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

FIRST SECTION

DECISION

Application no. 29761/22
Janina Józefa SALA against Poland
and 4 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 22 January 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 applications lodged on the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

FACTS AND PROCEEDINGS

1. A list of the applicants is set out in the appended table.

2. The Polish Government ("the Government") were represented by their Agent, Ms A. Kozińska-Makowska of the Ministry of Foreign Affairs.

3. The facts of the case, as submitted by the parties, may be summarised as follows.

4. All applicants are former public servants who have retired from the uniformed services. The present applications concern reductions in their pension entitlements.

5. In 2017, following the entry into force of amendments of 16 December 2016 ("the 2016 Act") to the Law of 18 February 1994 on the retirement pensions of public servants in the police force, the Internal Security Agency, the Intelligence Agency, the Military Counter-Intelligence Service, the Military Intelligence Service, the Central Anti-Corruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Service, the Prison

Service and their families ("the 1994 Act", see paragraph 14 below), the Director of the Board for Pensions took decisions under sections 15c and 22a read in conjunction with section 32(1) of the 2016 Act and on the basis of information received from the Institute for National Remembrance recalculated and reduced the applicants' monthly retirement pensions.

6. All the applicants lodged appeals against those decisions in the appropriate regional courts. The proceedings concluded on various dates, after appeals which were dismissed by the relevant courts of appeal either entirely or in part. Where the appeals were dismissed in part, the pensions were increased. However, they remained at levels below the original amounts which the applicants had been receiving before 2017.

7. Following communication of the applications to the Government, the applicants were able to make a request under section 8a of the 2016 Act asking the Minister of Internal Affairs and Administration ("the Minister") to find that sections 15c, 22a and 24a did not apply to them. All the applicants made use of that opportunity.

A. As regards applications nos. 29761/22, 32326/22 and 36262/22

8. Upon request by the applicants, the Minister granted their requests and decided under section 8a of the 2016 Act to exclude the applicants' cases from the application of sections 15c, 22a and 24a. They then began receiving their pension at the same rate as before the reduction in 2017.

9. The applicants did not submit detailed information about the amounts that they had received on the basis of the Minister's decisions. The applicants in applications nos. 29761/22 and 36262/22 confirmed however, that their pension benefits had been reinstated.

B. As regards application no. 41754/22

10. Upon request by the applicant, on 23 October 2024 the Minister granted his request and decided under section 8a of the 2016 Act to exclude the applicant's case from the application of sections 15c, 22a and 24a. He then began receiving his pension at the same rate as before it was reduced in 2017.

11. On 27 December 2024 the Director of the Board for Pensions redetermined the amount of the applicant's pension in accordance with the decision of 23 October 2024. The gross amount of the pension was 8,699.03 Polish zlotys (PLN). After the deduction of income tax and health insurance contributions, it was PLN 5,432.12 (approximately 1,300 euros (EUR)). The compensation due to the applicant for the period from 1 October 2017 until 31 January 2025 was therefore determined at PLN 316,131.71 gross, and after the deduction of income tax and health insurance contributions the

outstanding pension, including indexation, to which the applicant was entitled was PLN 209,593.86 (approximately EUR 50,000) net.

C. As regards application no. 56299/22

12. Upon request by the applicant, on 13 May 2025 the Minister granted his request and decided under section 8a of the 2016 Act to exclude the applicant's case from the application of sections 15c, 22a and 24a. He then began receiving his pension at the same rate as before it was reduced in 2017.

13. On 17 June 2025 the Director of the Board for Pensions redetermined the amount of the applicant's pension in accordance with the decision of 13 May 2025. The gross amount of the pension was PLN 12,180.42. After the deduction of income tax and health insurance contributions, it was PLN 7,486.18 (approximately EUR 1,780). The compensation due to the applicant for the period from 1 October 2017 until 30 June 2025 was therefore determined at PLN 95,589.83 gross, and after the deduction of income tax and health insurance contributions the outstanding pension, including indexation, to which the applicant was entitled was PLN 66,952.75 (approximately EUR 15,960) net.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

14. The relevant legal framework and practice have been set out in *Klucińska-Głuszczak v. Poland* (dec.) no. 33274/22, §§ 20-26, 14 October 2025. In particular, on 1 January 2017 amendments of 16 December 2016 to the 1994 Act came into force. Section 15c was added, which provided that one of the coefficients relevant for the calculation of the pensions of former functionaries was decreased from 0.7% to 0% for each year of service for the former communist State security authorities in the period 1944-90.

