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

FIRST SECTION

# DECISION

Application no. 5197/20
Dariusz FLAGA against Poland
and 4 other applications
(see appended table)

The European Court of Human Rights (First Section), sitting on 20 January 2022 as a Committee composed of:

Alena Poláčková, *President,*
Raffaele Sabato,
Davor Derenčinović, *judges,*
and Viktoriya Maradudina, *Acting 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 requesting the Court to strike the applications out of the list of cases, and the applicants' replies to these declarations,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The list of applicants and their representatives is set out in the appended table.

The applicants' complaints under 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 were communicated to the Polish Government ("the Government").

The Government submitted declarations with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications.

The Government acknowledged the excessive length of civil proceedings and the lack of any effective remedy in domestic law. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be converted into

the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment will constitute the final resolution of the cases.

The applicants informed the Court that they agreed to the terms of the declarations.

## THE LAW

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

The Court finds that, following the applicants' express agreement to the terms of the declarations made by the Government, the cases should be treated as friendly settlements between the parties.

It 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 the Protocols thereto and finds no reasons to justify the continued examination of the applications.

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 in accordance with Article 39 of the Convention.

Done in English and notified in writing on 10 February 2022.

| | |
|---|---|
| Viktoriya Maradudina<br>Acting Deputy Registrar | Alena Poláčková<br>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 | Date of receipt of Government's declaration | Date of receipt of applicant's acceptance | Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant/household (in euros)[1] |
|---|---|---|---|---|---|---|
| 1. | 5197/20<br>14/01/2020 | **Dariusz FLAGA**<br>1975 | | 16/09/2021 | 08/10/2021 | 5,930 |
| 2. | 7494/20<br>27/01/2020 | Household<br>**Ryszard JEZIERSKI**<br>1952<br>**Barbara JEZIERSKA**<br>1958 | Cupiał Dawid<br>Warsaw | 14/09/2021 | 04/10/2021 | 2,340<br>jointly to the two applicants |
| 3. | 18047/20<br>14/04/2020 | **Patrycja KŁUCIŃSKA**<br>1982 | | 04/08/2021 | 08/10/2021 | 2,340 |
| 4. | 24903/20<br>25/05/2020 | **Artur Krzysztof STUDZIŃSKI**<br>1973 | | 16/09/2021 | 14/10/2021 | 1,880 |
| 5. | 41051/20<br>04/09/2020 | **Jan Ludwik PALICKI**<br>1957 | | 08/09/2021 | 19/10/2021 | 3,120 |

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