

Interim Resolution CM/ResDH(2010)34¹**Execution of the judgment of the European Court of Human Rights
in 25 cases against Portugal
relating to the excessive length of judicial proceedings**

(see Appendix II)

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 11 (hereinafter “the Convention”),

Having regard to the number of judgments of the European Court of Human Rights (hereinafter “the Court”) finding Portugal in violation of Article 6, paragraph 1, of the Convention on account of the excessive length of judicial proceedings (see Appendix III to this Resolution);

Reiterating that excessive delays in the administration of justice constitute a serious danger for the respect of the rule of law;

Recalling that the Committee, in its Interim Resolution CM/ResDH(2007)108, welcomed the numerous reforms adopted by the Portuguese authorities to solve this structural problem; that it encouraged the authorities to continue their efforts in this field, inviting them to provide further information on the practical impact of the reforms;

Recalling that in that Interim Resolution, the Committee also referred to its Recommendation to member states Rec(2004)6 the need to improve the efficiency of domestic remedies, and underlying the importance of this issue when the judgments point to structural problems likely to lead to an important number of new, similar violations of the Convention;

Having also examined the information provided by the Portuguese authorities on additional measures taken or envisaged since the adoption of the Interim Resolution (see Appendix I), comprising comparative statistical data concerning the length of proceedings in the civil, criminal and administrative fields (see Appendix III).

Assessment of the Committee of Ministers**I. Individual measures**

Noting with concern that in the Oliveira Modesto and others case (judgment of 08/06/00) the domestic proceedings, which are still pending, have lasted more than 22 years;

URGES the Portuguese authorities to provide for acceleration as much as possible of these proceedings, in order to bring them to an end as soon as possible;

¹ Adopted by the Committee of Ministers on 4 March 2010 at the 1078th meeting of the Ministers' Deputies.

II. General measures

1) Civil proceedings

Noting that, while the statistics show a decrease in the average length and the backlog before “higher” civil courts, the situation before the first-instance courts remains a subject of concern;

Noting also that the reform introduced by Law-decree No. 303/2007 has not yet produced the desired impact on the length of proceedings, insofar as it only applies to proceedings initiated after its entry into force (i.e. 1/01/2008);

URGES the authorities to envisage the adoption of *ad hoc* measures to reduce the civil backlog by giving priority to the oldest cases and to cases requiring particular diligence;

ENCOURAGES them to pursue actively their efforts to ensure reduction of the length of civil proceedings, especially before first-instance courts and to assure appropriate monitoring of the reform of 2007 so as to evaluate its effects;

INVITES the authorities also to submit information and statistical data on the general trend before family courts, no information being currently available on this issue.

2) Criminal proceedings

Noting with satisfaction that the reform of criminal proceedings which entered in force on 15 September 2007, has contributed to an important decrease in the backlog, in particular before first-instance criminal courts and that, at least as far as procedures before “higher” courts are concerned, it also contributed to a decrease in their average length;

ENCOURAGES the Portuguese authorities to continue their efforts in monitoring the reform, in view of a full consolidation of its positive effects on the average length of proceedings, including those before first-instance criminal courts.

3) Administrative proceedings

Noting with satisfaction that following the establishment of the Central Administrative Tribunal in 1997, the number of pending cases and registered cases before the Supreme Administrative Court reduced by 50% between 1994 and 2000 and that the statistics on fiscal and administrative proceedings show a decrease of the length of proceedings before “higher” administrative courts;

Noting with interest the wide-ranging reform of administrative proceedings which entered into force on 1 January 2004, aimed at providing effective judicial protection and improving access to justice by amending several procedural aspects;

Noting however that the statistics also show an important increase in the average length of proceedings before first-instance courts;

STRONGLY ENCOURAGES the Portuguese authorities to pursue actively their efforts to reduce the length of administrative and fiscal proceedings, in particular before first-instance courts;

INVITES them to continue appropriate monitoring of the implementation of the reform of 2004, so as to be able to evaluate its impact on length of proceedings, and to keep the Committee of Ministers informed of any development on this issue.

4) Enforcement proceedings

Noting with concern that, notwithstanding the reform brought in by Law-decree No. 38/2003, the statistics

show an increase in both length of proceedings and backlog;

Noting the recent reform brought in by Law no.18/2008 and Law-Decree no. 226/2008, as well as by Ministerial Decrees Nos. 312, 313, 321-A and 321-B of 30 March 2009, aimed at simplifying and expediting enforcement proceedings, as well as avoiding bringing actions devoid of purpose before courts;

Bearing in mind that the reform has not yet been fully deployed in respect of enforcement proceedings, insofar as it only entered into force on 31 March 2009 and therefore an assessment cannot be carried out at this stage;

ENCOURAGES the Portuguese authorities to continue their efforts to ensure that the recent reform of enforcement proceedings fully contributes to the acceleration of such proceedings;

CALLS UPON the authorities to assess the effects of the reform as it proceeds, with a view to adopting, if appropriate, any further measures necessary to ensure its effectiveness, and to keep the Committee of Ministers informed of the developments in this field.

