pendency of the judicial system in terms of criminal cases, the 1st instance, showed a trend of sharp decline, while the number of pending cases between 2007 and 2014 decreased by 61.2% (Figure 9).
- The average duration of completed criminal cases in courts of 1st instance went from 13 months in 2007 to 10 months in 2014 (at least 3 months, equivalent to a decrease of 23.1%) (Figure 10).

Figure 9 – Case-flow of criminal cases in the courts of 1st instance
(2007 to 2013)⁸

⁸ From 2010 the data do not include the cases for the enforcement of sentences. It does not include the investigations, the inquests and the cases of military justice. From 2007 the statistical data on cases in courts of 1st instance began to be collected from the computer system of courts, representing the situation of cases registered in the system.

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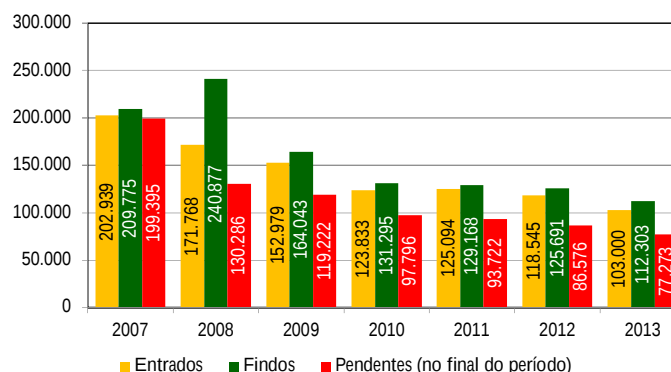
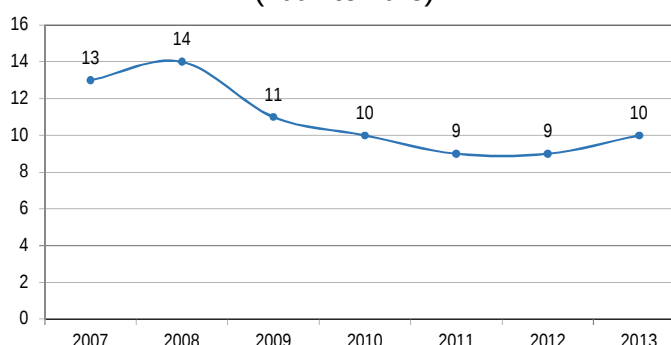


Figure 10 – Average duration of the completed criminal cases, in the courts of 1st instance (2007 to 2013)⁹



Regarding the case-flow and the average duration of the completed criminal cases, in the higher courts, it can be concluded that:

- In the higher courts there was a tendency to decrease in the number of new and completed criminal cases from 2009 onwards (-8.3%, -7.8% and -26.7%, respectively) (Figure 11).
- After oscillating between 3 and 4 months in the years 2007-2009, the average duration of completed criminal cases in the higher courts stabilized in the three months between 2010 and 2014 (Figure 12).

Figure 11 – Case-flow of criminal cases, in the higher courts (2007 to 2014)

⁹ From 2010 the data do not include the cases for the enforcement of sentences. The average duration presented in this report corresponds to the total time of the case, even if redistributed, i.e. between the date of the beginning of the case in court and the date it ended, in that same court or in another to where it was redistributed. The cases with final decision, joined, incorporated or integrated, sent to another entity and the cases concluded with the term "N.S." with any modality of the term "N.S." are not accounted for. The average duration of completed cases corresponds to the time between its entry and the date of the final decision (judgment, sentence or order) in the respective instance, regardless of res judicata. This data do not include the average duration of the investigations, the inquests and the cases of military justice. From 2007 the statistical data on cases in courts of 1st instance began to be collected from the computer system of courts, representing the situation of cases registered in the system.

