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

FIRST SECTION

DECISION

Application no. 5791/11
Katarzyna DŁUGOSZ against Poland
and 59 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 12 December 2017 as a Committee composed of:

Aleš Pejchal, *President,*
Krzysztof Wojtyczek,
Armen Harutyunyan, *judges,*
and Renata Degener, *Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the declarations submitted by the respondent Government on 3 March 2016 and 28 February and 13 July 2017 requesting the Court to strike the applications out of the list of cases and the applicants' reply to that declarations,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

1. A list of the applicants is set out in the appendix.

2. The Polish Government ("the Government") were represented by their Agent, Ms J. Chrzanowska, of the Ministry of Foreign Affairs.

3. All the applicants complained under Article 6 § 1 of the Convention about the excessive length of proceedings in their cases and under Article 13 of the Convention about the lack of, or insufficient, redress for the excessive length of proceedings granted to them by the national courts.

4. On 7 July 2015 the applications were communicated to the Polish Government pursuant to Rule 54 § 2 (b) of the Rules of Court, by virtue of the ninth operative provision of the pilot-judgment given in the case of

Rutkowski and Others v. Poland (see *Rutkowski and Others v. Poland*, nos. 72287/10 and 2 others, §§ 223-228 and the ninth operative provision, 7 July 2015).

5. By letters dated 3 March 2016 and 28 February and 13 July 2017 the Government informed the Court that they proposed to make declarations with a view to resolving the issues raised by the applications. In each case the Government acknowledged a violation of Article 6 § 1 on account of the excessive length of proceedings and violation of Article 13 on account of the lack of an effective remedy, securing sufficient redress for a violation of Article 6 § 1. They offered payment of sums specified in respect of each applicant in a table appended to their declarations. The Government further undertook to adopt a range of general measures in respect of other persons who were victims of similar violations or might be affected by similar violations in the future. The sums referred to above, which are specified in the appendix to the decision, are to cover any pecuniary and non-pecuniary damage as well as costs and expenses, will be free of any taxes that may be applicable. They will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the Convention. In the event of failure to pay these sums within the said three-month period, the Government undertook to pay simple interest on each of them, from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default periods plus three percentage points. In addition, the Government made a declaration on general measures to be adopted in implementation of the *Rutkowski and Others* pilot judgment (see *Załuska and Rogalska v. Poland and 398 other applications (dec.),* nos. 53491/10 and 72286/10, §§ 23-25, 20 June 2017). They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

## THE LAW

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

7. On various dates in 2017 all applicants informed the Court that they had agreed to the terms of the Government's declarations.

8. The Court finds that following the applicants' express agreements to the terms of the declarations made by the Government the cases should be treated as friendly settlements between them and the Government.

9. Article 39 of the Convention, conferring on the Court the power to strike a case out of its list of cases in the event of a friendly settlement, provides:

> "If a friendly settlement is effected, the Court shall strike the case out of its list by means of a decision which shall be confined to a brief statement of the facts and of the solution reached."

10. The Court has already examined the first group of 400 unilateral declarations submitted by the Government in the pilot-judgment procedure in the case *Rutkowski and Others*, cited above. It found that, in view of the amounts proposed by the Government in their unilateral declarations on the individual measures of redress, there have been no circumstances regarding respect for human rights as defined in the Convention and its Protocols which would require the continued examination of the cases where a friendly settlement has been concluded (see *Załuska and Rogalska (dec.),* cited above, § 37). It has also been satisfied that, having regard to the general measures taken or to be taken in the future by the respondent Government, the settlement was based on "respect for human rights" as interpreted in the context of the pilot-judgment procedure (see *ibid*, § 45).

11. The same conclusions apply to the instant cases. The Court therefore takes note of the friendly settlements reached between the parties. It is satisfied that the settlements are based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application.

12. In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court, unanimously,

*Decides* to join the applications;

*Decides* to strike the applications out of its list of cases pursuant to Article 39 of the Convention.

Done in English and notified in writing on 11 January 2018.