5) Measures for improving the efficiency of the judiciary

Noting the measures adopted by the authorities to reduce the congestion of courts, in particular strengthening alternative dispute resolution measures;

Noting in addition with interest that during 2008 digital treatment of cases and management of files (Citius project) have been introduced;

INVITES the Portuguese authorities to assess the effects of the measures adopted, to take any further necessary measures, if appropriate, to improve their effectiveness and to keep the Committee of Ministers informed of this assessment and on possible developments on this issue,

6) Measures regarding effective remedies

Noting with interest the adoption of Law No. 67/2007 of 31/12/2007 which explicitly regulates the application of extra-contractual responsibility of the state to the violation of the right to a judicial decision within a reasonable time (Article 12);

Noting, however, that there currently exist discrepancies in the jurisprudence as regards the application of this law to the issue of compensation for non-pecuniary damages and that in its judgment of 10/06/2008 in the Castro and Alves Correia de Castro case, the European Court that the action for extra-contractual civil responsibility of the state will not offer an effective remedy under Article 13 of the Convention, as long as the case-law of the Supreme Administrative Court and in particular its decision of 28 November 2007 – which is in line with the case law of the European Court concerning compensation of damages – is not consolidated in the Portuguese legal order through the harmonisation of the jurisprudential discrepancies which may be observed;

Noting also that in the judgment mentioned above the European Court recalls that Article 152 of the Procedural Code of Administrative Courts provides the public prosecutor with the power to ask the Supreme Court for harmonisation of jurisprudence and recommends the use of this instrument to put an end to this uncertainty in the case-law;

Noting also the publication and the broad dissemination of the Court's judgment in the Martins Castro and Alves Correia de Castro case and considering that these measures are also appropriate since they themselves may encourage the harmonisation of the domestic case-law, favouring the recognition of the findings of the Court by the courts concerned;

ENCOURAGES the authorities to pursue their efforts to introduce the remedy for harmonisation of the

domestic courts' case-law as soon as possible;

INVITES them to provide information on the current practice of courts and its evolution following the Court's judgment in the Castro and Alves Correia de Castro case;

In view of the above, the Committee of Ministers

DECIDES to resume consideration of the progress achieved at the latest:

- At the end of 2010 as far as the issue of an effective remedy is concerned;

In mid-2011 as far as the issue of excessive length of judicial proceedings is concerned.

Appendix I to Interim Resolution CM/ResDH(2010)34

*Information provided by the Government of Portugal
on measures adopted by the Portuguese authorities
on the excessive length of judicial proceedings
following the adoption of the Interim Resolution CM/ResDH(2007)108, in October 2007*

I. Individual measures

Since the adoption of the Interim Resolution CM/ResDH(2007)108 domestic proceedings in two additional cases have been closed (Garcia da Silva and Sociedade Agricola do Peral). At , proceedings are still pending in only one case (Oliveira Modesto and others).

II. General measures

1) General remarks on civil and criminal proceedings before the first instance courts

2008 is the third consecutive year in which the number of pending cases before civil and criminal first instance jurisdictions has decreased (-2,7%). This decrease results from the fact that the number of completed cases (around 788 918) was higher than the number of incoming cases (around 747 387). The clearance rate², which measures how the judicial system is coping with the in-flow of cases and how the backlog is reduced, was 106% in 2008 as against 101% in 2007. It should be noted that since 2006, the clearance rate has been above 100% and is constantly slightly increasing.

2) Civil proceedings

As regards "higher" civil courts, not only the number of incoming cases equals that of the completed cases, but the statistics for the years 2003-2008 show a stable average length of proceedings (4 months, with a decrease to 3 months in 2008) and a decrease in the backlog (from 7267 to 5751 cases in the same period).

On the contrary, the statistics for the years 2003-2007 show an increase in the average length of civil proceedings before first instance jurisdictions (from 24 in 2003 to 33 months in 2007), as well as a substantial growing backlog in the civil field (from approximately 1.12 million pending cases in 2003, to 1.25 million in 2007).

Concerning first-instance courts, a first positive signal was noted in 2008, when the average length of proceedings decreased compared to 2007 (from 33 to 30 months). Positive results regarding these courts have also been noted regarding declaratory actions, insofar as in 2008 the number of completed cases exceeded the number of incoming cases (111 202 and 102 687 cases respectively) and the average length of proceedings has sensibly decreased (from 33 months in 2007 to 24 months in 2008). However, such proceedings represent only around 10% of civil litigation before first-instance courts.

In this context, it should be noted that the reform introduced by Law-decree No. 303/2007, amending the Code of Civil Procedure with the aim of reducing the number of appeals brought in general and to the Supreme Court in particular, applies only to proceedings initiated after its entry in force on 1 January 2008 and it has not yet produced the desired impact on the length of proceedings.

² The clearance rate, expressed as a percentage, is obtained when the number of resolved cases is divided by the number of incoming cases and the result is multiplied by 100. A clearance rate equal to 100% indicates the ability of the court or of a judicial system to resolve cases received within the given time period. A clearance rate above 100% indicates the ability of the system to resolve more cases than received, thus reducing any backlog. When a clearance rate goes below 100%, the received cases are not resolved within the given period and the number of unresolved cases at the end of the year (backlog) will rise.

As to the ad hoc chambers established to treat the backlog (“Juízos” of the first-instance civil court of Lisbon), they have been gradually phased out and ended their functions as of 31 August 2009.

3) Criminal proceedings

Between 2003 and 2007 a reduction in the backlog was noted, from 230 000 to 208 000 cases (before first-instance courts) and from 4500 to 3600 cases (before “higher” courts) in 2003-2007. The reform of criminal proceedings which entered in force on 15 September 2007 has contributed.

In fact, in the same period the number of completed cases was higher than the number of incoming cases: 210 137 and 203 573 respectively before first-instance courts and 12 632 and 12 429 respectively before “higher” courts. In 2008, the total number of completed cases before first-instance courts was again higher than the number of incoming cases (242 000 and 172 480 cases respectively).

