Seminar organized by the Supreme Court of Ireland and ACA-Europe

How our courts decide: The decision-making processes of Supreme Administrative Courts

Dublin, 25 – 26 March 2019

Answers to questionnaire: Portugal

Seminar co-funded by the «Justice » program of the European Union

How do our courts take a decision: the decision-making process of supreme administrative courts

Dublin, 25-26 March 2019

SUPREMO TRIBUNAL ADMINISTRATIVO
PORTUGAL

ACA Seminar

How do our courts take a decision: The decision-making process of the Supreme Administrative Courts

Dublin, 25-26 March 2019

Supreme court of Ireland

Questionnaire

I. Introduction

1.1 The seminar focuses on the process adopted by our National Supreme Administrative Courts to make their decisions. Each Court applies its own official rules, which are derived from the substantive law or its internal regulations or its official procedures. Additionally, each legal system is marked by its own culture and traditions, which show how the decision-making process evolves.

1.2 The purpose of this questionnaire and the seminar that will follow is to help us better understand the similarities and the differences that exist between the decision-making processes of the different Supreme Administrative Courts. For the purpose of comparison, we hope to obtain some useful information. We also hope that this information will help each Supreme Administrative Court to better understand the process by which the Courts of the other Member States of the EU came to their decisions.

1.3 The seminar to be held on 25 and 26 March 2019 in Dublin, for which this preparatory questionnaire is distributed, is considered to be interconnected with the one that will be organised by our German collaborators outside the General Assembly to be held from 12 to 14 May 2019 in Berlin. Although the issues raised inevitably overlap in some respects, it is expected that the Dublin seminar will focus on the Court's decision-making process, while the Berlin seminar will focus on access to the Supreme Court and its functions, including, for example, the question of whether the procedural administrative law provides for "filters".

1.4 In addition, although this project is independent of ACA-Europe's cross-sectional analysison "The Quality of Judgments", there is an inevitable link between certain elements of the questionnaire prepared for this project and some aspects of this questionnaire.

1.5 Please note that to answer this questionnaire, it is not necessary (except for statistical questions regarding the number of cases in Part C) to take into account the procedures that led to intermin decisions.

1.6 Moreover, if your institution exercises legislative functions, for example by giving opinions on draft laws, and rules on the cases referred to the courts, it is not necessary to include the information related to the legislative functions in the answers to the questions below.

II. Questions

A. General questions regarding your Supreme Administrative Court/Council of State

1. What is the official title of your Supreme Administrative Court/Council of State ("institution")? Please specify your institution's name in your national language and, if possible, its English translation as well.

In the Portuguese internal legal system, the supreme court of the administrative and fiscal section is known as *Supremo Tribunal Administrativo*/*Supreme Administrative Court.*

2. Which country/territory does your institution serve?

Portugal.

3. Where is your institution based (i.e. its headquarters)?

The *Supremo Tribunal Administrativo* (STA) is based in Lisbon and the entire Portuguese territory comes under its jurisdiction (Article 11-2 of the Statute of the Administrative and Fiscal Courts (ETAF)[1].

4. Please provide a link to the website of your institution (if applicable), with a link to the English or French versions or pages of the website, if applicable.

The official website of the STA is available in Portuguese at: https://www.stadministrativo.pt/.

B. The structure of your Supreme Administrative Court/Council of State

5. Please describe in brief:

(a) The main functions of your institution (e.g. court of first instance and last instance, court of cassation or court of appeal);

The main functions of the STA are those of a court of last instance, with powers of a court of cassation that directly applies the law to the established facts. For certain cases, the STA referral is mandatory, as it is the Court of first instance and last instance.

