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

FIRST SECTION

DECISION

Application no. 33686/22
Leszek ORŁOWSKI
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. 33686/22) 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 15 June 2022 by a Polish national, Mr Leszek Orłowski ("the applicant"), who was born in 1977 and lives in Radom, and who was granted leave to represent himself before the Court;

the decision to give notice of the complaint concerning the alleged restriction on the applicant's access to 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 case concerns the 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 2021 the applicant lodged a civil claim against the State Treasury, seeking 100,000 Polish zlotys (PLN – equivalent to approximately 21,800 euros (EUR)) in compensation for alleged restrictions on his contact

with the outside world while in prison. He also applied for an exemption from the applicable court fee and for legal aid.

3. In his declaration of means, the applicant indicated no possessions or savings and stated that he was obliged to pay PLN 400 (approximately EUR 85) in monthly child maintenance.

4. On 24 November 2021 the court clerk (*referendarz sądowy*) at the Lublin Regional Court (*Sąd Okręgowy*) dismissed the applicant's exemption and legal aid requests. He stated that the applicant should have secured adequate means before lodging his claim and considered that his detention and his resulting financial reliance on the State should not be additionally rewarded with an exemption from court fees. The applicant objected to that decision, reiterating that he did not have any savings.

5. On 11 January 2022 the Regional Court requested that the prison in which the applicant was detained provide information concerning his possessions, savings and employment. In response, the prison administration indicated that the applicant had accumulated: (i) PLN 411.57 (approximately EUR 90) in a readily available deposit account; (ii) PLN 2,157.30 (approximately EUR 470) in a restricted account, the funds of which would be given to him upon his release; and (iii) PLN 3,500 (approximately EUR 765) in his bank account *("ROR" – rachunek oszczędnościowo-rozliczeniowy*, or "current account"). It was also noted that the applicant was not employed on account of his reproachable behaviour, and that in September 2021 a sum of PLN 391.84 (approximately EUR 85) had been transferred from his account to a court bailiff (*komornik*).

6. On 15 February 2022 the Regional Court upheld the decision dismissing the applicant's exemption and legal aid requests, without giving any reasons.

7. On 9 March 2022 the Regional Court ordered the applicant to pay the court fee in the sum of PLN 5,000 (approximately EUR 1,100).

8. On 19 April 2022 the Regional Court returned the applicant's claim as unpaid. The applicant applied for a written statement of reasons for that decision with a view to lodging an interlocutory appeal against it. He also applied for an exemption from the applicable court fee of PLN 100 (approximately EUR 20), reiterating that he had no savings.

9. On 25 May 2022 the court clerk at the Regional Court dismissed the applicant's exemption request.

10. It appears that on 6 June 2022 the applicant was summoned to pay the PLN 100 court fee, and that on 29 June 2022 the Regional Court rejected his statement of claim as unpaid.

11. The applicant complained that the refusal to exempt him from the court fees had resulted in the disproportionate restriction of his right of access to court, as guaranteed by Article 6 § 1 of the Convention.

THE COURT'S ASSESSMENT

12. The Court does not consider it necessary to examine the Government's preliminary objection that the applicant had failed to exhaust domestic remedies since, in any event, the present application is inadmissible for the following reasons.

13. The general principles concerning access to court have been summarised in *Zubac v. Croatia* ([GC], no. 40160/12, §§ 76-79, 5 April 2018) and, in the context of failure to pay court fees, in *Kreuz v. Poland* (no. 28249/95, §§ 52-57, ECHR 2001-VI).

14. The Court observes that the first-instance court's decision to dismiss the applicant's extension request was essentially based on one reason, namely that he should have accumulated savings before lodging his claim (see paragraph 4 above). It is further noted that the appellate decision was not accompanied by any reasons (see paragraph 6 above).

15. Nevertheless, at the appellate stage, the Regional Court requested information from the prison administration on the applicant's financial situation (see paragraph 5 above). In doing so, it referred to section 109(1) of the Law of 28 July 2005 on Court Fees in Civil Cases, which stated that a national court could order an appropriate investigation if it had doubts as to the actual financial standing of the party requesting exemption. The prison administration replied that the applicant had PLN 3,911 readily available to him and PLN 2,157.30 in the restricted account (see paragraph 5 above).

16. In this connection, the Government argued that the applicant had provided the Regional Court with false information when he had repeatedly stated that he had had no savings. They further noted that his submissions were not accompanied by any supporting documents. In his observations before the Court, the applicant merely repeated his statement that he had had no savings.

17. The Court reiterates that a party seeking exemption from court fees should act with requisite diligence when presenting to the courts evidence concerning his or her financial standing and is under an obligation to cooperate faithfully with the courts in this matter (see *Elcomp sp. z o.o. v. Poland*, no. 37492/05, § 41, 19 April 2011). In the absence of any justification by the applicant of the discrepancies between his submissions and the information provided by the prison administration, the Court considers that the applicant failed to display requisite diligence when justifying his request for exemption.

18. The Government also argued that the amount of the required court fee had been a direct consequence of the inflated value of the applicant's claim. In that regard, the Court notes that the applicant sought the equivalent of EUR 21,800 in compensation in respect of non-pecuniary damage caused by the removal of his friend from a list of persons authorised to pay him visits in prison. The court fee required from him was calculated with reference to the

amount claimed. Without prejudice to the well-foundedness of that claim, the Court is of the view that the amount sought appears exaggerated and out of proportion to the nature of the claim. Had he claimed a more reasonable amount, the court fees required would have been lower (see *Zelcer v. Poland* (dec.), no. 38774/05, 5 July 2011, and *Kupiec v. Poland*, no. 16828/02, §§ 6 and 47, 3 February 2009).

19. In view of the foregoing, the Court finds that the domestic courts struck a proper balance between the interest of the State in collecting the court fees for dealing with claims and the interest of the applicant in pursuing his claim (see *Centrum Handlowe Agora sp. z o.o. v. Poland* (dec.), no. 8928/13, 20 February 2024).

20. Lastly, the Court notes that, in his initial application as well as in his observations, the applicant raised a complaint under Article 3 of the Convention. However, at the communication stage this complaint was declared inadmissible by the President of the Section, sitting as a single judge (under Rules 27A § 2 (a) and 54 § 3 of the Rules of Court read in conjunction with Rule 12) and consequently the Government were not given notice of this complaint. Such a decision is final (Article 27 § 2 of the Convention and Rule 54 § 3) and the Court therefore will not re-examine that complaint (see *Jaupi v. Albania*, no. 23369/16, § 60, 29 April 2025, with further references).

21. Accordingly, the Court concludes that the application is manifestly ill-founded within the meaning of Article 35 § 3 (a) and must be rejected, pursuant to Article 35 § 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