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Meeting: 1259 meeting (7-9 June 2016) (DH)

Item reference: Updated action report (08/03/2016)

Communication from Poland concerning the case of Hutten-Czapska against Poland (Application No. 35014/97)

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Réunion : 1259 réunion (7-9 juin 2016) (DH)

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Communication de la Pologne concernant l'affaire Hutten-Czapska contre Pologne (Requête n° 35014/97) (***anglais uniquement***)

ACTION REPORT[1]
Information about the measures to comply with the judgment in case
Hutten-Czapska against Poland

I. Description of the case

Hutten-Czapska v. Poland (no. 35014/97), judgment of 19/06/2006, final on 19/06/2006, friendly-settlement judgment of 28/04/2008, final on 28/04/2008

The applicant was one of around 100,000 landlords in Poland affected by a system of rent control, which originated in laws adopted under the former communist regime. The system imposed a number of restrictions on landlords' rights, in particular, setting a ceiling on rent levels which was so low that landlords could not even recoup their maintenance costs, let alone make a profit.

In 1994 a rent control scheme was applied to private property in Poland, under which landlords were both obliged to carry out costly maintenance work and prevented from charging rents which covered those costs. According to one calculation, rents covered only about 60% of the maintenance costs. Severe restrictions on the termination of leases were also in place.

The 1994 Act was replaced by a new act in 2001, designed to improve the situation, which maintained all restrictions on the termination of leases and obligations in respect of maintenance of property and also introduced a new procedure for controlling rent increases. For instance, it was not possible to charge rent at a level exceeding 3% of the reconstruction value of the property in question. The Polish Constitutional Court, in its judgments of 12 January 2000, 10 October 2000 and 2 October 2002, found that the rent-control scheme under both the 1994 Act and the 2001 Act was unconstitutional and that it had placed a disproportionate and excessive burden on landlords. The provisions in question were repealed.

On 1 January 2005 new provisions, adopted in December 2004, entered into force which allowed, for the first time, rents exceeding 3% of the reconstruction value of the property being rented to increase by not more than 10% a year.

In the principal judgment in *Hutten-Czapska*, the Grand Chamber (19 June 2006) found that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, because the applicant could not use her property or charge adequate rent for it lease.

According to the judgment, *the violation of the right of property in the present case is not exclusively linked to the question of the levels of rent chargeable but, rather, consists in the combined effect of defective provisions on the determination of rent and various restrictions on landlords' rights in respect of the termination of leases, the statutory financial burdens imposed on them and the absence of any legal ways and means making it possible for them*

[1] Information submitted by Polish authorities on 8 March 2016

either to offset or mitigate the losses incurred in connection with the maintenance of property or to have the necessary repairs subsidised by the State in justified cases (§ 224 of the judgment of 19 June 2006).

Applying the pilot-judgment procedure, the European Court concluded that the violation found was the result of a structural problem linked to a malfunction of national legislation and that the respondent state must secure in its domestic legal order a mechanism maintaining a fair balance between the affairs of landlords and the general interest of the community in accordance with the principles of the protection of property.

II. Individual measures

1. Just satisfaction

Just satisfaction in respect of pecuniary damage, non-pecuniary damage and costs and expenses was approved by the European Court and paid out by the Government.

2. Individual measures

The applicant's property was vacated of all occupants in 2006.

In these circumstances, no other individual measure appears necessary.

III. General measures

Following the pilot-judgment, from 2006 to 2010 several legislative reforms were adopted. These included possibilities for rent increases; a system for monitoring the levels of rent; creation of a lease based on a fully contractual and freely determined rent ("*occasional lease*") and funding for social accommodation to ensure that tenants could leave rent controlled properties.

Accordingly, in its inadmissibility decision of 08/03/2011 in the case of *The Association of Real Property Owners in Lódz against Poland* (No. 3485/02),the Court decided to close the pilot procedure for dealing with systemic or structural human rights violations applied to these "rent-control" cases. The Court was satisfied that Poland has changed its laws and procedures such that landlords can now: recover the maintenance costs for their property; include in the rent charged a gradual return for capital investment and make a "decent profit"; and, have a reasonable chance of receiving compensation for past violations of their property rights.

In that ecision, the Court emphasisedtwo elements among those to be supervised by the Committee of Ministers. The first was a substantive one; that is the functioning in practice of the "Occasional Lease Scheme". The second, concerned the domestic compensation scheme put in place for property owners in a similar situation to the applicants, and in particular, the selection of the cut-off date to claim compensation under that regime.

Detailed information on all the measures taken, including the functioning of the "Occasional Lease Scheme" and the selection of the cut-off date for compensation, is presented below.