In the same period (2003-2007) the average length of proceedings before “higher” courts also decreased (from 5 to 4 months), while a slight increase in the length of proceedings before first-instance courts was registered (from 12 to 14 months).

It is also worth noting that in 2008 the number of incoming cases before criminal courts decreased by around 33%. Thus, as regards first-instance courts, the number of incoming cases in 2007 was around 203 000, while in 2008 it was around 172 000. The decrease in the number of incoming cases appears to be the main cause of the important decrease in the backlog observed in 2008 before these courts (from 208 104 cases at the end of 2007 to 137 880 cases at the end of 2008). No data on the impact of this decrease on the backlog and on the average length of proceedings before these jurisdictions are available to date.

4) Administrative proceedings

Between 1994 and 2000 pending cases and registered cases before the Supreme Administrative Court dropped by 50%. This evolution obviously derives from the implementation of Law-decree No. 229/96, which introduced a second-instance of administrative jurisdiction (the Central Administrative Tribunal, in place since 1997) and re-organised competences between the three levels of jurisdiction.

However, in the same period, no decrease in the average length of proceedings at the three levels of jurisdiction was registered: the average length remained stable at, respectively, 14 months for the Supreme Administrative Court, 12 months for the Central Administrative Tribunal, and 15 months for administrative courts of first instance.

As regards 2003-2007, the average length of terminated administrative and fiscal proceedings before administrative courts reduced, passing from an average of 13,4 months in 2003-2006 to 13 months in 2007. As far as first-instance administrative courts are concerned, the statistics for the same period show an increase in the average length of terminated proceedings (from 13 to 23 months). No data are available for fiscal first-instance courts.

No information for 2008 has been submitted.

Furthermore, two important reforms entered in force on 1 January 2004: the reform of administrative proceedings carried out by Law No. 13/2002 (approving the new Statute of administrative and fiscal tribunals) and Law No. 15/2002 (approving the Code of procedure applicable in administrative and fiscal tribunals, hereinafter CPTA). These two reforms aimed to provide effective judicial protection and improve access to justice by amending several procedural aspects. In particular, the means to achieve the aims areas follows:

- reorganisation of the different kinds of proceedings (ordinary, special, urgent, conservative

and enforcement proceedings);

- redefinition of appeals to higher courts (i.e. *per saltum* appeal, providing the possibility to appeal directly before the Administrative Supreme Court in case of mere violation of substantial law or procedural rules);
- introduction of the principle of “plurality of actions” (Article 4 CPTA), allowing the filing of a single action for claims bearing the same material link;
- Introduction of the possibility to condemn public administrations acting in bad faith in the framework of administrative proceedings (Article 6 CPTA);
- attribution of the capacity to stay as a defendant to the public law corporation itself or to the concerned ministry (Article 10 CPTA), implying that claimants are no longer required to identify precisely the individual (natural person) who carried out the contested act;
- introduction of the possibility to summons public administrations in urgent proceedings, to obtain information on the status of certain administrative procedures and access to the files;
- introduction of the possibility to summons public administrations in urgent proceedings when an urgent decision is necessary in order to exercise a certain right;
- introduction of the possibility for administrative courts to adopt all conservative measures which are necessary with a view to the final judgment or to anticipate the final decision on the main claims (Article 121 CPTA), provided that the requirements of *fumus boni iuris ad periculum in mora* are met;
- introduction of the possibility to appeal before the Supreme Administrative Court for particularly sensitive issues, in line with its role of “juridical guidance” for the lower courts (Article 150 CPTA);
- management and simplification of procedure (i.e. Article 48 CPTA, dealing with repetitive cases).

5) Enforcement proceedings

Notwithstanding the reform brought in by Law-decree No. 38/2003, the statistics for 2007-2008 show an increase in the average length of civil enforcement proceedings (from 27 to 35 months in 2003-2007), as well as a substantial increase in the backlog (from 724 000 to 976 000 pending cases for the same period).

The situation is similar, though in smaller numbers, regarding enforcement of labour courts' cases, the average length of enforcement proceedings increasing from 17 to 28 months in the same period. However, the backlog did not increase, in particular thanks to a decrease in the number of applications (from 7900 to 5100).

A recent reform in the field of enforcement proceedings entered in force on 31 March 2009 (brought in by Law no.18/2008 and Law-Decree no. 226/2008, as well as by Ministerial Decrees no. 312, 313, 321-A and 321-B of 30 March 2009, which entered into force on 31 March 2009). It aims to simplify and expedite enforcement proceedings, as well as to avoid bringing actions devoid of purpose before courts, while at the same time continuing to protect the guarantees of the intervening parties. In particular, the reform provides:

- electronic filing, reception and distribution of enforcement requests;
- enlargement and strengthening of the role of the “enforcement agent” (*agente de execução*), who can make extensive use of electronic means such as databases;
- scrutiny of the activity of “enforcement agents” by an independent body with a view to increasing their efficiency;
- the possibility for lawyers to apply for posts of “enforcement agents”, thus increasing the speed with which pending proceedings may be dealt with;
- the possibility to apply for arbitration;
- creation of public lists of enforcement proceedings in which a distribution to creditors did not take place for lack of debtor's assets: the aim is to deter further creditors' applications, the execution of which would obviously be ineffective. At the same time, such lists constitute a source of information for anyone interested in negotiating/entering into a contract with a subject or an entity subject to enforcement proceedings.