(b) The nature of your institution (for e.g. Supreme Administrative Court or Supreme Court having jurisdiction over other domains of law);

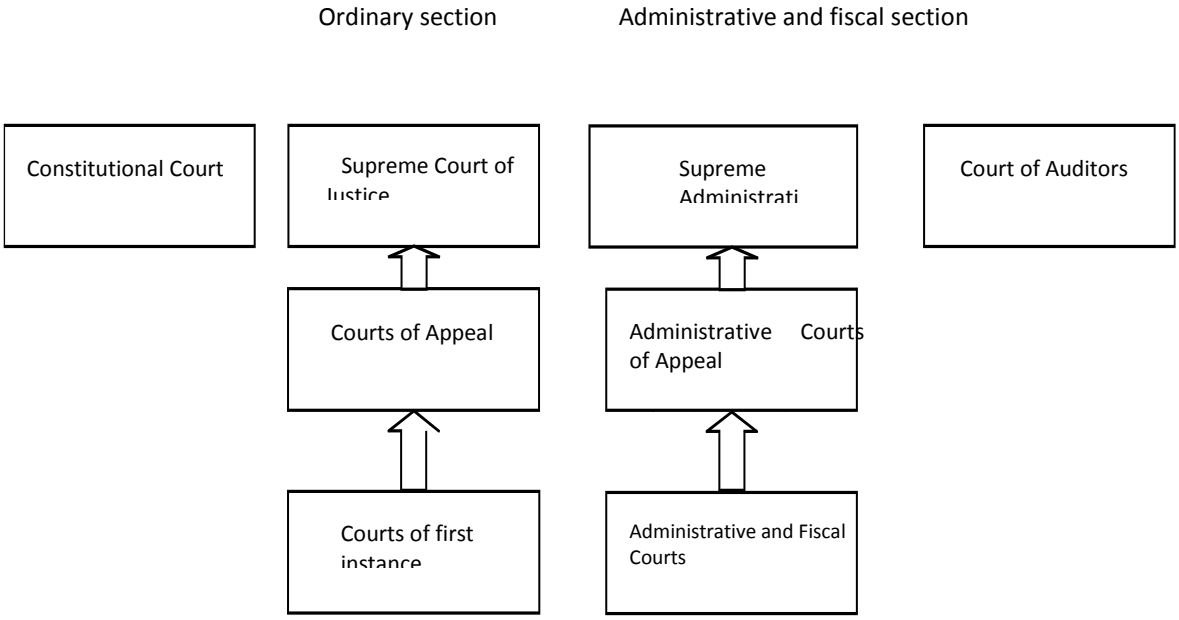
[1] Approved by Law no. 13/2002 of 19 February 2002, last amended by legislative decree no. 214-G/2015 of 2 October 2015.

The STA is the highest body in the hierarchy of the administrative and fiscal courts, having the jurisdiction to hear administrative and fiscal disputes.

(c) Its place in the overall judicial structure of your country/territory.

In Portugal, there are two sections of autonomous and independent courts established under the Constitution: the ordinary section and the administrative section.

PORTUGUESE JUDICIAL ORGANISATION



C. Number of cases

6. How many judges work for your institution?

Currently, in addition to the President, the STA consists of nineteen Counsellors, divided into the administrative and fiscal litigation sections.

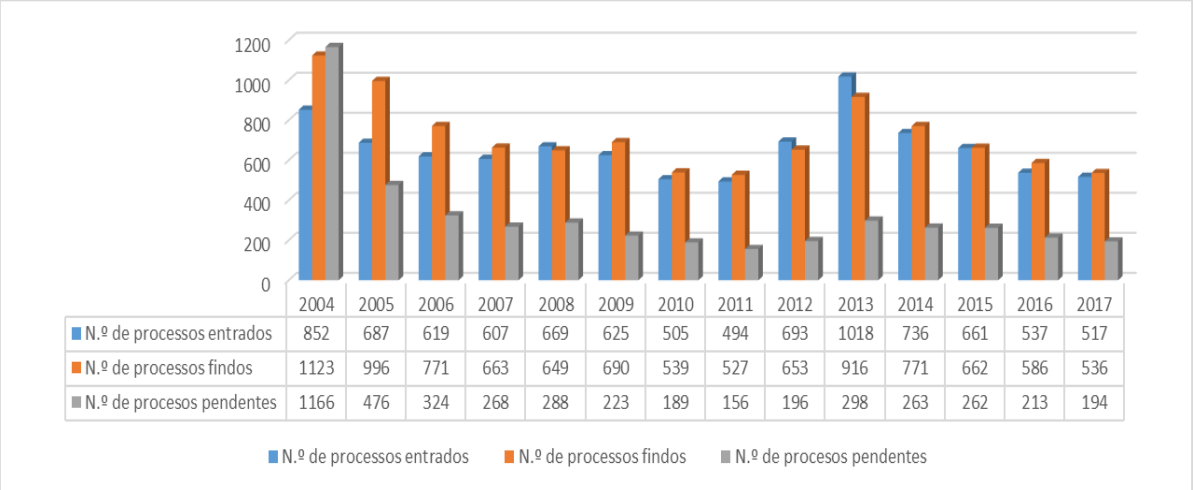
7. On an average, how many cases are brought before your institution every year? and