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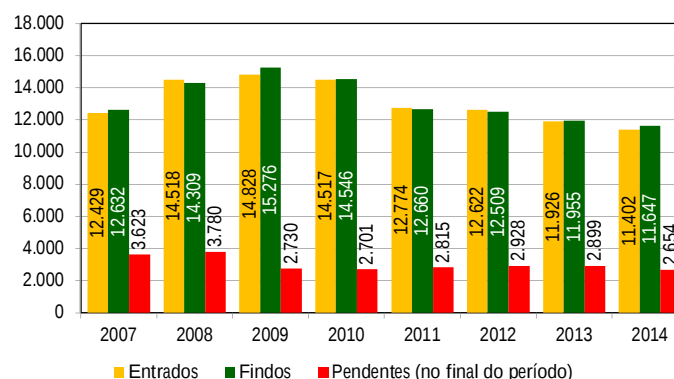
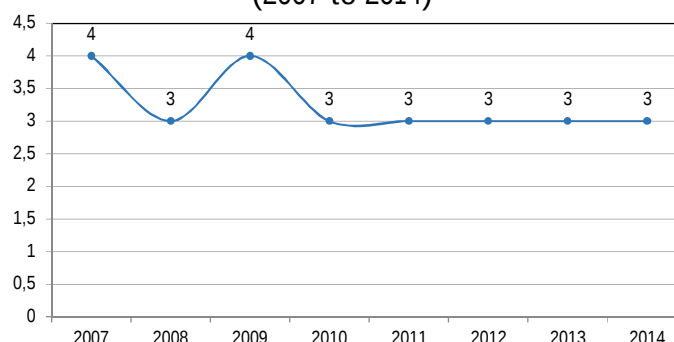


Figure 12 – Average duration of the completed criminal cases, in the higher courts (2007 to 2014)¹⁰



1.2 ADMINISTRATIVE AND FISCAL – 2007 TO 2014

Figure 13 represents the case-flow in the high administrative and fiscal courts between 2007 and 2014¹¹. From the analysis of the data it is possible to conclude that:

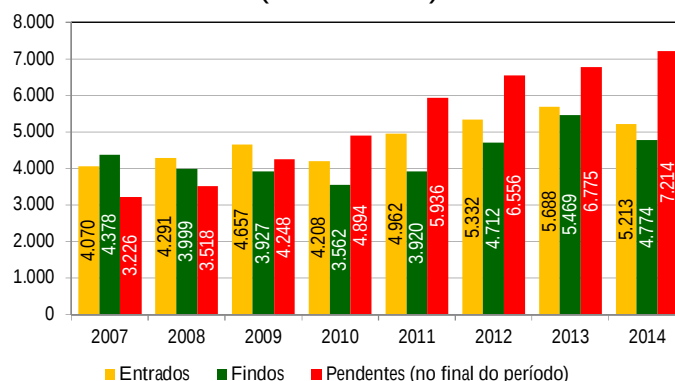
- The demand of the judicial system in terms of administrative and fiscal cases in the higher courts, showed an increasing trend between 2007 and 2014 (+28.1%).
- There was an increase trend of the existing response capacity, which resulted in the increase in the levels of the completed cases in the period considered (+ 9.0%), although this increase is more moderate than the increase in the number of new cases.
- By virtue of the considerable increase in demand and a more moderate increase in installed capacity to respond, there was an increase in the level of the pending cases in the administrative and fiscal courts, between the years 2007 and 2014 (+ 123.6%).

¹⁰ The average duration of completed cases corresponds to the time between the entry of the case and the date of the final decision (judgment, sentence or order) in the respective instance, regardless of res judicata. In the higher courts, the average relates only to the appeals.

¹¹ No data are available on the administrative and fiscal courts of 1st instance, at the level of case-flow, both in terms of the average duration and of completed cases.