6) Measures for improving the efficiency of the judiciary

An Action Plan was adopted by the authorities in 2005 and another in 2007 aimed at reducing the congestion of courts. In particular, the 2005 Action Plan made possible:

- reduction of the period of suspension of judicial activities due to court vacations (Law No 42/2005 of 29 August 2005);
- the introduction of a “class-action” (Law decree No. 108/2006 of 8 June 2006);

The 2007 Action Plan in particular made possible:

- the creation of arbitration centres dealing with litigation in the field of intellectual property (Law Decree No. 143/2008 of 25 July 2008);
- the creation of four courts of justices of the peace in 2007 and of four more in 2008 (see in particular law-decree No. 22/2008 of 1 February 2008);
- strengthening of the mediation system in family and labour matters in all the national territory;

Further highlights in 2003-2008 were:

- the increase in 2003-2007 in the number of ordinary judges from 1633 to 1859 and of the number of public prosecutors from 1204 to 1349;
- the increase in 2005-2008 of the number of justices of the peace (*juígados de paz*) from 17 to 24; the number of cases brought before them increased from 697 in 2003 to 6453 in 2008; in 2008, 5845 proceedings were completed and 2818 remain pending;
- the increase in 2005-2007 in the number of arbitration centres (alternative dispute resolution measures) from 16 to 27 and the reduction of their backlog (1546 pending applications in 2006 and 1157 in 2007), for an equal level of equal demand (around 9 000 applications per year), which seems to imply a reduction in the waiting-time for justice;

Furthermore, in 2008, a project called “Citius” made it possible to modernise the judicial system thanks to the introduction of the digital treatment of cases and management of files.

7) Measures regarding effective remedies

In the Portuguese legal order, the remedy for excessive length of judicial proceedings was initially developed by case-law on the basis of Law-Decree No. 48051/1967 on extra-contractual civil responsibility of the state. Subsequently, Law No. 67/2007 of 31/12/2007 explicitly regulated the application of extra-contractual responsibility of the state to the violation of the right to a judicial decision within a reasonable time (Article 12).

In this framework, the case-law of the Supreme Administrative Court, and in particular its judgment of 28 November 2007, affirmed that applicable domestic legislation must be interpreted in conformity with the Convention case-law and that non-pecuniary damage following from the finding of a violation of Article 6 of the Convention on the ground of excessive length of proceedings must be compensated accordingly.

In its judgment in the Martins Castro and Alves Correia de Castro case (judgment of /06/2008), the European Court noted with satisfaction that the Supreme Administrative Court, in its judgment of 28 November 2007, respected entirely the principles emerging from the case-law of the European Court. It found, however, that this case-law of the Supreme Administrative Court did not seem to be sufficiently consolidated in the domestic legal order, due to several divergences observed in courts’ practice. The European Court therefore found that the action on extra-contractual responsibility of the state did not offer an effective remedy in the sense of Article 13 and that such an action would not be considered as an effective remedy as long as the above case-law of the Supreme Administrative Court was consolidated in the Portuguese legal order through the harmonisation of the domestic courts’ case-law.

The European Court furthermore underlined that the existence of a remedy was not in itself sufficient, and that it was also necessary that national courts apply the European Court's case-law directly in the internal legal order and that their knowledge of such case-law is facilitated by national authorities (§65 of the Martins Castro and Alves Correia de Castro judgment). In response to this finding, the Portuguese authorities transmitted the judgment of the European Court, translated into Portuguese and accompanied by an explanatory note, to the Principal State Prosecutor, to the Judicial Service Commission and to the Administrative and Fiscal Tribunals Commission in view of its dissemination to the competent authorities. The judgment has been published on the website of the Centre for Research and Comparative Law of the Office of the Principal State Prosecutor ("Procuradoria Geral da República").

Appendix II to Interim Resolution CM/ResDH(2010)34

- 25 Cases of length of judicial proceedings Interim Resolution CM/ResDH(2007)108

a. Cases before civil courts

- 34422/97 Oliveira Modesto and others, judgment of 08/06/00, final on 08/09/00
 54926/00 Costa Ribeiro, judgment of 30/04/03, final on 30/07/03
 53997/00 Dias Da Silva and Gomes Ribeiro Martins, judgment of 27/03/03, final on 27/06/03
 53534/99 Esteves, judgment of 03/04/03, final on 03/07/03
 56345/00 Ferreira Alves No. 2, judgment of 04/12/03, final on 04/03/04
 53937/00 Ferreira Alves, Limited, judgment of 27/02/03, final on 27/05/03
 49671/99 Ferreira da Nave, judgment of 07/11/02, final on 07/02/03
 56110/00 Frotal-Aluguer de Equipamentos S.A., judgment of 04/12/03, final on 04/03/04
 58617/00 Garcia da Silva, judgment of 29/04/2004, final on 29/07/2004
 49279/99 Koncept-Conselho em Comunicação e Sensibilização de Públicos, Lda, judgment of 31/10/02, final on 31/01/03
 52412/99 Marques Nunes, judgment of 20/02/03, final on 20/05/03
 54566/00 Moreira and Ferreirinha, Lda and others, judgment of 26/06/03, final on 26/09/03
 55081/00 Neves Ferreira Sande e Castro and others, judgment of 16/10/03, final on 16/01/04
 57323/00 Pena, judgment of 18/12/03, final on 18/03/04
 48187/99 Rosa Marques and others, judgment of 25/07/02, final on 25/10/02
 59017/00 Soares Fernandes, judgment of 08/04/2004, final on 08/07/2004
 44298/98 Tourtier, judgment of 14/02/02, final on 14/05/02

b. Cases before administrative courts

- 52662/99 Jorge Nina Jorge and others, judgment of 19/02/04, final on 19/05/04
 55340/00 Sociedade Agrícola do Peral and autre, judgment of 31/07/03, final on 31/10/03