8. On an average, how many cases does your institution process every year?

The statistical data (from 2004 till 2017) regarding the cases processed by the STA was published in the annual report of the High Council of Administrative and Fiscal Courts (CSTAF)[2].

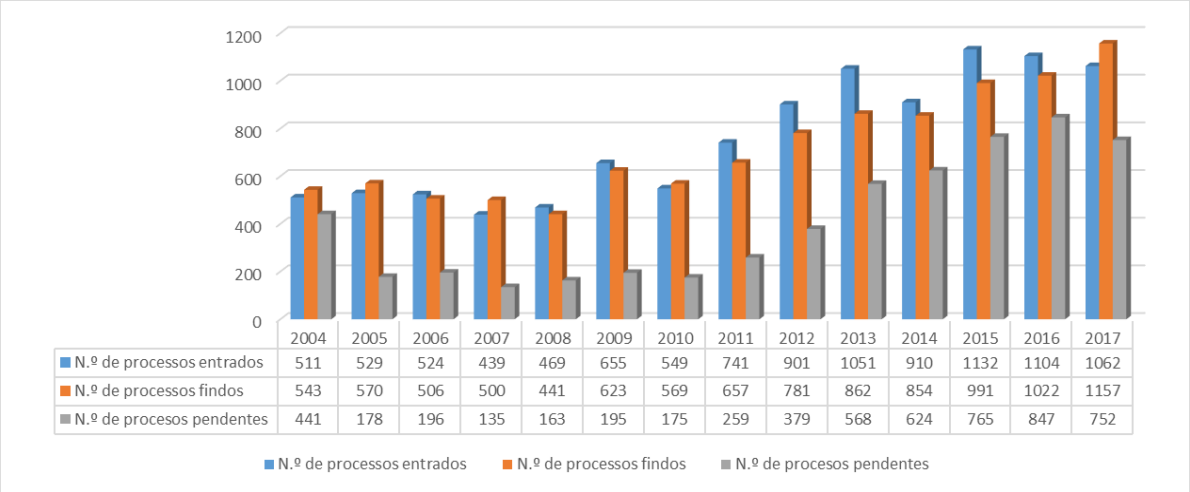
For 2017:

- the activity of the administrative litigation section includes 517 new cases, 536 closed cases and 194 on-going cases, as shown in the graph below:



	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
N.º de processos entrados	852	687	619	607	669	625	505	494	693	1018	736	661	537	517
N.º de processos findos	1123	996	771	663	649	690	539	527	653	916	771	662	586	536
N.º de procesos pendentes	1166	476	324	268	288	223	189	156	196	298	263	262	213	194

- the activity of the fiscal litigation section includes 1060 new cases, 1157 closed cases and 752 on-going cases, as shown in the graph below:



	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
N.º de processos entrados	511	529	524	439	469	655	549	741	901	1051	910	1132	1104	1062
N.º de processos findos	543	570	506	500	441	623	569	657	781	862	854	991	1022	1157
N.º de procesos pendentes	441	178	196	135	163	195	175	259	379	568	624	765	847	752

2 Accessible on http://www.cstaf.pt/pdf/Relatorio_Anual_CSTAF_2017.pdf

D. Internal organisation of the Supreme Administrative Court

9. Does your institution comprise chambers/divisions?

Yes.

10. If yes, please provide the following details:

a. How many chambers/divisions are there?

The STA is organised into sections and plenary session. It consists of two sections: administrative litigation section (1st Section) and fiscal litigation section (2nd section).

b. How many judges serve in each chamber/division?

Currently, in addition to the President, the STA has 10 Counsellors in the administrative litigation section and 9 Counsellors in the fiscal litigation section.