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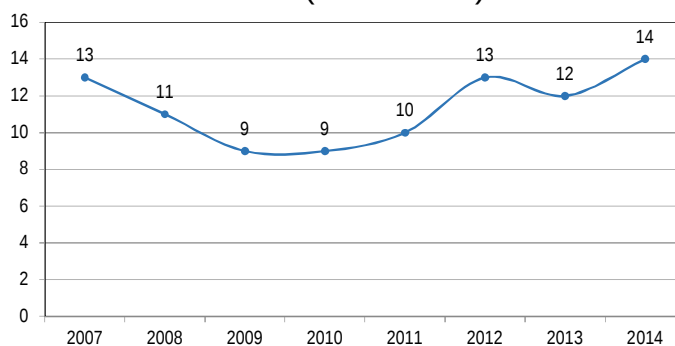
Figure 13 – Case-flow in the administrative and fiscal high courts
(2007 to 2014)



In turn, Figure 14 shows the evolution of the average duration of completed cases in the administrative and fiscal high courts, which occurred between the years 2007 and 2014. It is possible to withdraw the following conclusion:

- The average duration of administrative and fiscal cases brought in the high courts increased from 13 months in 2007 to 14 months in 2014 (one more month, equivalent to an increase of 7.7%) (Figure 14).

Figure 14 – Average duration of the completed administrative and fiscal cases, in the high courts (2007 to 2014)

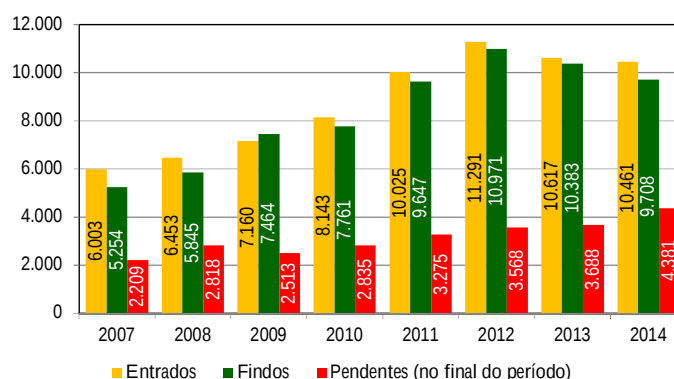


1.3 JUSTICE OF THE PEACE COURTS – 2011 TO 2014

Figure 15 represents the case-law in the justice of the peace courts between the years 2007 and 2014. From the analysis of the data it is possible to conclude that:

- Along with the increase in the demand in the judicial system as a whole, the demand at the level of the justice of the peace courts showed a sharp upward trend, with the number of new cases between 2007 and 2014 increasing by 74.3%.
- The offer of the justice system, at the level of the justice of the peace courts, presented a growth trend even more pronounced than the trend on the demand, having the number of completed cases between 2007 and 2014 increased by 84.8%.
- The pendency at the level of the justice of the peace courts shows an increasing trend over the period considered (+ 98.3%), representing however, in 2014, a weight of only 41.9% on the total of new cases in that year.
-

Figure 15 – Case-flow in the Justice of the Peace Courts (2007 to 2014)



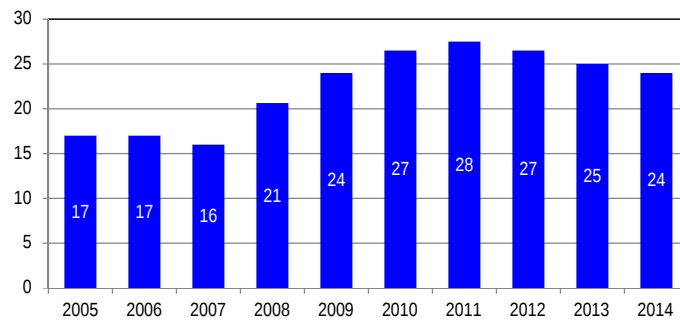
The sharp growth in the offer of the judicial system, at the level of the justice of the peace courts, is closely associated with the increase of the available means, in particular, the number of the justices of the peace in office. (Figure 16).

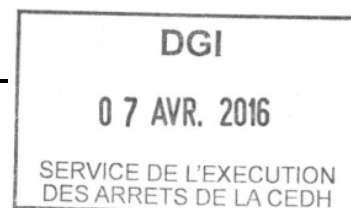
- The number of justices of the peace in office at the Justice of the Peace Courts showed a sharp upward trend, having the number increased by 41.2% between 2007 and 2014.