A. Reforms impacting relationships between landlords and tenants

a. The Act of 15 December 2006 on amendments to the 2001 Act on the protection of the rights of tenants, housing resources of municipalities and on amendments to the Civil Code, which entered into force on 1 January 2007

It modified a number of legal provisions governing leases, their termination and levels of rent with a view to implementing the Constitutional Court's judgment of 19 April 2005 and the resultant recommendations for Parliament of 29 June 2005, as well as the subsequent Constitutional Court's judgments of 17 May 2006 and 11 September 2006.

The December 2006 Amendment had had an important, positive impact on the property rights of landlords.

- In line with directives emanating from the Constitutional Court's judgment of 19 April 2005 and its June 2005 Recommendations[2], it had introduced a clear definition of expenses incurred in the maintenance of rented property and a rule that they had to be covered by the rent derived from a flat. It further expressly laid down that a landlord was entitled to increase rent to an amount covering not only maintenance costs but also to secure a return on capital investment and a fair – decent – profit from the lease of the property.

- Moreover, in order to compensate loss of rent incurred by landlords in consequence of delays on the part of the authorities in providing social accommodation to protected tenants in respect of whom eviction orders had been issued, section 18(5) of the December 2006 Amendment had explicitly made the authorities liable for any damage sustained in this connection. In particular, it had enabled landlords to recover the difference between the rent paid by a tenant and a freely-determined and market-related rent.

- The 2006 Act was also enacted in order to stimulate investment in the construction of social accommodation and the adaptation, development and renovation of municipal buildings with residential dwellings. In enacting this law, the State had recognised the problems faced by municipalities responsible for providing council flats to persons entitled to such accommodation under court judgments ordering their eviction from privately-owned flats and for securing shelter for destitute and homeless persons. The 2006 Act had introduced a system of State subsidies, amounting to 30-50% of the costs of investment available to the municipalities and other entities referred to in the law. These measures were aimed at gradually enlarging the existing pool of municipal property designated for social accommodation and ensuring a more efficient provision and distribution of low-rent

[2]. See §133-142 of the *Hutten-Czapska* merits judgment.

flats for the less well-off, who had previously occupied privately-owned dwellings subject to the former rent-control scheme.

The European Court, in its decision in the case of *The Assocation of Real Property Owners in Łódź v. Poland*, underlined that it *Court has already held that the global solutions adopted by the respondent State in order to resolve the underlying systemic problem identified in the pilot judgment have addressed, in a satisfactory manner, the previous lack of legal provisions enabling landlords to recover costs involved in the maintenance of property, thus protecting them against financial losses in situations where the rent paid by tenants was insufficient. The Court has also noted that the new legal rules which are now in place allow them to include in the rent charged a gradual return on capital investment for the acquisition or modernisation of property. Furthermore, a landlord's right to derive profit from rent has been expressly guaranteed by law* (§85).

b. <u>The Act of 17 December 2009 on amendments to the 2001 Act on the protection of the rights of tenants, housing resources of municipalities and on amendments to the Civil Code and amendments to certain other statutes, which entered into force on 28 January 2010.</u>

It introduced the so-called "occasional lease" – a lease based on a fully contractual and market-related rent, to be freely determined by the parties. Most provisions of the 2001 Act, in particular those regarding the protection of tenants, conditions for rent increases, termination of lease agreements and restrictions on evictions, did not apply to the occasional lease. As a result, the owner of an unoccupied flat could conclude a lease agreement based on flexible rules and, as a prospective tenant was required to make a notarised declaration that he would vacate the flat on termination of the lease, the procedure for eviction was simplified and did not depend on the provision of social accommodation to the tenant. The rent and the conditions for its increase are freely determined in a lease agreement and are not subject to any of the limitations foreseen in the 2001 Act. The procedure for eviction is simplified. When drawing up the lease agreement, the tenant is obliged to make a notarised declaration agreeing to a voluntary vacation of the rented flat on termination of the lease and must indicate a flat to which he is to be evicted should an eviction order be issued against him.

The numbers of the occasional lease contracts concluded during the last 5 years are the following:

in 2010 – there were 1 480 occasional lease contracts;
in 2011 – there were 2 255 occasional lease contracts;
in 2012 – there were 3 093 occasional lease contracts;
in 2013 – there were 4 178 occasional lease contracts;
in 2014 – there were 5 117 occasional lease contracts.

It should also be underlined here that vast majority of all the lease contracts are currently concluded in Poland on the basis of the Civil Code and are restricted only by the will of the parties, in particular as the length of contract, its termination and most of all – levels of rent are concerned. The owner can raise the level of rent only accordingly to the conditions

specified in the contract. The parties are thus not limited with regard to the frequency and level of raises. The parties can freely shape the rules of creation of new bids of the rent, in accordance with the principle of contractual freedom.