Each section comprises 12 judges. There is a pending procedure to fill the vacant positions.

c. The nature of the specific domains of specialisation of your Supreme Administrative Court by chamber or other (if applicable) (E.g. commercial division, environmental division, etc.)

The STA has two sections specialised by domain: the administrative litigation section and the fiscal litigation section.

d. Do judges change chambers/divisions? If yes, how is the transfer decided?

The law allows the exchange of judges between different STA sections, provided that they have been serving for more than two years at their post; however, the Higher Council of Administrative and Fiscal Courts can authorise this exchange without complying with this time requirement.

e. Can a judge be simultaneously posted to multiple Chambers?

The President of the STA can determine whether a judge can be assigned to another section, in order to meet the temporary activity requirements, with or without exemption from or reduction of the activity in the section to which he belongs. The assignment can involve the full exercise of functions or only those of a Rapporteur or Assistant.

f. Are there many different levels of chambers, for example an "ordinary chamber" and a Chamber for Constitutional Review?

The STA comprises different levels, i.e. plenary session, plenary of each section and the sections.

g. On an average, how many judges are usually allocated for examining and judging a matter? and

h. Does the number of judges allocated to decide on the cases vary? If yes:

(i) Based on which rules or factors?

(ii) Who decides the number of judges that are allocated to examine and judge a case in particular?

The ETAF determines the "formations of the court".

- In each section: the formation of the court comprises one rapporteur and two assistants;
- In the plenary of each section, the formation of the court comprises one rapporteur and other sitting judges of the section. In an action to standardise the case-law, the judges who voted for the contested decision cannot intervene in the judgment. In cases falling within the jurisdiction of the Section Plenary, the decisions of the Rapporteur concerning only the procedural matters and not putting an end to the case can be subject of a complaint before a panel of five judges, appointed by the President of the STA each year from among the most senior judges.
- The preliminary examination of the admissibility of the appeals of Administrative Courts of Appeal, in administrative matters, falls within the jurisdiction of a panel comprising 3 judges appointed from among the most senior judges of the section.
- The Plenary session, the jurisdiction of which is limited to the conflicts of jurisdiction between administrative and fiscal courts, comprises the President, Vice-Presidents and three of the most senior judges from each section.

i. Is there a procedure permitting certain cases to be sent to an enlarged board of appeal or to a plenary session? If yes, how is the judgment made and how many judges decide the matter?

The plenary of each section deals with: *(a)* appeals against the judgments delivered by the section of first instance; *(b)* appeals to standardise the case-law, *(c)* reference for a preliminary ruling by a court of first instance on a new point of law that results in serious difficulties and which could manifest in other disputes.

The President of STA can decide that all the judges of the section intervene in the judgment of an appeal, if this is necessary or useful to ensure the uniformity of the case-law.

j. Are the judges given other specific roles (e.g. rapporteur, case in-charge, other specific responsibilities, etc.) for a case in particular?

If yes, please specify the other roles and explain how they are assigned.

For each case, a rapporteur is appointed randomly from among the judges of the section, who is responsible for giving a ruling on all the terms of the case. He must, in particular, provide a summary decision if the matter seems to be simple, particularly if a judgment has already been passed in this regard, uniformly and repeatedly, or if the application is manifestly unfounded.

k. How important is the role of the President of the Court for deciding:

(i) the allocation of cases to the chambers or panels of judges;

(ii) the number of judges assigned to examine and judge a case in particular;

(iii) the allocation of certain additional roles to the judges (see (f) above);

(iv) any other elements that you consider relevant in this context. For example, are there other special panels, General Meetings or panels of judges to whom cases are allocated?

The President has the following powers:

a) presiding over sessions and determining the adopted decision;
b) voting for decisions, in case of equal votes;
c) identifying when all the judges of the section must intervene in the judgment in order to standardise the case-law;
d) planning and organising the human resources of the Court, by ensuring equal distribution of cases to the judges and monitoring their work;

e) proposing to the Higher Council of Administrative and Fiscal Courts (CSTAF) the criteriathat must govern the distribution, in compliance with the principle of lawful judge.

