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

FIRST SECTION

DECISION

Application no. 42192/11
Adrian RÓŻNICKI against Poland
and 28 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 7 December 2015, 6 July and 3 November 2016, and on 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 7 December 2015, 6 July and 3 November 2016, 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 indicated that they were not satisfied with the terms of the unilateral declarations.

8. The Court reiterates that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular 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".

9. It also reiterates that in certain circumstances, it may strike out an application 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.

10. To this end, the Court has examined the declarations in the light of the principles emerging from its case-law, in particular the *Tahsin Acar* judgment (*Tahsin Acar v. Turkey* (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI; *WAZA Sp. z o.o. v. Poland* (dec.), no. 11602/02, 26 June 2007; and *Sulwińska v. Poland* (dec.), no. 28953/03, 18 September 2007).

11. The conclusions reached by the Court on admissions and undertakings contained in the Government's declarations in the first group of 400 cases submitted in the pilot-judgment procedure apply to the present case (see *Załuska and Rogalska (dec),* cited above, §§ 51-53).

12. Having regard to the nature of the admissions contained in the Government's declarations, 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 applications (Article 37 § 1 (c)).

13. Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, 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 applications (Article 37 § 1 *in fine*).

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

15. 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;

Takes note of the terms of the respondent Government's declarations under Articles 6 § 1 and 13 of the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

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

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

Renata Degener	Aleš Pejchal
Deputy Registrar	President

APPENDIX

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Introduced by	Amount proposed in Unilateral Declaration
1.	42192/11	01/07/2011	**Adrian RÓŻNICKI** 13/06/1982 Łódź		Adrian Różnicki	PLN 3,710
2.	4053/11	09/12/2010	**Mariusz MIŚ** 23/07/1969 Opole	Aleksandra CEMPURA	Mariusz Miś	PLN 32,400
3.	63202/11	30/09/2011	**Grażyna NIEMIAŁTOWSKA** 14/08/1943 Warsaw **Marek NIEMIAŁTOWSKI** 29/03/1945		Grażyna Niemiałtowska Marek Niemiałtowski	PLN 7,720 for all applicants

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Introduced by	Amount proposed in Unilateral Declaration
			Dominika NIEMIAŁTOWSKA continues in her father's stead.		Dominika Niemiałtowska	
4.	20030/12	26/03/2012	**Arkadiusz JASTRZĘBSKI** 20/06/1975 Lublin		Arkadiusz Jastrzębski	PLN 21,840
5.	20319/12	16/03/2012	**Przemysław Rafał BORECKI** 17/12/1977 Warsaw		Przemysław Rafał Borecki	PLN 11,100
6.	24100/12	06/04/2012	**Stefan MAJEWSKI** 30/04/1944 Warsaw		Stefan Majewski	PLN 40,800

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Introduced by	Amount proposed in Unilateral Declaration
7.	60164/12	03/09/2012	**Dariusz KRZYSIAK** 19/10/1974 Bujaków **Klaudiusz KRZYSIAK** 27/04/1972 Bujaków **Stanisław KRZYSIAK** 20/03/1948 Bujaków		Dariusz Krzysiak Klaudiusz Krzysiak Stanisław Krzysiak	PLN 20,985 for all applicants
8.	61636/12	10/09/2012	**Tomasz STOJAŃSKI** 22/09/1982 Koszalin		Tomasz Stojański	PLN 6,240
9.	68215/12	01/10/2012	**Adam Piotr CHOBA** 13/03/1978 Przytuły Stare		Adam Piotr Choba	PLN 2,420

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Introduced by	Amount proposed in Unilateral Declaration
10.	80449/12	28/11/2012	**Henryka Teresa CICHA-GNYP** 17/12/1958 Łódź **Maciej Gnyp** 11/02/1993 Łódź		Henryka Teresa Cicha- Gnyp Maciej Gnyp	PLN 24,800 for all applicants
11.	63053/13	17/04/2012	**Krzysztof JASIŃSKI** 15/10/1958 Mysłowice	Maciej SCHIPERSKI	Krzysztof Jasiński	PLN 39,670
12.	71200/13	30/10/2013	**Ryszard ZIELIŃSKI** 31/12/1955 Warsaw		Ryszard Zieliński	PLN 6,100
13.	72284/13	05/11/2013	**Marcin CELEJEWSKI** 29/05/1984 Będzin		Marcin Celejewski	PLN 9,010

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Introduced by	Amount proposed in Unilateral Declaration
14.	73161/13	26/07/2013	**Artur KUJAWA** 18/08/1971 Warsaw		Artur Kujawa	PLN 30,220
15.	79971/13	08/05/2014	**Adrian CERAN** 16/07/1991 Gębarzewo		Adrian Ceran	PLN 4,680
16.	2247/14	23/12/2013	**Mariusz KUCHARCZYK** 20/04/1965 Zebrzydowice	Mariola KUCIŃSKA-TEKLIŃSKA	Mariusz Kucharczyk	PLN 16,720
17.	2298/14	23/12/2013	**Mariusz FOLTYN** 24/03/1973 Kończyce Wielkie	Mariola KUCIŃSKA-TEKLIŃSKA	Mariusz Foltyn	PLN 16,720
18.	10059/14	18/12/2013	**Włodzimierz MŁYNARSKI** 22/12/1950 Słubice		Włodzimierz Młynarski	PLN 18,720

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Introduced by	Amount proposed in Unilateral Declaration
19.	10413/14	17/01/2014	**Dariusz KUDEŃ** 28/12/1960 Suben		Dariusz Kudeń	PLN 12,355 for the first set of proceedings; PLN 7,990 for the second set of proceedings.
20.	29417/14	27/10/2014	**Adam KANKOWSKI** 13/11/1974 Gdańsk		Adam Kankowski	PLN 36,430 for the first set of proceedings; PLN 39,340 for the second set of proceedings
21.	38059/14	06/05/2014	**Artur KAZIKOWSKI** 17/03/1979 Kamińsk		Artur Kazikowski	PLN 7,360
22.	38768/14	07/05/2014	**Jan Paweł KĘPKA** 04/10/1982 Warsaw		Jan Paweł Kępka	PLN 4,400
23.	56629/14	21/07/2014	**Andrzej ZALEWSKI** 28/10/1978 Krzywaniec		Andrzej Zalewski	PLN 2,020

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Introduced by	Amount proposed in Unilateral Declaration
24.	60210/14	28/08/2014	**Jerzy KOSZEWSKI** 19/06/1949 Olsztyn	Tomasz KOSZEWSKI	Jerzy Koszewski	PLN 35,440
25.	60267/14	30/09/2014	**Zbigniew GAWĘCKI** 25/02/1964 Warsaw		Zbigniew Gawęcki	PLN 20,570
26.	65359/14	19/09/2014	**Ernest SKURAT** 06/08/1977 Gdańsk		Ernest Skurat	PLN 3,980
27.	71858/14	06/11/2014	**Józef Bronisław JĘDRUCH** 10/01/1972 Częstochowa	Michał PAPROCKI	Józef Bronisław Jędruch	PLN 20,580
28.	10139/15	19/02/2015	**Paweł STRELEC** 22/10/1982 Hrubieszów		Paweł Strelec	PLN 8,040
29.	15287/15	23/03/2015	**Janusz OLEWIŃSKI** 13/09/1953 Siedlce		Janusz Olewiński	PLN 4,200