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

FIRST SECTION

DECISION

Application no. 62113/19
Stefania Janina MŁYNARSKA and Marek MŁYNARSKI
against Poland
(see appended table)

The European Court of Human Rights (First Section), sitting on 27 February 2025 as a Committee composed of:

Georgios A. Serghides*, President*,
Frédéric Krenc,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 21 November 2019,

Having regard to the Court's decision of 14 September 2023 to strike the above application out of its list of cases,

Having regard to the Court's decision of 21 March 2024 to restore the above application to its list of cases,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The present application was lodged by two applicants, Ms Stefania Janina Młynarska (the first applicant) and Mr Marek Młynarski (the second applicant). The applicants, mother and son, were represented by Mr M.Z. Fertak, a lawyer practising in Warsaw.

The applicants' complaints under Article 6 § 1 and Article 13 of the Convention concerning the excessive length of the administrative proceedings and the lack of any effective remedy in domestic law were communicated to the Polish Government ("the Government").

On 14 September 2023 the Court decided to strike the present application, jointly with two other applications nos. 11128/20 and 247/21, out of its list of cases in accordance with Article 37 § 1 (c) of the Convention on the basis of unilateral declarations submitted by the Government, acknowledging the

excessive length of administrative proceedings and the lack of any effective remedy in domestic law.

On 15 February 2024 the Government sent a letter informing the Court that the first applicant had died and requesting the Court to restore the present application to its list of cases.

On 21 March 2024 the Court decided, under Article 37 § 2 of the Convention, to disjoin the present application from applications nos. 11128/20 and 247/21, and to restore it to its list.

THE LAW

The Court takes note of the information concerning the death of the first applicant. It also observes that the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by the applicants' complaints and they undertook to pay the amount detailed in the appended table to the second applicant. In these circumstances, the Court is satisfied that the second applicant, in addition to being an applicant in his own name, has standing, in his capacity of the heir, to continue the proceedings in his mother's stead.

The Government acknowledged the excessive length of administrative proceedings and the lack of any effective remedy in domestic law. They offered to pay the second applicant the amount detailed in the appended table and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amount 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 this amount within the above-mentioned three-month period, the Government undertook to pay simple interest on it, 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 case.

The second applicant was sent the terms of the Government's unilateral declaration several weeks before the date of this decision. The Court has not received a response from the second applicant accepting the terms of the declaration.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the case to be continued (see, in particular, the *Tahsin*

Acar v. Turkey judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the excessive length of administrative proceedings (see, for example, *Wcisło and Cabaj v. Poland,* nos. 49725/11 and 79950/13, 8 November 2018).

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

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

For these reasons, the Court, unanimously,

Holds that the second applicant has standing to continue the proceedings in the stead of the late first applicant;

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 20 March 2025.

Viktoriya Maradudina Acting Deputy Registrar	Georgios A. Serghides President

APPENDIX

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

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses (in euros)[1]
62113/19 21/11/2019	Household: **Marek MŁYNARSKI** 1949 **Stefania Janina MŁYNARSKA** Born in 1921 Deceased in 2020 **Heir:** Marek MŁYNARSKI (see above)	Michał Zbigniew Fertak Warsaw	07/05/2024	1,560 (to be paid to Mr Marek Młynarski)

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