11. Does the post of an Advocate-General exist in your legal system? If yes, please indicate:

(i) the number of Advocate-Generals or members executing equivalent roles in your institution;

(ii) the role of the Advocate-General in your institution; and

(ii) the extent to which the Attorney-General participates in the procedures before your institution.

There is no post of Advocate-General, but several magistrates of the public prosecution exercise functions at the STA, with duties that are quite similar to those generally incumbent upon the Advocate-General. They must, in particular, *(a)* defend the legality, *(b)* provide an opinion on a legal question, *(c)* represent the State, *(d)* defend the important collective interests such as the fundamental rights of citizens and diffuse interests.

Currently, 9 magistrates of the Public prosecution exercise their functions at the STA.

E. Research and administrative assistance

12. What is the level of research and/or administrative assistance that your institution receives?

The STA has a Legal Information and Documentation Division which, amongst other duties, assists the judges and the magistrates of the Public Prosecution in carrying out their functions, by executing the tasks entrusted to it by them.

13. How many officials provide assistance for legal research to your institution?

Currently, the Legal Information and Documentation Division comprises 11 lawyers, who are in charge of assisting the magistrates of the STA.

14. Do the officials who provide assistance for legal research to your institution also provide administrative assistance?

In addition to the lawyers, the Legal Information and Documentation Division also comprises two officials who provide administrative assistance to the various departments and

the magistrates. While exercising the functions entrusted to them, the lawyers also provide administrative assistance.

15. Are the research and administrative assistance services common (i.e. shared between judges) or assigned individually to judges or is there both, a common service as well as researchers assigned to particular judges? Please explain.

The lawyers of the Legal Information and Documentation Division provide assistance to an average of two magistrates, depending on the allocation made by the department head. Each magistrate is assigned a lawyer to assist him, who carries out research work deemed important by the magistrate. This lawyer is entrusted with tasks that are deemed useful by the magistrate with a view to investigate and give a ruling on the cases assigned to him.

16. If research and administrative assistance is assigned individually to judges, is there also a research and documentation service or an equivalent service providing additional common research assistance?

The administrative and legal assistance provided by the Legal Information and Documentation Division, which also includes the Library, is described in the previous answers.

17. To what extent do the assistants/legal secretaries assist the judges in your institution, supposing that this be the case, as regards:

(a) preparing documents prior to the hearings, such as a note meant to help the judge before the trial of a case;

(b) carrying out legal research to help the judge take a decision in a case;

(c) discussions regarding certain aspects of a case with a judge, verbally or in writing;

(d) examination and evaluation of applicable legislation;

(e) carrying out analyses of comparative law;

(f) writing parts of judgments;

(g) proposal of suggestions of decisions or preliminary decisions for examination by the judge(s);

(h) any other element that you consider relevant in this context.

The assistance provided to the magistrates by the lawyers of the Legal Information and Documentation Division is not officially defined in an exhaustive manner. Each magistrate defines the scope of the assistance that he wishes to receive from the official assigned to him.

The assistance provided by the lawyers may include, amongst other activities deemed relevant for the settlement and judgment of a case, the following tasks:

- analysis of the case;
- research of the legislation applicable to the case;
- research and entry in the available databases of the case-law regarding the same subject and the community case-law when the issues raised involve the application of the rules of the European law;
- research of the legal theory regarding the points to be settled;
- preparation of a report that includes the identity of the parties, the subject of the dispute, the pleadings of the parties, the opinion of the public prosecution, the facts considered to be proven and the points raised in the case;
- analysis of comparative law, where the case raises points that imply the application of community law.
- brief presentation and exchange of information, between the lawyer and the judge, on certain aspects of a case that require a more extensive analysis, generally on the initiative of the judge;

In short, the extent and level of the assistance provided to judges by the lawyers assigned to the Legal Information and Documentation Division vary according to the individual needs of each judge. This assistance may particularly pertain to the activities listed above.