Figure 16 – Number of justices of the peace in office in the Justice of the Peace Courts (2007 to 2014)

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Quarterly statistics on civil actions (2007-2015)

This document aims to portray the quarterly trend of the civil actions¹, in the years 2007 to 2015.

Pending civil actions and clearance rate – Quarterly trend

In the third quarter of 2015, the number of pending civil actions has decreased around 2.5% when compared to the third quarter of 2014. Considering the second quarter of 2015, the number of pending civil actions in the third quarter of 2015 has increased 0.5%. On 30 September 2015 the number of pending civil actions² was 242.638 (table 1).

The clearance rate³ (table 2) which, in a given period, measures the system capacity to respond to the demand observed in that same period was, in the third quarter of 2015, 96,9%. Such has led to an increase in the pendency at the end of this quarter. In the third and fourth quarter of 2014, when the judicial holidays took place and where the Law 62/2013, of 26 August (Law on the Organization of the Judicial System) entered in force, clearance rates of 95,7% and of 78,3% respectively were observed.

Figura 1 - Ações cíveis pendentes, trimestre consecutivos

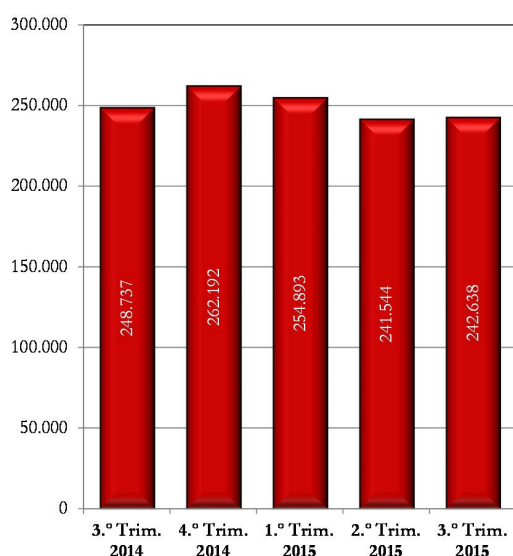
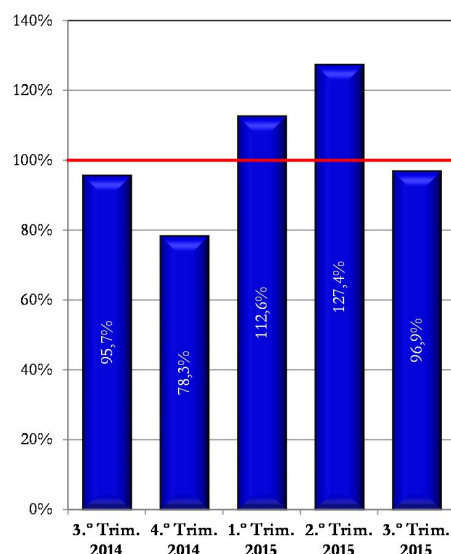


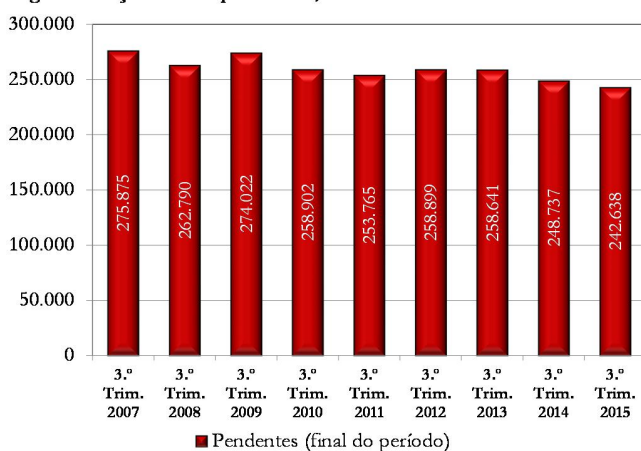
Figura 2 - Taxa de resolução processual para ações cíveis, trimestres consecutivos



