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

FIRST SECTION

DECISION

Application no. 10108/20
Leszek Wiesław SUCHOLEWSKI against Poland
and 3 other applications
(see appended table)

The European Court of Human Rights (First Section), sitting on 9 March 2023 as a Committee composed of:

Alena Poláčková*, President*,
Gilberto Felici,
Raffaele Sabato*, judges*,

and Viktoriya Maradudina, *Acting 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 requesting the Court to strike the applications out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants and their representatives is set out in the appended table.

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

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

After unsuccessful friendly-settlement negotiations, the Government informed the Court that they proposed to make unilateral declarations with

a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The Government acknowledged the violation of the applicants' rights under Article 6 § 1 of the Convention, as regards the excessive length of the proceedings, and under Article 13 of the Convention related to the lack of a domestic remedy in that regard. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts 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 these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, 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 cases.

The applicants were sent the terms of the Government's unilateral declarations several weeks before the date of this decision. The Court has not received a response from the applicants accepting the terms of the declarations.

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 cases 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 civil proceedings (see, for example, *Rutkowski and Others v. Poland,* nos. 72287/10 and 2 others, 7 July 2015).

Noting 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 in the part covered by the unilateral declarations of the Government (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 applications in that part (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications 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 cases out of the list as regards the complaints concerning the excessive length of the proceedings and the lack of an effective domestic remedy.

The applicants also raised other complaints under Article 6 § 1 the Convention, having argued that the excessive length of the proceedings had made their right of access to court illusory.

The Court has examined these complaints and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints are manifestly ill-founded within the meaning of Article 35 § 3 of the Convention (see *Bieliński v. Poland*, no. 48762/19, §§ 71-72, 21 July 2022).

It follows that this part of the applications must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations in so far as they concern the excessive length of the proceedings and lack of an effective domestic remedy, and of the arrangements for ensuring compliance with the undertakings referred to therein;

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

Declares the remainder of the applications inadmissible.

Done in English and notified in writing on 30 March 2023.

Viktoriya Maradudina	Alena Poláčková
Acting Deputy Registrar	President

APPENDIX

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

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
1.	10108/20 04/02/2020	**Leszek Wiesław SUCHOLEWSKI** 1954	Sucholewski Damian Warsaw	08/12/2022	05/01/2023	2,100
2.	18338/20 10/04/2020	**Leszek OLECHNOWICZ** 1953	Chojniak Łukasz Warsaw	09/12/2022	12/01/2023	2,500
3.	19923/20 21/04/2020	**Alicja GOŁASZEWSKA** 1953	Chojniak Łukasz Warsaw	09/12/2022	12/01/2023	2,500
4.	24745/20 28/05/2020	**Zofia RYBCZYŃSKA-KWIECIEŃ** 1960	Gąsiorowska Monika Małgorzata Warsaw	09/12/2022	16/01/2023	2,100

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