COMPLAINT

15. The applicants complained under Article 1 of Protocol No. 1 to the Convention that the reductions to their pension constituted a disproportionate interference with their acquired rights which, in turn, amounted to a violation of their right to peaceful enjoyment of their possessions.

THE LAW

16. In their original observations concerning applications nos. 32326/22, 41754/22, 56299/22, the Government raised a preliminary objection as to those applicants' victim status. The applicants contested that.

17. Subsequently, in their further observations, the Government stated that the 2016 Act concerned some 40,000 retired uniformed public servants.

The Government further referred to section 8a of the 2016 Act and submitted that on 12 March 2024 the Minister had appointed a Plenipotentiary for Administrative Proceedings. Since then, there had been 1,112 decisions reestablishing pensions at their original levels and in only six cases had the courts declined to apply section 8a of the 2016 Act. They further stated that the applicants in the present applications had submitted their requests under section 8a of the 2016 Act and that their requests had been granted. Given that they had failed to inform the Court of that, the Government considered that the applications should be declared inadmissible for abuse of the right of individual application. Alternatively, the Government invited the Court to consider that the case should be struck out of the list due to the fact that its subject-matter had been resolved at the domestic level within the meaning of Article 37 § 1 (b) of the Convention.

18. While the applicant in application no. 36262/22 did not comment on the Government's further observations, the other applicants submitted comments, arguing that the fact that they had received a positive ruling under section 8a of the 2016 Act and after that had been paid the full amount including backdated benefits had no significance for the present applications. In particular, they asserted that the payments in question had not carried interest, which, in their view, constituted a further violation of Article 1 of Protocol No. 1 to the Convention.

19. In the present applications, the Court does not consider it necessary to reach a conclusion on the objections raised by the Government concerning victim status and abuse of petition. In the light of the parties' submissions, the Court considers that the applications can be struck out of its list pursuant to Article 37 § 1 of the Convention for the reasons set out below.

20. Article 37 § 1 in so far as relevant reads as follows:

> "1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
>
> ...
>
> (b) the matter has been resolved; ...
>
> However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols so requires."

21. In order to ascertain whether that provision applies to the present case, the Court must examine, firstly, whether the circumstances complained of directly by the applicants still obtain and, secondly, whether the effects of a possible violation of the Convention on account of those circumstances have also been redressed (see *Pisano v. Italy* (striking out) [GC], no. 36732/97, § 42, 24 October 2002; *Sisojeva and Others v. Latvia* (striking out) [GC], no. 60654/00, §§ 96-97, ECHR 2007-I; *El Majjaoui and Stichting Touba Moskee v. the Netherlands* (striking out) [GC], no. 25525/03, §§ 29-30, 20 December 2007; and, recently, *Vadalà v. Italy* (dec.), no. 14656/15, § 37, 7 November 2023).

22. In the case at hand, the applicants complained that they had been deprived of a large part of their pension, in violation of Article 1 of Protocol No. 1 to the Convention. However, following the decisions issued by the Minister under section 8a of the 2016 Act and the subsequent recalculations (see paragraphs 8-13 above), the applicants had been receiving their pension at the same rate as before these were reduced in 2017, and they had also received full back payments. The Court therefore finds that the circumstances complained of by the applicants no longer obtain and the effects of a possible violation of the Convention on account of those circumstances have been redressed, and therefore that both conditions for the application of Article 37 § 1 (b) of the Convention are met (see *El Majjaoui and Stichting Touba Moskee*, cited above, §§ 30-34, and *Vadalà*, cited above, § 35).