F. Hearings

18. Is a hearing conducted in all cases?

As a general rule, no hearings are conducted at the STA. However, there may be oral proceedings, on an exceptional basis, particularly when the case is brought before the Court as a court of first instance, i.e.:

- at the preliminary hearing - after the completion of proceedings provided for in Article 87 of the CPTA (Code of administrative court procedure), it is possible to initiate a preliminary hearing. It refers to an intermediate oral stage, allowing the parties to participate in the proceedings, in fact and in law, when the judge seeks to determine the merits of the case immediately.
- at the final hearing - contrary to the civil procedure[3], where there are always oral arguments, even if no means of proof is produced during the hearing -

[3] O Código de Processo Civil (CPC) foi aprovado pela Lei n.º 41/2013, de 26 de junho, com a última alteração introduzida pela Lei n.º 49/2018, de 14 de agosto (cfr. artigo 604.º, n.º 2).

the hearing can be conducted only if there is deposition of a party, hearing of witnesses or verbal clarifications by experts and it is only in such cases that oral arguments will be heard.

- in case of pre-contractual litigation, if it is recommended to quickly resolve a dispute, the Court can, on its own accord or upon the request of parties, opt, in fact and in law, for a public hearing of arguments.
- in the injunction for protection of rights, liberties and guarantees, the judge can, in case of special urgency, decide to conduct a hearing within 48 hours, at the end of which he shall pronounce a judgment.

19. If a hearing is not conducted in all cases:

(a) What is the percentage of cases usually involving a hearing?

As a general rule, the procedure before the STA is in written form, without prejudice to the aforementioned cases of oral proceedings, which are rare.

(b) On what basis (official rules or informal decisions) is the decision to conduct a hearing in a case taken?

The Code of administrative court procedure (CPTA) and the Code of fiscal court procedure (CPPT) provide for cases that may involve a hearing.

(c) Can the parties to a case request a hearing? If yes, what is the significance or what are the consequences of such a request?

The law does not expressly prohibit the parties from requesting a hearing.

20. Do the judges deliberate before a hearing? If yes, do these deliberations take place in all cases or in certain cases?

In practice, the final hearings are rare. The decision is taken at the end of the deliberations in a council chamber.

21. Are time-limits imposed on parties for making the concluding oral submissions in your institution?

Any verbal conclusion must be presented during the oral proceedings provided for in the code of procedure.

22. Are the parties authorised to address the Court for a continuous period? If so, for how much time?

No. The Code of Civil Procedure, applicable on a supplementary basis, specifies that the oral arguments cannot exceed one hour, for each lawyer, and that the replies must be given within thirty minutes. This duration can be exceeded upon the request of the lawyer, based on the complexity of the case.

23. Are the arguments carried out during the hearing limited to the questions indicated in the depositions or the written submissions of the parties or can there be arguments on broader legal subjects between the lawyers/a party and the Court?

The discussions conducted, in fact and in law, are limited to the points indicated in the written submissions of the parties and to the evidence produced. The oral arguments at the final hearing are intended to enable the lawyers to determine the proven facts and to apply the law to the proven facts. Thus, the oral arguments pertain to the evidence produced at the hearing, as well as to the documentary evidence presented in the written submissions or collected during the investigation, and to the results of the conducted expert assessments.

24. Are the parties authorised to submit other written submissions after a hearing?

Yes. The law allows presenting other written submissions when:

(a) proceedings have been carried out to prove the facts without the final hearing taking place;

(b) this hearing takes place and the case is complex, or

(c) one of the parties does not waive the presentation of written submissions.

25. Can a judge be excluded from proceedings by reason of a legal opinion expressed during a hearing and creating a perception of bias?

Yes. The parties may request for the exclusion of the judge for a serious and valid reason that could create mistrust as regards his impartiality.

G. Written submissions of the parties

26. What is the usual length and the level of detail of the written submissions of the parties submitted in your institution? Please indicate the approximate number of pages (line spacing 1.5) of a "standard" statement of case.

0 – 5 pages ☐

5-10 pages ☐

10-20 pages	☐
20-30 pages	☐
30-40 pages	x
40-50 pages	☐
50 + pages	☐

20. Is there a maximum length for the written submissions provided by the parties in a case? If yes, please specify.

No.

H. Examination of the case

21. Can your institution raise points of law on its own initiative (i.e. ex officio) or is it restricted to the points raised by the parties to the case?

