

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

# CASE OF TERCZYŃSKI AND OTHERS v. POLAND

*(Applications nos. 45960/21 and 2 others – see appended list)*

JUDGMENT

STRASBOURG

6 June 2024

*This judgment is final but it may be subject to editorial revision.*



**In the case of Terczyński and Others v. Poland,**

The European Court of Human Rights (First Section), sitting as a Committee composed of:

Péter Paczolay*, President*,
Gilberto Felici,
Raffaele Sabato*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 16 May 2024,

Delivers the following judgment, which was adopted on that date:

# PROCEDURE

1. The case originated in applications against Poland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on the various dates indicated in the appended table.

2. The Polish Government ("the Government") were given notice of the applications.

# THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the excessive length of civil proceedings and of the lack of any effective remedy in domestic law.

# THE LAW

## I. JOINDER OF THE APPLICATIONS

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

## II. THE GOVERNMENT'S REQUEST TO STRIKE OUT THE APPLICATIONS UNDER ARTICLE 37 § 1 OF THE CONVENTION

6. In all three applications the Government submitted unilateral declarations which did not offer a sufficient basis for finding that respect for human rights as defined in the Convention does not require the Court to continue its examination of the case (Article 37 § 1 *in fine*). The Court rejects the Government's request to strike the applications out and will accordingly pursue its examination of the merits of the case (see *Tahsin Acar v. Turkey* (preliminary objections) [GC], no. 26307/95, § 75, ECHR 2003-VI).

## III. ALLEGED VIOLATION OF ARTICLE 6 § 1 AND ARTICLE 13 OF THE CONVENTION

7. The applicants complained that the length of the civil proceedings in question had been incompatible with the "reasonable time" requirement and that they had no effective remedy in this connection. They relied on Article 6 § 1 and Article 13 of the Convention.

8. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicants and the relevant authorities and what was at stake for the applicants in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

9. In the leading case of *Rutkowski and Others v. Poland,* nos. 72287/10 and 2 others, 7 July 2015, the Court already found a violation of Article 6 of the Convention in relation to the length of judicial proceedings.

10. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the "reasonable time" requirement.

11. The Court further notes that the applicants did not have at their disposal an effective remedy in respect of these complaints.

12. These complaints are therefore admissible and disclose a breach of Article 6 § 1 and of Article 13 of the Convention.

## IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. Regard being had to the documents in its possession and to its case-law (see, in particular, *Rutkowski and Others,* cited above), the Court considers it reasonable to award the sums indicated in the appended table.

# FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;

2. *Rejects* the Government's request to strike the applications out of the list;

3. *Declares* the applications admissible;

4. *Holds* that these applications disclose a breach of Article 6 § 1 and Article 13 of the Convention concerning the excessive length of civil proceedings and the lack of any effective remedy in domestic law;

5. *Holds*

(a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 6 June 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

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| Viktoriya Maradudina | Péter Paczolay |
| Acting Deputy Registrar | President |

# APPENDIX

## List of applications raising complaints under Article 6 § 1 and Article 13 of the Convention (excessive length of civil proceedings and lack of any effective remedy in domestic law)

| No. | Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Representative's name and location | Start of proceedings | End of proceedings | Total length<br>Levels of jurisdiction | Domestic decision on complaint under the 2004 Act<br>Domestic award (in Polish zlotys) | Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) [1] |
|---|---|---|---|---|---|---|---|---|
| 1. | 45960/21<br>10/09/2021 | **Jacek TERCZYŃSKI**<br>1965 | | 14/02/2018 | pending | More than 6 year(s) and 8 day(s)<br><br>1 level(s) of jurisdiction | Kraków Court of Appeal, 30/07/2021, case no. I S 64/21;<br><br>Kraków Court of Appeal, 04/04/2023, case no. I S 10/23, PLN 2,500 | 3,300 |
| 2. | 48628/21<br>14/09/2021 | **Olivier PIELA**<br>1972 | | 18/04/2017 | pending | More than 6 year(s) and 10 month(s) and 4 day(s)<br><br>1 level(s) of jurisdiction | Gdańsk Court of Appeal, 25/02/2021, case no. V S 715/20, PLN 2,000 | 4,700 |
| 3. | 53747/21<br>18/10/2021 | **Marcin URBAŚ**<br>1979 | Cupiał Dawid<br>Warsaw | 31/05/2016 | 28/01/2022 | 5 year(s) and 7 month(s) and 29 day(s)<br><br>1 level(s) of jurisdiction | Lublin Regional Court, 14/09/2021, case no. II S 54/21, PLN 3,000 | 3,200 |

[1] Plus any tax that may be chargeable to the applicants.