Pending civil actions, clearance rate and disposition time⁴ – Homologous periods

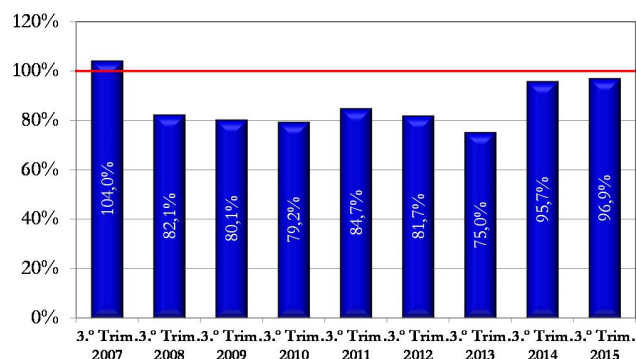
Between the third quarter of 2007 and the third quarter of 2015 there has been a cumulative decrease of 12.0% in the number of pending civil actions. Considering the homologous periods that correspond to the third quarters of 2014 and 2015, a cumulative decrease of 2.5% in the number of pending civil actions was observed (table 3).

Figura 3 - Ações cíveis pendentes, 3.º trimestre



The clearance rate was, in the third quarter of 2015, 96.9% which corresponds to an increase of 21.9% when compared to the minimum value of 75.0% recorded in the third quarter of 2013 (table 4).

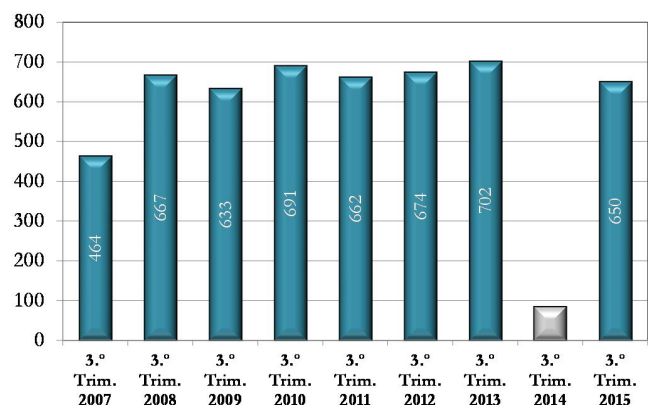
Figura 4 - Taxa de resolução processual para ações cíveis, 3.º trimestre



The disposition time was, in the third quarter of 2015, of 650 days, where a decrease of 7.3% was

observed when compared to the maximum value recorded in the third quarter of 2013. Considering the homologous periods that correspond to the third quarter of each year under analysis, the value recorded in the third quarter of 2015 is the lowest fourth value of the *disposition time* (table 5). It should be noted that the reduced value recorded in the third quarter of 2014 results from the unusually high number of cases completed in this quarter, an outcome of internal transfers deriving from the application of the Law 62/2013, of 26 August (Law on the Organization of the Judicial System).

Figura 5 - *Disposition time* (em dias) das ações cíveis, 3.º trimestre



New and completed actions and clearance rate – Homologous periods

In the third quarter of 2015, the number of completed civil actions was lower than the number of new civil actions (table 6)⁵. As a result, the clearance rate in the third quarter of 2015 was unfavourable, corresponding to more than 1.094 cases. However, this clearance rate was the least unfavourable in the homologous period that corresponds to the third quarter of 2007 (table 7)⁶.