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| Renata Degener<br>Deputy Registrar | Aleš Pejchal<br>President |

# APPENDIX

| No. | Application no. | Lodged on | Applicant<br>Date of birth<br>Place of residence | Represented by | Introduced by | Amount proposed in Unilateral Declaration |
|---|---|---|---|---|---|---|
| 1. | 5791/11 | 13/01/2011 | **Katarzyna DŁUGOSZ**<br>09/08/1972<br>Rzeszów | | Katarzyna Długosz | PLN 12,920 |
| 2. | 6102/11 | 20/01/2011 | **Sławomir KOGUT**<br>13/05/1964<br>Rzeszów | | Sławomir Kogut | PLN 12,480 |
| 3. | 44805/11 | 22/06/2011 | **Janusz MIERNICKI**<br>26/01/1937<br>Warsaw | | Janusz Miernicki | PLN 23,120 |
| 4. | 77330/11 | 29/11/2011 | **Janusz MIERNICKI**<br>26/01/1937<br>Warsaw | | Janusz Miernicki | PLN 43,680 |

| No. | Application no. | Lodged on | Applicant<br>Date of birth<br>Place of residence | Represented by | Introduced by | Amount proposed in Unilateral Declaration |
|---|---|---|---|---|---|---|
| 5. | 26224/12 | 25/04/2012 | **Wiesław WAKULIŃSKI**<br>28/02/1959<br>Warsaw | | Wiesław Wakuliński | PLN 4,240 |
| 6. | 33343/12 | 21/05/2012 | **Jacek KOMOROWSKI**<br>20/09/1976<br>Marki | | Jacek Komorowski | PLN 12,560 |
| 7. | 38582/12 | 04/06/2012 | **Sławomir WYSOCKI**<br>15/02/1969<br>Kamińsk | | Sławomir Wysocki | PLN 14,380 |
| 8. | 42422/12 | 21/06/2012 | **Dariusz BŁASZCZYK**<br>09/11/1976<br>Włocławek | | Dariusz Błaszczyk | PLN 7,920 |
| 9. | 43421/12 | 28/05/2012 | **Tadeusz SOKOŁOWSKI**<br>27/07/1956<br>Nowogród Bobrzański | | Tadeusz Sokołowski | PLN 19,380 |

| No. | Application no. | Lodged on | Applicant<br>Date of birth<br>Place of residence | Represented by | Introduced by | Amount proposed in Unilateral Declaration |
|---|---|---|---|---|---|---|
| 10. | 43510/12 | 27/06/2012 | **Andrzej WLASTELICZ**<br>26/01/1964<br>Warsaw | | Andrzej Wlastelicz | PLN 4,510 |
| 11. | 46716/12 | 10/07/2012 | **Włodzimierz CELEJEWSKI**<br>20/12/1963<br>Psary | | Włodzimierz Celejewski | PLN 19,370 |
| 12. | 50461/12 | 02/08/2012 | **Artur PYRZANOWSKI-KLUCZYŃSKI**<br>03/11/1976<br>Czerwony Bór | | Artur Pyrzanowski-Kluczyński | PLN 7,360 |
| 13. | 54027/12 | 08/08/2012 | **Mariusz ROZENCWAJG**<br>05/08/1961<br>Gdańsk | Marcin KRAKOWSKI | Mariusz Rozencwajg | PLN 16,550 for the first set of proceedings and PLN 21,840 for the second set of proceedings |

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|---|---|---|---|---|---|---|
| 14. | 60258/12 | 21/11/2012 | **Jerzy GÓRECKI**<br>13/10/1974<br>Gdańsk | | Jerzy Górecki | PLN 21,700 |
| 15. | 61012/12 | 30/08/2012 | **Tomasz MAŚLANKA**<br>Cracow | Monika SAWARSKA | Tomasz Maślanka | PLN 24,220 |
| 16. | 61024/12 | 04/09/2012 | **Sławomir MALINOWSKI**<br>14/06/1974<br>Marki | | Sławomir Malinowski | PLN 16,045 |
| 17. | 62459/12 | 06/09/2012 | **Paweł CZYŻ**<br>09/01/1978<br>Bielsko-Biała | | Paweł Czyż | PLN 15,920 |
| 18. | 63776/12 | 13/09/2012 | **Wojciech KUCHARCZYK**<br>11/10/1958<br>Dobczyn | | Wojciech Kucharczyk | PLN 6,040 |