In principle, it is limited as regards the appeal, but it may raise certain points, mainly those that can prove the proceedings or the contract, on which it has to give a ruling, to be invalid.

22. How are the arguments, deliberations and the decision-making structured in your institution?

In higher courts, after the rapporteur closes the case, the file is submitted to the deputy judges, but the rapporteur may skip this step in case of obvious simplicity of a case. For this, each deputy judge receives a copy of the important documents of the file in order to know the subject of the case, whereas the file is submitted to the registry of the Court for consultation.

At the end of the deliberations, the judgment is delivered in compliance with the voting result; it is signed and dated by the participants of the deliberations and voting.

Lastly, the judgments are notified to the parties and mandatorily published in digital format in the case-law database.

23. Does your institution deliberate in different languages? If so, please specify. For example, does your institution have multiple official languages?

The judgment is delivered in Portuguese.

24. Are there rules, procedure or conventions which govern the conducting of arguments and votes?

If yes, please specify the applicable rules, etc.

The CPC, applicable on a supplementary basis, establishes that on the day of the judgment, the rapporteur makes a short presentation of the draft judgment, and then the deputy judges indicate their votes, in the order of intervention in the case. The decision is adopted on the basis of majority of votes; the discussion is led by the President, who has the power to take a decision in case there is no majority.

25. How are the preferences for a particular outcome communicated between the judges?

During the stage of preparation of the decision, the rapporteur sends the draft to the deputy judges and the judges often exchange notes.

26. When a hearing is held, to what extent does the hearing (as opposed to the written submissions) influence the arguments, deliberations and the decision-making by the Court?

Not applicable.

27. Are there other procedural rules or conventions which, according to you, have a significant impact on how cases are examined?

Nothing else to specify.

I. The judgment of the institution

28. Is the judgment delivered in the name of the institution or does each individual judge assigned to the case in question have the option of giving a separate judgment?

The judgment is delivered in the name of the institution, but the judges can provide explanations for the votes or the dissenting votes.

29. If the judgment is delivered in the name of the institution, does a judge write it for the institution? If this is not the case, please explain how the judgment of the Court is written for your institution. Do official rules or informal practices apply in this regard?

The judge-rapporteur of the case presents a draft judgment, which is taken under advisement, and then signed by him and the deputy judges.

30. In what way is the judgment/reasoning of the Court recorded?

In writing.

31. Does your highest institution make the distinction between the Judgment (i.e. the reasons for judgment) and the Order (i.e. the operative part of the judgment of the court)?

The formal structure of the decision is as follows:

a) the *report* identifies the parties and the subject of the dispute, by identifying the substantive issues on which the Court must give a ruling;

(b) the *grounds* indicate the reasons in fact and in law; and

(c) the *decision* indicates the position of the judge on the dispute and orders the parties to bear the costs, in proportion to their liability.

32. Are there other distinctions of this type in the judgments given by your institution?

Nothing to emphasise.

J. Time periods for the decision-making process

33. How much time, on an average, elapses between the examination of a case by your institution and the delivery of a judgment? Please indicate the approximate time period between the hearing of a case in the system of the Supreme Administrative Court (rather than the date on which a case is submitted for the first time to a judge for examination) and the definitive resolution of the case by, for example, the delivery of a final judgment.

The table below, obtained from the database of the General Directorate for Justice Policy, Ministry of Justice[4], indicates the average duration of examination of cases in higher courts (Supreme Administrative Court and Administrative Courts of Appeal of North and South), over the period between 2013 and 2017.

[4] Accessible on http://www.siej.dgpj.mj.pt/webeis/index.jsp?username=Publico&pgmWindowName=pgmWindow_636783296902500000

Year	2017	2016	2015	2014	2013
Court	Average duration (in months)	Average duration (in months)	Average duration (in months)	Average duration (in months)	Average duration (in months)
Supreme Administrative Court	10	8	8	7	5
Administrative Court of Appeal - North	16	20	18	14	14
Administrative Court of Appeal - South	12	16	19	18	15
Total	**13**	**15**	**16**	**14**	**12**

34. Is there a specific mandatory time period within which a ruling must be given on all the cases? If yes, please specify.

The pleadings have deadlines laid down by the law. Non-adherence to these deadlines may have disciplinary consequences.