c. Cases before criminal courts

- 48956/99 Gil Leal Pereira, judgment of 31/10/02, final on 31/01/03
 14886/03 Monteiro da Cruz, judgment of 17/01/2006, final on 17/04/2006
 50775/99 Sousa Marinho and Marinho Meireles Pinto, judgment of 03/04/03, final on 03/07/03
 52657/99 Textile Traders, Limited, judgment of 27/02/03, final on 27/05/03

d. Case before family courts

- 51806/99 Figueiredo Simoes, judgment of 30/01/03, final on 30/04/03

e. Case before labour courts

- 53795/00 Farinha Martins, judgment of 10/07/03, final on 10/10/03

Appendix III to Interim Resolution CM/ResDH(2010)34

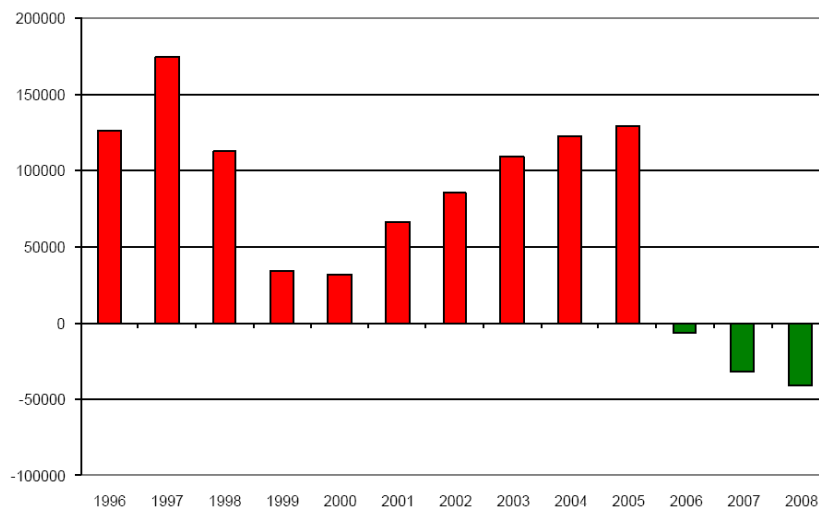
Statistical data provided by the Portuguese authorities

1) General statistical data on civil and criminal proceedings before the first instance courts

Procedural flow at the first instance courts 1996-2008

Considering the period 1996-2008, the year 2008 was the third consecutive year in which the number of pending cases at the first instance courts has registered a decrease (-2,7%). This decrease in case pendency is higher than the one registered in 2007. Such resulted from a decrease in the number of incoming cases (-2,5%) and from the fact that the number of completed cases has remained at the level of the year 2006, where an increase of 14,1% in relation to 2005, was verified.

Table 1 – Annual procedural balance (Incoming cases – Completed cases) 1996-2008



In 2008, for the third consecutive year, the number of completed cases was higher than the number of incoming cases. The positive balance of 41 531 cases justifies the decrease in the pendency of around 2,7%. Such represents an improvement in relation to the value registered in 2007 and contradicts the increasing trend verified until 2005. From 1996 to 2006 the procedural pendency had continually increased because the number of completed cases has been higher than the number of incoming cases.

Table 2 – Incoming and completed cases in 2008²

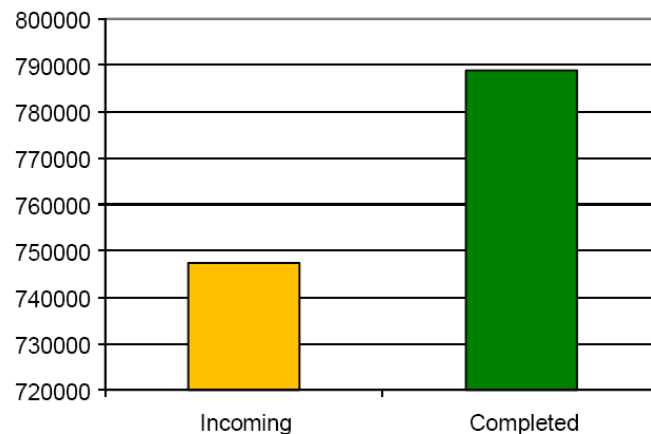
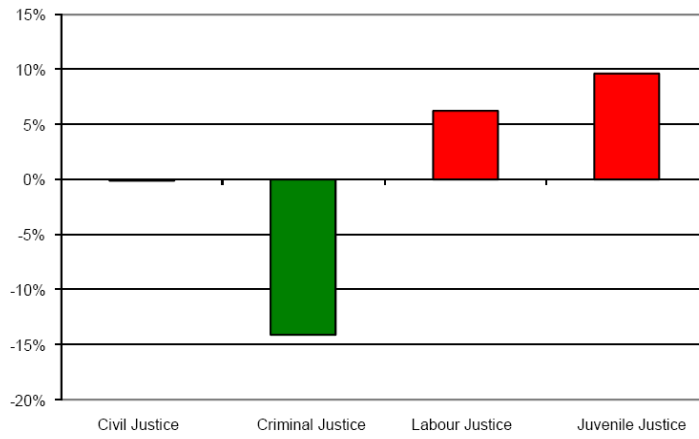


Table 3 – Clearance rate of the number of incoming cases 2007-2008³**Table 4 – Clearance rate of the number of completed cases 2007-2008**