Figura 6 - Ações cíveis entradas e findas, 3.º trimestre

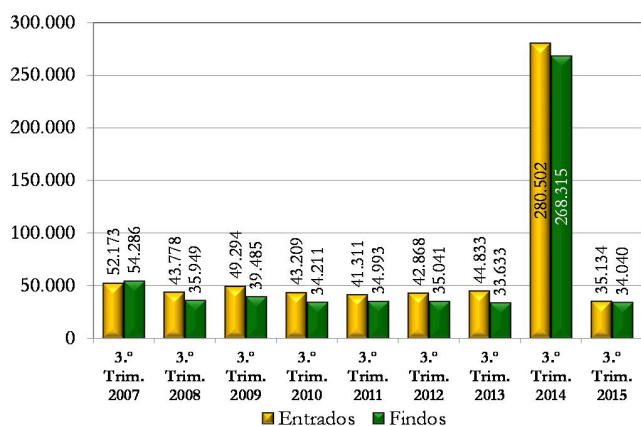
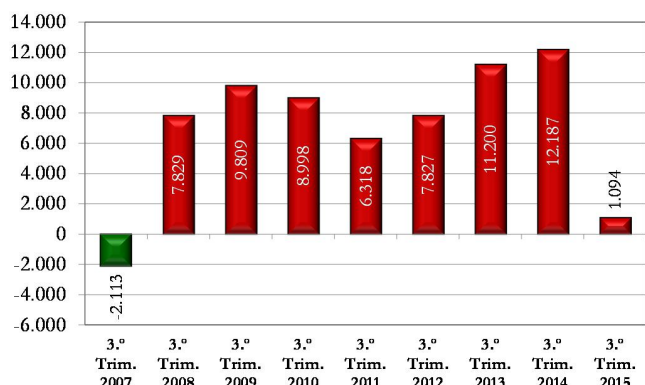


Figura 7 - Saldo processual para as ações cíveis, 3.º trimestre

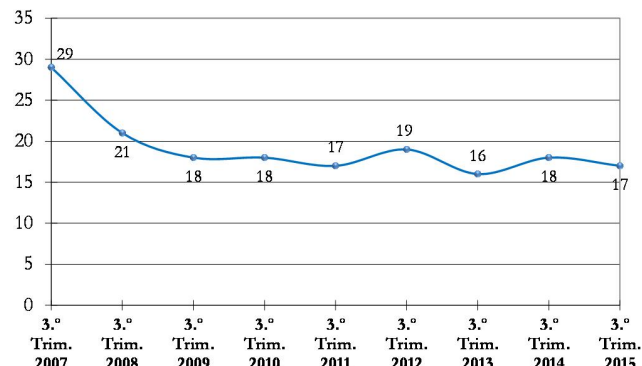


Average duration⁷ of completed civil actions – Homologous periods

Regarding the average duration of completed civil actions in the third quarters of the years 2007 to 2015, it is possible to observe that the value has ranged from 16 to 29 months. Compared to the third quarter of 2007, there has been a reduction of 12 months in the average duration of completed civil actions in the third quarter of 2015. Considering the previous homologous period, a reduction of 1 month in the average duration of

completed civil actions was observed (going from 18 to 17 months) (table 8).

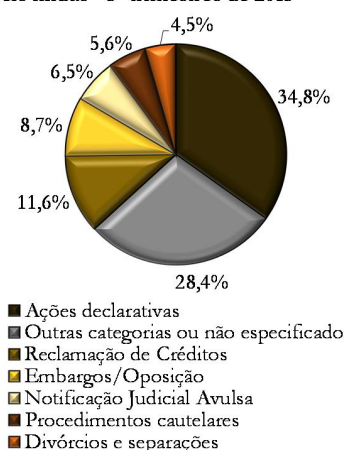
Figura 8 - Duração média (em meses) das ações cíveis findas, 3.º trimestre



Distribution of types of completed civil actions – Homologous periods

Considering the distribution of types of completed civil actions in the third quarter of 2015, it may be said that 34.8% correspond to declarative actions, 11.6% to debt claims, 8.7% to embargos/counterclaims and 6.5% to in sundry judicial notifications (table 9).

Figura 9 - Distribuição dos tipos de ações cíveis findas - 3º trimestres de 2015



Footnotes

¹ In this bulletin the civil actions do not include the enforcement actions, the bankruptcy cases, the insolvency and company rescue cases and the special revitalization cases as the behaviour of these types of cases have already been subject to analysis in autonomous statistical quarterly bulletins (see the statistical quarterly bulletin 24 for the enforcement actions and the statistical quarterly bulletin 25 for the bankruptcy, insolvency and company rescue and special revitalization cases).