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|---|---|---|---|---|---|---|
| 19. | 65503/12 | 30/11/2012 | **Leszek FISZER**<br>03/02/1963<br>Legnica | | Leszek Fiszer | PLN 7,800 |
| 20. | 66711/12 | 01/10/2012 | **Tomasz KACZMARSKI**<br>18/07/1982<br>Warsaw | | Tomasz Kaczmarski | PLN 30,730 |
| 21. | 66858/12 | 11/10/2012 | **Mariusz SŁABOSZ**<br>16/04/1975<br>Sosnowiec | Mirosława SŁABOSZ | Mariusz Słabosz | PLN 9,660 |
| 22. | 68398/12 | 11/10/2012 | **Damian OBREMSKI**<br>31/10/1972<br>Krzywaniec | | Damian Obremski | PLN 13,510 |
| 23. | 69056/12 | 24/09/2012 | **Krzysztof RACIS**<br>08/10/1975<br>Warsaw | | Krzysztof Racis | PLN 26,080 |

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|---|---|---|---|---|---|---|
| 24. | 69128/12 | 10/10/2012 | **Krzysztof KRYŃSKI**<br>25/07/1982<br>Radziejowice | | Krzysztof Kryński | PLN 4,240 |
| 25. | 32823/13 | 17/05/2013 | **Jarosław JANKOWSKI**<br>05/10/1968<br>Poznań | Damian NOWICKI | Jarosław Jankowski | PLN 8,724 |
| 26. | 44451/13 | 10/06/2013 | **Remigiusz KACZMAREK**<br>07/07/1976<br>Racibórz | | Remigiusz Kaczmarek | PLN 6,240 |
| 27. | 61490/13 | 16/09/2013 | **Janusz TRELA**<br>13/09/1963<br>Wołów | | Janusz Trela | PLN 36,810 |
| 28. | 67187/13 | 18/10/2013 | **Tadeusz Antoni STACHYRA**<br>05/07/1954<br>Warsaw | | Tadeusz Antoni Stachyra | PLN 41,980 |

| No. | Application no. | Lodged on | Applicant<br>Date of birth<br>Place of residence | Represented by | Introduced by | Amount proposed in Unilateral Declaration |
|---|---|---|---|---|---|---|
| 29. | 68660/13 | 25/10/2013 | **Michał WALICKI**<br>20/06/1986<br>Warsaw | Marcin MAZUR | Michał Walicki | PLN 12,920 |
| 30. | 68744/13 | 15/10/2013 | **Marek GOŁAWSKI**<br>02/05/1966<br>Michałki | | Marek Goławski | PLN 12,510 |
| 31. | 76685/13 | 26/11/2013 | **Innocente SCATTOLIN**<br>06/06/1956<br>Dąbrówno | Maciej ŁAPUĆ | Innocente Scattolin | PLN 12,920 |
| 32. | 54/14 | 06/12/2013 | **Mariusz GRABIEC**<br>28/08/1977<br>Lubsko | | Mariusz Grabiec | PLN 22,960 |
| 33. | 1450/14 | 10/12/2013 | **Marek MASZKIEWICZ**<br>05/01/1955<br>Warsaw | | Marek Maszkiewicz | PLN 33,720 |

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|---|---|---|---|---|---|---|
| 34. | 7916/14 | 09/01/2014 | **Daniel Bolesław WICZANOWSKI**<br>27/07/1981<br>Bielsko-Biała | | Daniel Bolesław Wiczanowski | PLN 16,650 |
| 35. | 10582/14 | 09/09/2014 | **Robert ZAGALSKI**<br>10/03/1982<br>Warsaw | | Robert Zagalski | PLN 9,360 |
| 36. | 12760/14 | 24/01/2014 | **Wojciech FALKIEWICZ**<br>19/04/1988<br>Bielsko - Biała | | Wojciech Falkiewicz | PLN 7,800 |
| 37. | 16754/14 | 10/02/2014 | **Mariusz Robert BERGER**<br>24/09/1976<br>Warsaw | | Mariusz Robert Berger | PLN 37,920 |
| 38. | 18218/14 | 12/02/2014 | **Konrad Łukasz IZDEBSKI**<br>01/08/1990<br>Opole Lubelskie | | Konrad Łukasz Izdebski | PLN 6,240 |