Pending cases³ and clearance rate⁴

Table 7 – Pending cases as at 31 December 1996-2008

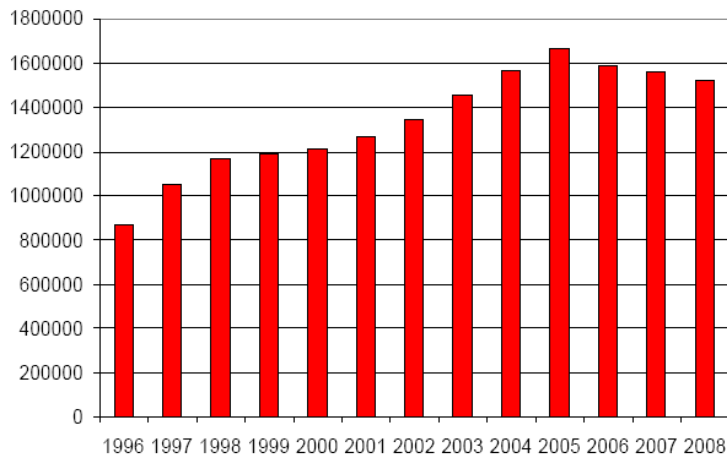
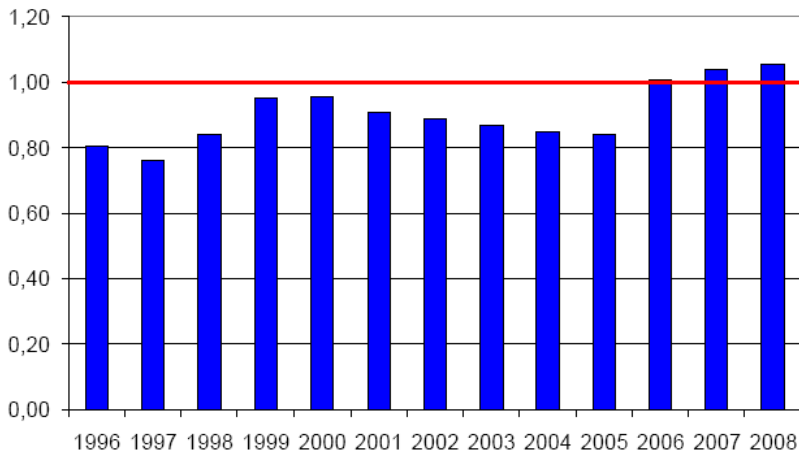


Table 8 – Clearance rate 1996-2008



³ The pending cases correspond to incoming cases which have not yet had a decision, either in the form of a judgment, sentence or order, at the judicial instance, irrespective of whether or not a final decision has been delivered. As such, they are cases that are waiting for certain acts or diligences to be carried out by the court 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 timeframes to run out. A suspending case is, for example, a pending case, whatever the cause for suspension may be.

⁴ The clearance rate corresponds to the ratio between the total of completed cases and the total of incoming cases. If it is equal to 1, it means that the volume of incoming cases is equal to the volume of completed cases and that the fluctuation of the pendency is null. If it is higher than 1, it means that the pendency has been recovered. The higher this indicator is, the bigger shall be the recovery of the pendency in that year. If it is lower than 1, it means that the number of incoming cases has been higher than the number of completed cases and that, as such, case pendency has been generated for the following year.

2) Statistical data on civil proceedings

Inf. N^o166/DSEJI
30.04.2009

**Treatment of civil cases brought before first instance jurisdictions during the years
2003 to 2007**

Instance	First instance		
Domain of the proceedings	Civil cases		
Phase of the proceedings	New cases	Cases closed	Pending cases (at the end of the period)
Year	Number of cases	Number of cases	Number of cases
2007	512 797	541 072	1 250 549
2006	472 259	492 091	1 254 371
2005	534 497	427 014	1 311 778
2004	516 117	422 816	1 217 905
2003	517 458	442 086	1 123 994

(*) provisional data updated on 14-04-2009

**Treatment of civil cases brought before higher jurisdictions during the years 2003 to
2007**

Instance	Higher jurisdictions		
Domain of the proceedings	Civil cases		
Phase of the proceedings	New cases	Cases closed	Pending cases (at the end of the period)
Year	Number of cases	Number of cases	Number of cases
2007	19 781	19 971	5 751
2006	19 641	19 824	6 955
2005	19 552	19 530	7 138
2004	19 159	19 212	7 214
2003	19 293	20 121	7 267

(*) provisional data updated on 14-04-2009

Average length of closed civil cases brought before first instance jurisdictions during the years 2003 to 2007

Instance	First Instance	
Domain of the proceedings	Civil cases	
Year	Number of cases	Average length (in months)
2007	448 299	33
2006	438 425	30
2005	366 934	27
2004	344 223	25
2003	423 021	24

(*) provisional data updated on 14-04-2009

Average length of closed civil cases brought before higher jurisdictions during the years 2003 to 2007

Instance	Higher jurisdictions	
Domain of the proceedings	Civil cases	
Year	Number of cases	Average length (in months)
2007	18 781	4
2006	18 428	4
2005	18 614	4
2004	17 899	4
2003	18 224	4

(*) provisional data updated on 14-04-2009

Treatment of civil appeals, before the Supreme Court and the appeal courts, by type of case during the years 2003 to 2008 (*)