² Pending cases are cases that, having entered the courts, have not been completed, that is, have not had a final decision (judgment, sentence or order) in the relevant instance, irrespective of the *res judicata* decision. Pending cases are thus cases that are waiting for certain actions or diligences to be carried out either by the court, by the parties or by any other entity. Some cases may even be waiting for certain facts to occur or for a time limit to run its course. For instance, a suspended case is a pending case regardless of the cause of such suspension. A pending case is not necessarily a delayed case, an example being the cases that are running within the legal time frames.

³ The clearance rate is the ratio corresponding to the overall total of completed cases over the overall total of new cases. When equal to 100%, it means that the volume of new cases is equal to the volume of completed cases and, as such, the pendency variation is considered null. When higher than 100%, it means that the pendency has been recovered. The highest this indicator is, the higher shall be the pendency recovery in the same year. If it is inferior to 100%, it means that the volume of new cases has been higher than the volume of the completed ones and, thus, pendency is generated for the following year.

⁴ Disposition time is an indicator that measures, in days, the time that would be necessary to complete all the cases pending at the end of a specific period, being based on the rhythm of work carried out in that same period of time, that is, the number of cases completed in that period. Applied to a quarter, this indicator multiplies by 91.25 (average number of days in a quarter) the total of cases pending at the end of that quarter, divided by the total of cases completed throughout that same period of time.

⁵ In the 9 quarters comprised between the third quarter of 2007 and the third quarter of 2015, were recorded, respectively, under the legal model in force until 1 September 2013, 52.173, 43.778, 49.294, 43.209, 41.311, 42.868, 44.833, 280.502 and 35.134 new civil actions and also, respectively, 54.286, 35.949, 39.485, 34.211, 34.993, 35.041, 33.633, 268.315 and 34.040 completed civil actions. However, from these overall totals, just 32.996, 41.306, 44.829, 40.733, 38.756, 40.531, 42.653, 35.712 and 32.464 new civil actions and 35.109, 33.477, 35.020, 31.735, 32.438, 32.704, 31.453, 23.525 and 31.370 completed civil actions correspond to real movements of cases that started and were completed. The remaining 19.177, 2.472, 4.465, 2.476, 2.555, 2.337, 2.180, 244.790 and 2.670 cases do not correspond to new or completed civil actions. These new and completed cases refer to the total of civil actions that have run internally between organic units/courts. They are not, hence, cases that have entered the justice system. They are cases that were completed at a certain organic unit/court and which were transferred to other organic units/courts.

⁶ Procedural balance is the difference between the number of new cases and the number of completed cases. If the procedural balance is positive, an increase in the pendency is observed. If the procedural balance is negative, the pendency decreases.

⁷ In the legal model in force until 1 September 2013, the average duration of a completed case corresponds to the day the case initiated in the court first seized to the day the case ends in such court or in another court if the case has been redistributed. The concept of average duration used in this statistical bulletin also

corresponds to the duration of the initial case, where the periods of time the case takes in the several courts in which it runs are added.

Framework note – Time scope and other considerations

From 2007 onwards, statistical data on cases at the first instance courts are directly gathered through the courts' computer system. Thus, the present procedural situation corresponds to the cases that are recorded in this system. The new and completed cases comprise the cases that have been transferred between organic units due to the extinction or establishment of new courts, benches or court sections.

Technical sheet:

In accordance with Article 2(1) of Decree-Law 163/2012, of 31 July, the Directorate-General for Justice Policy (DGPJ) of the Ministry of Justice, is in charge of giving 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.

The Law 22/2008, of 13 May, defines the basic general guidelines and principles that govern the National Statistical System (SEN), in particular as regard the National Statistical Institute (INE)'s delegation of competences in other entities.

Under Article 24 of Law 22/2008, of 13 May, a protocol entrusting DGPJ with the production and dissemination of the official Justice statistics was concluded.

As a delegated entity, DGPJ has to comply, in the relevant parts, with the Law 22/2008, of 13 May, with the Decree-Law 166/2007, of 3 May, as well as with the rules set out in communitarian legislation; DGPJ adopts the European Statistics Code of Practice and the Regulation for the Application of the Principle of Statistical Confidentiality of the National Statistical Institute.

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