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

FIRST SECTION

DECISION

Application no. 27772/22
Jonatan JOCHEM
against Poland

The European Court of Human Rights (First Section), sitting on 2 July 2026 as a Committee composed of:

Davor Derenčinović*, President*,
Artūrs Kučs,
Anna Adamska-Gallant*, judges*,

and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 27772/22) against the Republic of Poland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 23 May 2022 by a Polish national, Mr Jonatan Jochem ("the applicant"), who was born in 1982 and lives in Pszów and, having been granted legal aid, was represented by Ms B. Słupska-Uczkiewicz, a lawyer practising in Wrocław;

the decision to give notice of the complaint concerning the alleged restriction on applicant's access to a court to the Polish Government ("the Government"), represented by their Agent, Mr J. Sobczak and, subsequently, Ms A. Kozińska-Makowska, of the Ministry of Foreign Affairs, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns an alleged refusal to grant the applicant an exemption from the payment of a court fee, which led to the rejection of his civil action.

2. In August 2020 the applicant lodged a civil claim against the State Treasury and applied for an exemption from the applicable court fee and legal aid.

3. By a decision dated 22 January 2021, the Rybnik Regional Court ordered the applicant to specify the relief sought and the entity against which that claim was directed on pain of having the claim returned to him.

4. It appears that, in reply, the applicant identified the respondent and supplemented his previous submissions with additional information.

5. By a letter dated 27 September 2021, the Regional Court ordered the applicant to provide: (i) two copies of his statement of claim, (ii) a copy of his previous letter dated 15 March 2021, and (iii) a detailed declaration of means on pain of having his claim returned to him.

6. On 1 October 2021 the applicant filed his reply together with attachments.

7. On 11 October 2021 the Regional Court decided to return the applicant's claim. Initially, that decision was not accompanied by a statement of reasons.

8. On 23 December 2021 a court clerk (*referendarz sądowy*) at the Regional Court dismissed the applicant's requests for an exemption from court fees and for legal aid. The applicant appealed.

9. On 17 May 2022 the Rybnik Regional Court upheld the decision dismissing the applicant's requests for an exemption from court fees and for legal aid.

10. On 6 February 2023 – following the communication of the present application to the respondent Government – the Regional Court exempted the applicant from court fees in full and granted him legal aid. It is unclear whether that decision was taken on account of another application lodged by the applicant to that effect or on account of other circumstances.

11. It appears that on 1 March 2023 the Regional Court prepared the reasons for the decision of 11 October 2021 to return the applicant's claim (see paragraph 7 above). The court stated, in particular, that the applicant had failed to specify the relief sought, despite the explicit first rectification order (see paragraph 3 above). Furthermore, in reply to the second rectification order (see paragraph 5 above) he had attached only one copy of his statement of claim rather than two. The Regional Court concluded that the applicant had failed to comply with the terms of these rectification orders. The reasoning did not make any reference to court fees.

12. That reasoning was served on the applicant's legal aid lawyer on 8 March 2023. It appears that he did not lodge an interlocutory appeal (*zażalenie*) against the return order within the prescribed seven-day time-limit. As a result, the return order became final on 16 March 2023.

13. Before the Court, the applicant complained that the dismissal of his application for an exemption from the court fee had resulted in the disproportionate restriction of his right of access to a court as guaranteed by Article 6 § 1 of the Convention.

THE COURT'S ASSESSMENT

14. The Court considers it unnecessary to examine the Government's preliminary objection of non-exhaustion of domestic remedies because the application is nevertheless inadmissible for the reasons stated below.

15. At the outset, the Court notes that on the day when the Government were notified of the present case, it appeared from the documents in the file that the domestic proceedings initiated by the applicant had been concluded by virtue of the unreasoned decision to return his claim (see paragraph 7 above). Moreover, the applicant complained that that decision had been taken because of his failure to pay the court fee.

16. However, after the communication of the case, the Government informed the Court of previously unknown developments in the case, which were not contested by the applicant. In particular, they submitted that the return order of 11 October 2021 had not become final and binding for another year and a half, apparently on account of the protracted preparation of the reasoning (see paragraph 11 above). In the meantime, the applicant had been granted legal aid and had been exempted from the court fee (see paragraph 10 above). Furthermore, it had become clear that the applicant's action against the State Treasury had been returned for his failure to comply with two express rectification orders and not on account of the applicant's alleged failure to pay the court fee (see paragraph 11 above).

17. It follows that the application discloses no appearance of a violation of Article 6 § 1 of the Convention. Accordingly, it is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 3 September 2026.

Liv Tigerstedt Deputy Registrar	Davor Derenčinović President