The above Act of 2009 introduced a possibility of using formula of occassional lease by individuals not engaged in economic activity in the field of renting permises. Due to the positive results of implementintation of this Act of 2009 on 27 Speptember 2013 a new act was apodopted. This was the Act on state aid in the purchase of a first home for young people *(o pomocy państwa w nabyciu pierwszego mieszkania przez młodych ludzi*, Dz. U. z 2013 r. poz. 1304) which entered into force on 23 November 2013. The Act of 2013 extended a possibility of using formula of occassional lease also to entities conducting business in the field of renting permises such as legal persons including developers.

As a consequence of these changes occasional lease is an instrument, which could be applied by natural persons, legal persons and other entities in all housing stock excluding the premises of public housing stock and the premises rented by municipalities to the persons with low income.

c. <u>The Act of 8 December 2006 on financial assistance for social housing, protected accommodation, night shelters and houses for the homeless</u>

It sets out the conditions for obtaining financial assistance from the State for the construction of buildings or dwellings designated for social housing (as defined by the 2001 Act) and for the purpose of securing other forms of accommodation for the less well-off.

Such assistance can be obtained by municipalities, unions of municipalities and public benefit organisations in connection with the construction, renovation, conversion, alteration of use or purchase of buildings for social accommodation. Depending on the nature of the development, the subsidies available vary from 30% to 50% of the costs of the investment (section 13 as amended on 12 February 2009). The payments are secured by the State Economy Bank from money allocated to the Subsidies Fund.

In this context it should be noted on the mechanism of financial support from the state budget for the development of social housing designed for the poorest people and people evicted from other resources. As a part of the program supporting the social housing in 2007-2012, the state budget granted a financial support for the implementation of about 11 000 municipal and social flats, protected accommodation and housing for flood victims and 879 places in night shelters and houses for homeless people.

In 2012, for this purpose 120 million zlotys (about 29 million EUR) were used. It is expected that in following years the financial commitment of the state budget on this area will remain at adequately high level. Government document "The main problems, the objectives and directions of housing support program for 2020" provides gradually inquiry to 2015, the annual results of the program of social housing support in the amount of about 7 500 places and 400 beds.

In the frames of the program on support from the state budget for the development of social housing which is implemented on the basis of the provisions of the above Act of 8

December 2006 in the years 2013-2015: 427 investors' motions were accepted. According to these motions investors plan to create 2 632 social housing entities (lokale socjalne), 3 082 subsidized housing apartments (mieszkania komunalne), 33 sheltered housing (mieszkania chronione), 100 places in shelters as well as 253 places in houses for homeless people for total amount of 291,088 PLN.

On 25 September 2015 the amendment of the Act of 8 December 2006 on financial assistance for social housing, protected accommodation, night shelters and houses for the homeless people was adopted. On 21 November 2015 the amendment entered into force. The aim of this amendment is to create a possibility for municipalities to make use of financial aid from the Subsidies Fund (Fundusz Dopłat) in order to buy premises which formerly were companies' apartments (mieszkania zakładowe). Moreover the amendment act introduced a number of solutions aiming at stimulating the initiative of self-goverments in the area of municipal housing i.e.:

1. expanded catalogue of beneficiaries of the program for municipal companies;

2. reduced requirement of creation of social premises to the space or number (formerly it had to be space and number) at least the same as the subsidized apartments created in the frames of the program. In case of buying former companies' flats this condition ceased to exist;

3. increased by 5 percentage points the amount of financial suport by which the investor may apply, i.e. from 30 – 50% to 35-55% (in case of new project concerning a purchase of former companies' flats the amount of financial support is 30% of the costs of the project).

Material results of the program on support from the state budget for the development of social housing (2013-2015)

edition	Applications eligible for funding						
	A number of applications	A number of social housing entities	A number of protected apartments	A number of places in shelters	A number of places in houses for homeless people	A number of susidized apartments (excluding subsidized apartments for flood victims)	grant amount (in thousands of PLN
Spring edition 2013	62	337	10	31	56	484	38 391
Autumn edition 2013	63	347	-	31	23	536	41 784
Spring edition 2014	79	547	2	38	-	495	52 415
Autumn edition 2014	50	340	9	-	60	325	32 697
Spring edition 2015	71	325	10	-	-	584	51 965
Autumn edition 2015	102	736	2	-	114	658	73 835
Total amount	427	2 632	33	100	253	3 082	291 088

d. <u>The Act of 24 August 2007 on amendments to the 1997 Land Administration Act and certain other statutes</u>