35. Are there specific mandatory time limits for certain categories of cases?

Yes. The CPTA dedicates urgent main litigation pleas, with specific deadlines, i.e. they are reduced by half and work during holidays, and exempts prior approvals (even during the legal appeal phase); the acts of the registry are performed on the same day and with priority over all the others; and the time-limit for filing a legal appeal is also reduced by half and is fixed at 15 days.

If yes, please indicate the categories of cases and the time-limits in question.

The CPTA makes a list of the urgent cases:

- electoral litigation: main proceedings, in view of a simplified and expited settlement of the issues concerning the electoral processes.
- mass litigation: proceedings concerning the practice or omission of administrative acts in the context of proceedings involving more than 50 participants (staff competitions, taking tests and recruitment procedures).
- pre-contractual litigation: proceedings contesting or condemning the practice of administrative acts in the context of the formation of contracts for public works, concession of public works, concession of public services, acquisition or rental of movable property and acquisition of services. According to the law, the judge or the rapporteur has 10 days to deliver his decision or to send the case before the formation of the Court;
- the injunction seeking the provision of information, consultation of files and the issue of copies is passed when the requests made, in the context of exercising the right to procedural information or the right to access the

archives and administrative registers, have not been fully satisfied. The judge gives a decision within a period of five days;

- the injunction seeking the protection of rights, liberties and guarantees: particularly in urgent cases, where the application allows recognising the possibility of an imminent and irreversible breach of a right, liberty or guarantee. The judge can opt for a hearing, at the end of which he immediately renders his decision.

36. If there is no time limit for giving a ruling on cases, is there a duration that is considered appropriate for the decision-making process? If yes, please specify.

There is no time limit for ruling on cases in the Portuguese legal system. Nevertheless, the principle of effective legal protection manifests in the right to obtain, within a reasonable time period, by a fair trial, a final decision on each of the appeals that aremade.

The reasonableness of the duration of a trial must be analysed on a case-by-case basis and with a global approach, taking into account the date when the case was referred to the competent court and the date on which the final decision was delivered, by counting the appeal bodies, if necessary. If the decision is not delivered within a reasonable period of time, the State may be ordered to compensate the aggrieved citizen for delays in the administration of justice.

37. If there are time-limits in your institution for the decision-making process, is it difficult at times for the Court to comply with these time-limits? If yes, what are the main reasons that explain these difficulties? **and**

38. If there is no time limit for ruling on cases, but a certain duration, by reason of conventions or practices, is considered appropriate for the decision-making process, is it difficult at times for the Court to comply with this time-limit? If yes, what are the main reasons that explain these difficulties?

The code of procedure lays down mandatory or purely indicative deadlines for ruling on cases. The reasons that may explain the Court's failure to comply with these deadlines are related to the insufficient number of judges with respect to the number of pending cases, in addition to procedural rules that are not really favourable for the efficient management of such a large number of cases.

K. Evolution over time

39. Have the procedures that you described in the previous answered evolved in a significant manner over the last five years?

The Code of administrative court procedure (CPTA) - approved by Law no. 15/2002 of 22 February 2002 - and the Statute of the administrative and fiscal courts (ETAF) - approved by Law no. 13/2002 of 19 February 2002 - have been amended by the decree-law no. 214-G/2015 of 2 October 2015 and have not been amended since then.

40. If yes, have these changes had an influence on the way in which cases are examined and adjudicated?

41. According to you, do these changes constitute an improvement? If yes, please specify.

Decree-law no. 214-G/2015 of 2 October 2015, introduced some structural changes, both in the administrative litigation system (CPTA), and in the organisation and functioning of the administrative courts (ETAF), particularly by adopting a single model of procedure, by abolishing the special administrative proceedings; the introduction of the urgent procedure for mass litigation; the appeal as a last resort in statements of case in three copies (Article 85-A-6); and the extension of the jurisdiction of the administrative and fiscal court (Article 4-1 / f) of the ETAF).

I. Other comments or observations

42. Do you believe that certain aspects of your institution and/or specific decision-making processes have not been addressed in the questions above, or do you wish to provide contextual information that could help us understand the decision-making process practiced in your court?

Nothing to be added.