Year, phase of the procedure	2008			2007			2006			2005			2004			2003		
	Registered	Closed	Pending at the end of the period	Registered	Closed	Pending at the end of the period	Registered	Closed	Pending (at the end of the period)	Registered	Closed	Pending (at the end of the period)	Registered	Closed	Pending (at the end of the period)	Registered	Closed	Pending (at the end of the period)
TYPE OF CASE																		
TOTAL	18 274	503	5 674	19 781	19 971	5 751	19 641	19 824	6 955	19 552	19 530	7 138	19 159	19 212	7 214	19 292	20 120	7 266
appeal	9 243	8 964	3 034	8 633	8 622	2 684	8 968	8 861	3 065	8 621	8 433	2 958	8 863	8 953	2 710	8 995	9 461	2 800
"Agravo"	3 810	4 166	919	5 454	5 431	1 265	4 771	4 909	1 712	5 369	5 520	1 850	4 532	4 680	2 130	4 648	4 721	2 278
Others	2 127	2 174	533	2 406	2 362	578	2 474	2 531	534	2 161	2 243	591	1 493	2 320	699	2 285	2 329	525
Other cases	3 094	3 199	1 188	3 288	3 556	1 224	3 428	3 523	1 644	3 401	3 334	1 739	3 271	3 259	1 675	3 364	3 609	1 663

(*) provisional data of 17.02.09

Average length, in months, of appeals in civil matters before higher jurisdictions between the years 2003 and 2008 (*)

Year and average length		2008	2007	2006	2005	2004	2003
"Area Processual" and type of case		Average length (months)	Average length (months)	Average length (months)	Average length (months)	Average length (months)	Average length (months)
Justice in civil matters	Jurisdictional appeals	3	4	4	4	4	4

(*) Provisional data of 17.02.09

3) Statistical data on criminal proceedings

Treatment of criminal cases brought before first instance jurisdictions during the years 2003 to 2007

Instance	First instance		
Domain of the proceedings	Criminal cases		
Phase of the proceedings	New cases	Cases closed	Pending cases (at the end of the period)
Year	Number of cases	Number of cases	Number of cases
2007	203 573	210 137	208 104
2006	212 444	200 023	233 056
2005	184 180	168 674	246 378
2004	183 042	164 006	242 427
2003	191 219	167 660	230 710

(*) provisional data updated on 14-04-2009

Treatment of criminal cases brought before higher jurisdictions during the years 2003 to 2007

Instance	Higher jurisdictions		
Domain of the proceedings	Criminal cases		
Phase of the proceedings	New cases	Cases closed	Pending cases (at the end of the period)
Year	Number of cases	Number of cases	Number of cases
2007	12 429	12 632	3 623
2006	12 373	12 397	6 288
2005	11 742	10 626	6 498
2004	11 469	10 386	5 624
2003	10 765	10 191	4 541

(*) provisional data updated on 14-04-2009

Average length of closed civil cases brought before first instance jurisdictions during the years 2003 to 2007

Instance	First Instance	
Domain of the proceedings	Criminal cases	
Year	Number of cases	Average length (in months)
2007	187 360	14
2006	98 697	12
2005	95 404	11
2004	98 185	11
2003	99 039	12

(*) provisional data updated on 14-04-2009

Average length of closed criminal cases brought before higher jurisdictions during the years 2003 to 2007

Instance	Higher jurisdictions	
Domain of the proceedings	Criminal cases	
Year	Number of cases	Average length (in months)
2007	11 054	4
2006	11 238	5
2005	9 486	5
2004	9 193	5
2003	9 133	5

(*) provisional data updated on 14-04-2009

4) Statistical data on administrative proceedings

Average length of closed cases in administrative and fiscal cases, brought before first instance jurisdictions and before higher jurisdictions, by type of jurisdiction, during the years 2003 to 2007

Instance	First instance				Higher jurisdictions	
Domain of the proceedings	Administrative and tax cases				Administrative and fiscal cases	
Type of jurisdiction	Fiscal courts		Administrative tribunals			
Year	Number of cases	Average length (in months)	Number of cases	Average length (in months)	Number of cases	Average length (in months)
2007	nd	nd	7250	23	4372	13
2006	nd	nd	6273	16	4585	16
2005	nd	nd	5977	15	4529	13
2004	nd	nd	3822	15	4432	14
2003	nd	nd	3950	13	5024	11

5) Statistical data on enforcement proceedings

Average length of closed cases concerning enforcement proceedings before first instance jurisdictions during the years 2003 to 2007

Cases	2007(*)	2006	2005	2004	2003
Total	35	35	32	31	26
Enforcement proceedings relating to civil cases	35	36	32	31	27
Enforcement proceedings relating to labour cases	28	19	19	19	17

(*) Provisional data updated on 20/02/09

Treatment of cases concerning enforcement proceedings before first instance jurisdictions during the years 2003 to 2007(*)

Year		2007(*)	2006	2005	2004	2003
Domain of the proceedings	Phase of the proceedings	Number of cases	Number of cases	Number of cases	Number of cases	Number of cases
Total	New cases	313 207	292 735	348 275	320 773	304 315
	Closed cases	311 025	277 069	228 195	221 675	202 863
	Pending cases (at the end of the period)	987 249	968 155	957 392	838 807	736 238
civil iustice	New cases	308 051	285 063	339 403	312 319	296 353
	Closed cases	306 071	269 668	220 988	215 936	195 317
	pending cases (at the end of the period)	976 222	952 206	942 025	824 638	724 874
Labour/employment	New cases	5 156	7 672	8 872	8 454	7 962
	Closed cases	4 954	7 401	7 207	5 739	7 546
	pending cases (at the end of the period)	11 027	15 949	15 367	14 169	11 364

(*)Provisional data updated on 20/02/09

Note: Up to the year 2006, all the enforcement proceedings ("execuções") brought before the labour courts ("tribunais do trabalho") or having competences in relation to labour law/disputes were considered as labour related enforcement proceedings. After 2007, with the changes to the "recolha" method, only the enforcement proceedings in labour cases are considered as enforcement proceedings in relation to work related disputes, whether they are exercised or not before labour courts or courts that are competent to hear work related disputes.