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|---|---|---|---|---|---|---|
| 39. | 18907/14 | 14/05/2014 | **Sylwester Robert WÓJCIK**<br>16/07/1960<br>Bydgoszcz | | Sylwester Robert Wójcik | PLN 7,290 |
| 40. | 33782/14 | 11/06/2014 | **Piotr RODACKI**<br>08/04/1983<br>Cracow | | Piotr Rodacki | PLN 6,380 |
| 41. | 33807/14 | 16/04/2014 | **Sebastian PADZIK**<br>15/05/1981<br>Żytkowice | | Sebastian Padzik | PLN 3,290 |
| 42. | 33820/14 | 16/06/2014 | **Edgar ZALINYAN**<br>03/06/1974<br>Września | Robert DUDKOWIAK | Edgar Zalinyan | PLN 8,020 |
| 43. | 59204/14 | 20/08/2014 | **Waldemar KOŁB**<br>09/12/1948<br>Gdańsk | Wiktor SZEWCZYK | Waldemar Kołb | PLN 17,260 |

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|---|---|---|---|---|---|---|
| 44. | 59596/14 | 02/10/2014 | **Piotr MICHAŁOWSKI**<br>30/04/1959<br>Koronowo | | Piotr Michałowski | PLN 9,360 |
| 45. | 64072/14 | 19/09/2014 | **Andrzej WYCECH**<br>02/05/1966<br>Węgrów | | Andrzej Wycech | PLN 10,480 |
| 46. | 65509/14 | 15/09/2014 | **Tomasz KWAŚNY**<br>02/02/1985<br>Bytom | | Tomasz Kwaśny | PLN 7,800 |
| 47. | 65529/14 | 18/11/2014 | **Arkadiusz KULIBERDA**<br>15/04/1971<br>Bydgoszcz | | Arkadiusz Kuliberda | PLN 11,300 |
| 48. | 65620/14 | 21/09/2014 | **Jolanta GÓRECKA**<br>14/09/1956<br>Wrocław | | Jolanta Górecka | PLN 21,200 |

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|---|---|---|---|---|---|---|
| 49. | 66730/14 | 26/09/2014 | **Mariusz KRUŻMANOWSKI**<br>14/04/1981<br>Pułtusk | | Mariusz Krużmanowski | PLN 6,240 |
| 50. | 68262/14 | 04/11/2014 | **Rafał KOWALIK**<br>12/01/1976<br>Częstochowa | Marta KOWALIK | Rafał Kowalik | PLN 8,480 |
| 51. | 70806/14 | 09/01/2015 | **Mariusz NOWAK**<br>11/09/1979<br>Dąbrowa Górnicza | | Mariusz Nowak | PLN 16,200 |
| 52. | 74613/14 | 23/10/2014 | **Robert Zdzisław SZAMBOROWSKI**<br>03/09/1974<br>Warsaw | | Robert Zdzisław Szamborowski | PLN 5,800 |
| 53. | 75273/14 | 18/11/2014 | **Grzegorz NICIA**<br>08/06/1970<br>Cracow | | Grzegorz Nicia | PLN 28,900 |
| 54. | 8702/15 | 09/02/2015 | **Małgorzata GAŃKO**<br>29/10/1987<br>Sulejówek | | Małgorzata Gańko | PLN 8,040 |

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|---|---|---|---|---|---|---|
| 55. | 12001/15 | 03/03/2015 | **Michał PIETRAS**<br>12/12/1984<br>Włodawa | | Michał Pietras | PLN 7,660 |
| 56. | 12010/15 | 03/03/2015 | **Bartłomiej KURIAN**<br>03/02/1983<br>Zielona Góra | | Bartłomiej Kurian | PLN 9,600 |
| 57. | 17745/15 | 03/04/2015 | **Olga OLSZEWSKA**<br>07/02/1950<br>Warsaw | | Olga Olszewska | PLN 23,980 |
| 58. | 20191/15 | 20/04/2015 | **Sylwia BĄCZEK**<br>07/07/1976<br>Nowa Sól | | Sylwia Bączek | PLN 18,720 |
| 59. | 25280/15 | 18/05/2015 | **Marek RASIŃSKI**<br>29/10/1956<br>Warsaw | | Marek Rasiński | PLN 9,870 |
| 60. | 25940/15 | 23/05/2015 | **Roman Krzysztof BURZYŃSKI**<br>09/08/1955<br>Bobrowiec | | Roman Krzysztof Burzyński | PLN 2,800 |