

Action for infringement of a party's right to have a case heard in court without undue delay as a guarantee of the efficiency and regularity of civil proceedings

The purpose of this thesis is to present the functioning of the complaint for delay in civil proceedings and to assess the existing regulation from the perspective of efficiency of civil proceedings.

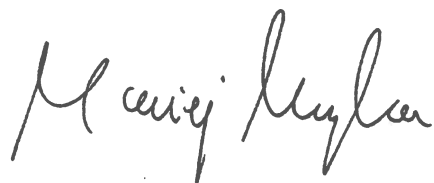
The first chapter contains an analysis of the basic legal principles and standards for the functioning of the complaint for lengthy proceedings. They are fundamental for correct interpretation of the provisions of the Act of 17 June 2004 on the complaint for violation of a party's right to examine a case in preparatory proceedings conducted or supervised by a prosecutor and court proceedings without undue delay (hereinafter: "u.s.n.p.s.").

The second chapter discusses the position of the complaint for delay in the system of legal remedies in Polish civil proceedings. The chapter begins by presenting the genesis of the Act on a complaint for delay, i.e. the circumstances and arguments raised in the course of the precedent-setting case for this legal remedy - the Kudła v. Poland case. Then the evolution of the complaint for lengthy proceedings is presented. The amendments of the u.s.n.p.s. are analyzed taking into account their assessment by the ECHR. The regulation of the u.s.n.p.s. was assessed in terms of its compliance with the requirements for an effective remedy for the lengthiness of proceedings, as shaped by the ECHR jurisprudence.

The third chapter compares the regulation of the complaint for lengthy proceedings in Poland with the corresponding remedies for lengthy proceedings in Germany and Italy. The remedy for lengthy proceedings in Italy served as a model for the legislator when drafting the regulation of the u.s.n.p.s., due to the fact that the problem of the lengthy proceedings of court proceedings is of a similar scale in Italy and Poland. For comparison, such a remedy in German law is also presented, where the phenomenon of delay is a relatively smaller problem compared to the judicial system in Poland and Italy. The fourth chapter presents

a formal-dogmatic analysis of the regulation of the u.s.n.p.s. The subject of consideration became the nature and subject matter of the case initiated by the complaint for lengthiness with the specification of incidental and collateral proceedings, as well as the lengthiness of enforcement proceedings. Also analyzed was the very concept of protraction and the causes of this phenomenon. The fifth chapter presents the doctrinal and jurisprudential achievements in the course of proceedings on the complaint for lengthiness. The subjective scope of the proceedings is analysed, including the issues of active and passive standing and representation of parties in the proceedings initiated by a complaint for delay. Then were presented views on the formal requirements and time limit for filing a complaint for delay, as well as the jurisdiction and composition of the court hearing the case on the complaint for delay. The issues related to the decision on the complaint for lengthiness were also presented, including the decision on the amount of money for the lengthiness of the proceedings and the decision on the costs of the proceedings.

The last chapter is devoted to the right to compensation and redress for delay in proceedings. It presents the manner of claiming damages in the case of upholding a complaint for delay, as well as the possibility of claiming damages in the case of failure to file or dismissal or rejection of the complaint. The chapter also discusses the nature of the right to claim compensation for delay in proceedings.

A handwritten signature in cursive script, appearing to read "Marij Mylka". The signature is written in dark ink on a white background.