Number of "tribunais de execução" (enforcement courts)

Year	Court	Chamber
2008	"Juízos de Execução" - Lisboa	1.º Juízo de Execução
		2.º Juízo de Execução
		3.º Juízo de Execução
	"Juízos de Execução" - Porto	1.º Juízo de Execução
		2.º Juízo de Execução
	"Juízos de Execução" - Guimarães	Juízo Único
	"Juízos de Execução" - Oeiras	Juízo Único
	"Juízos de Execução" - Maia	Juízo Único
"Juízos de Execução" - V.N.Gaia	Juízo Único	
2007	"Juízos de Execução" - Lisboa	1.º Juízo de Execução
		2.º Juízo de Execução
		3.º Juízo de Execução
	"Juízos de Execução" - Porto	1.º Juízo de Execução
		2.º Juízo de Execução
	"Juízos de Execução" - Guimarães	Juízo Único
	"Juízos de Execução" - Oeiras	Juízo Único
	"Juízos de Execução" - Maia	Juízo Único
"Juízos de Execução" - V.N.Gaia	Juízo Único	
2006	"Juízos de Execução" - Lisboa	1.º Juízo de Execução
		2.º Juízo de Execução
		3.º Juízo de Execução
	"Juízos de Execução" - Porto	1.º Juízo de Execução
		2.º Juízo de Execução
	"Juízos de Execução" - Guimarães	Juízo Único
	"Juízos de Execução" - Oeiras	Juízo Único
2005	"Juízos de Execução" - Lisboa	1.º Juízo de Execução
		2.º Juízo de Execução
		3.º Juízo de Execução
	"Juízos de Execução" - Porto	1.º Juízo de Execução
		2.º Juízo de Execução
2004	"Juízos de Execução" - Lisboa	1.º Juízo de Execução
		2.º Juízo de Execução
	"Juízos de Execução" - Porto	1.º Juízo de Execução

6) Statistical data on measures to improve the efficiency of the judiciary

Treatment of cases brought before the justices of the peace during the years 2003 to 2008

	2008	2007	2006	2005	2004	2003
New cases	6453	6003	5061	3541	2535	697
Total number of cases examined	8663	7463	6040	4155	2702	744
Total number of closed cases	5845	5254	4622	3147	2076	577
By Mediation	1460	1438	1143	898	694	224
By judgment	2578	2575	2255	1488	949	272
by transaction/friendly settlement	885	893	890	594	404	132
by judge's decision	1693	1682	1365	894	545	140
for another motive	1807	1241	1224	761	433	81
Total number of on-going cases	2818	2209	1418	1008	626	167
Initial phase/Pre-mediation	1681	1548	1012	629	384	118
Mediation phase	40	30	53	24	28	17
Judgment phase	1097	631	353	355	214	32

Number of judges of the peace sitting in district courts during the years 2005 to 2009

Years	Number of judges of the peace
2005	17
2006	17
2007	
Up to 14th April	17
From 14th April to 31 October	16
From 1st November to 31 December	15
2008	
From 1st January to 10 October	15
From 11 October to 31 December	24
2009	24

| artistic confidentiality
| (-) the phenomenon does not exist

Treatment of cases brought before arbitration centers, during the years 2006 to 2007

Year, phase of proceedings	2006			2007		
	Registered during the period	Closed during the period	pending for the following period	Registered during the period	Closed during the period	pending for the following period
GENERAL TOTAL	8555	8462	1546	8706	9085	1152
Arbitral	3	3	..	..	..	..
Consumer Vale do Cávado	674	639	161	748	720	189
Commercial	20	12	27	16	22	21
Civil Commercial						
Administrative	6	10	10	9	5	14
Portuguese Catholic University	..	..	..	..	..	..
Consumer Coimbra	200	220	16	163	152	27
Consumer Lisboa	973	947	136	1472	1450	158
Consumer Vale do Ave	341	406	79	341	339	81
Automobile sector	425	434	188	518	510	196
Professional players	115	137	8	74	71	11
Loulé	31	37	..	21	21	..
Consumer Porto	491	500	52	582	575	59
Com.C Arb trab Ponta Delgada	561	534	55	542	560	37
Bâtiment Travaux Publics	5	6	5	..	5	..
Consummation do Algarve	198	216	54	131	165	20
Fédér. Portuguesa de Basket-Ball	..	..	..	..	..	..
Assurance Automobiles	3220	3110	594	3758	4095	257
Commercial do Porto	3	..	9	10	6	13
Professional football league	..	..	..	3	..	..
Lisbonense de Proprietários	34	40	48	..	8	42
Real estate activities	10	8	..	5	6	..
Autonomous Region of Maderas	..	..	9	114	110	13
Judicial sciences	971	956	15	..	..	..
Com. Con. Arb. Trabalho Horta	93	82	21	70	90	..
Com. C Arb Angra Heroismo	180	161	57	126	173	10
(..) Resultat equal to zero/Protected by artistic confidentiality (-) the phenomenon does not exist						

Judges and prosecutors in fist instance or higher jurisdictions on 31 December,

**during the years 2003
to 2007**

	2003	2004	2005	2006	2007
Judges	1.633	1.767	1.810	1.840	1.859
Men	957	963	956	950	936
Women	676	804	854	890	923
Prosecutors	1.204	1.265	1.277	1.336	1.349
Men	637	630	620	633	616
Women	567	635	657	703	733