23. As regards the applicants' arguments that they were paid the amount due without interest, it appears that they are free to lodge a claim for payment for damages before the domestic courts and to request interest for the years when they were receiving the reduced pension (see *Klucińska-Głuszczak,* cited above, § 35).

24. Accordingly, the matter giving rise to the application under Article 1 of Protocol No. 1 can be considered to have been "resolved" within the meaning of Article 37 § 1 (b) of the Convention. The Court also reiterates that it is not required, for the purposes of Article 37 § 1 (b) of the Convention, that the national authorities acknowledge a violation of the Convention or that the applicant, in addition to having obtained a resolution of the matter, is also granted compensation (see *H.P. v. Denmark* (dec.), no. 55607/09, § 78, 13 December 2016, *Klucińska-Głuszczak,* cited above, § 35).

25. Lastly, the Court finds no particular reason relating to respect for human rights as defined in the Convention that would require it to continue to examine the complaints at issue under Article 37 § 1 *in fine*.

26. The applications should therefore be struck out of the Court's list of cases.

APPLICATION OF RULE 43 § 4 OF THE RULES OF COURT

27. The relevant part of Rule 43 § 4 of the Rules of Court reads as follows:

> "When an application has been struck out ... the costs shall be at the discretion of the Court."

28. The Court reiterates that unlike Article 41 of the Convention, which only applies where a violation of the Convention or of the Protocols thereto is found, Rule 43 § 4 authorises it to make an award to the applicant in respect of costs and expenses – and in this respect only – when the application has been struck out (see *Sisojeva and Others*, cited above, § 132).

29. The Court observes that the Government's request to strike the present applications out of the list of cases was lodged after the applicants had

submitted their observations and claims for just satisfaction. The applicants in applications nos. 29761/22, 32326/22 and 56299/22 claimed various amounts in respect of lawyers' and court fees incurred for the proceedings before the Court, whereas the applicants in applications nos. 36262/22 and 41754/22 made no claims for costs and expenses.

30. The Court reiterates that the general principles governing the reimbursement of costs under Rule 43 § 4 are essentially the same as under Article 41 of the Convention. In other words, the costs claimed must relate to the alleged violation or violations and must be reasonable as to quantum. Under Rule 60 § 2, itemised particulars of any claim must be submitted, together with the relevant supporting documents or vouchers, failing which the Court may reject the claim in whole or in part (see *Kovačić and Others v. Slovenia* [GC], nos. 44574/98 and 2 others, § 276, 3 October 2008).

31. Regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award the applicants in applications nos. 29761/22, 32326/22 and 56299/22 the sum claimed in respect of lawyers' and court fees in the amounts specified in the appended table.

For these reasons, the Court, unanimously,

1. *Decides* to join the applications;

2. *Decides* to strike the applications out of its list of cases;

3. *Holds*,

(a) that the respondent State is to pay the applicants in applications nos. 29761/22, 32326/22 and 56299/22, in respect of costs and expenses, within three months, the amounts indicated in the appended table, plus any tax that may be chargeable to them, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on these amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English and notified in writing on 12 February 2026.

Liv Tigerstedt Deputy Registrar	Davor Derenčinović President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Costs and expenses awarded (in euros)
1.	29761/22	Sala v. Poland	07/06/2022	**Janina Józefa SALA** 1951 Biala Podlaska Polish	Iwona SZYMANEK-MAZUR	1,000
2.	32326/22	Pakuła v. Poland	20/05/2022	**Wieslaw PAKUŁA** 1955 Biala Podlaska Polish	Iwona SZYMANEK-MAZUR	1,000
3.	36262/22	Kręciejewski v. Poland	12/07/2022	**Ryszard KRĘCIEJEWSKI** 1947 Motarzyn Polish	-	-
4.	41754/22	Czarnecki v. Poland	09/08/2022	**Jerzy Stefan CZARNECKI** 1952 Będzin Polish	Wojciech CZAJKA	-
5.	56299/22	Saks v. Poland	16/11/2022	**Jan SAKS** 1957 Warszawa Polish	Monika Małgorzata GĄSIOROWSKA Justyna METELSKA	1,800