It introduced a new tool for monitoring the levels of rent in Poland – the so-called "rent mirror", the purpose of which was to ensure transparency of rent increases and facilitate the

determination of rent and other charges in individual lease agreements concluded in a given locality. This tool was also used by civil courts dealing with disputes on rent increases initiated by tenants who did not accept increases made by landlords. Its aim was to provide the courts with reliable data enabling them to assess the justification for such increases. The operation of this mechanism is continually monitored by the Ministry for Infrastructure.

e. The Act of 31 August 2011 amending the Law on the protection of the rights of tenants, housing resources of municipalities and on amendments to the Civil Code

The purpose of this amendment was to increase the effectiveness of enforcement and speed up the implementation of judgments ordering the evacuation of premises. Under the new regulation, the municipality – as required by law to provide the temporary accommodation – at the application of the bailiff should indicate temporary accommodation in half a year. If the municipality does not act in aforesaid way within the statutory time limit, the bailiff will evict to a night shelters or hospice, which should be also indicated by the municipality. Furthermore, according to the new regulation, the right for temporary accommodation shall not be entitled to the debtor, if the execution title attests that the eviction was imposed because of the use of violence in the family, serious or persistent infringements of home order, or improper conduct, which makes use of the other premises in the building burdensome. As a result a bailiff will be able to evict such person to a night shelters or a shelter for homeless people without having to wait for an indication of the municipality of temporary accommodation. At the same time the municipality was obliged to create resources of temporary premises for lease. Creating resources is understood as any action permitted by law, aimed at the construction or acquisition of such premises by the municipality, or as appropriate us of already existing in the municipality premises. Under the amended provisions it is possible to claim a compensation if the municipality does not fulfil its duty of indicating the temporary accommodation. Such compensation is available on the same basis as in the case of compensation available to the owners of rented apartments due to the lack of social housing.

B. Reforms introducing a compensatory mechanism, enabling landlords to recover losses incurred in connection with a property maintenance

a. The Law of 21 November 2008 on Supporting Thermo-Modernisation and Renovations was adopted by Parliament on 21 November 2008 and entered into force on 19 March 2009

The Act is part of the Government's housing programme, aimed at improving the existing housing stock. In particular, it concerns tenement houses – both State and privately-owned – which, as stated in the explanatory report, have been neglected and fallen into disrepair as a result of the operation of the rent-control scheme, which made it impossible for landlords to receive rent that would secure investment in suitable maintenance and renovations.

Under sections 3-7 of the Act, an investor who has carried out renovation or thermo-modernisation work is entitled to the so-called "renovation refund" (*premia remontowa*) or "thermo-modernisation refund" (*premia termomodernizacyjna*).

The granting of those refunds is subject to the statutory condition that a given renovation or thermo-modernisation project would result in energy savings, in particular as regards a building's heating and hot water supply systems. The refunds are available only in respect of larger-scale, costly renovations.

A renovation refund means in practice a partial refund of a loan taken out for the purposes of renovating a building, including the replacement of windows, renovations of balconies, fitting of the necessary installations or equipment or alteration of the building resulting in its improvement.

Under section 9, the renovation refund amounts to 20% of a loan taken out by an investor but not more than 15% of the costs of the entire renovation project. Thermo-modernisation refunds are subject to ceilings of 20% and 16% respectively.

The refund payments are to be secured by the State Economy Bank from money allocated to the Thermo-Modernisation and Renovations Fund (*Fundusz Termomodernizacji i Remontów*). The Bank is to transfer refunds to the lending bank if the project is carried out within the time-limit set out in the loan agreement.

The Act introduced a system of compensatory refunds (*premie kompensacyjne*) available to owners whose property was subject to the rent-control scheme between 12 November 1994 and 25 April 2005[3].

Results of the program on thermo-modernisation and renovations from the second half of 2010 to 2015

	II half of 2010	2011	2012	2013	2014	2015	Total
thermo-modernisation refund							
A number of awarded grants	1 082	3 412	2 856	1 314	2 472	2 271	13 407
Amount of awarded grants (in millions PLN)	48,9	162,7	139,4	63,4	131,2	117,7	663,3
The value of the projects (in millions PLN)	364,5	1 169,3	1 018,8	464,3	595,8	893,4	4 506,1
A number of apartments (in thousands)	no data	no data	110,4	33,9	88,7	80,6	313,6
renovation refund							
A number of awarded grants	326	657	658	313	741	691	3 386
Amount of awarded grants (in millions PLN)	16,2	31,5	31,8	14,2	31,4	29,3	154,4
The value of the projects (in millions PLN)	114,8	223,6	226,2	101,4	116,71	207,7	990,4
A number of apartments (in thousands)	no data	no data	19,1	5,8	12,6	11,5	49,0

[3] The date of entry into force of the Constitutional Court's judgment of 19 April 2005 (see *Hutten-Czapska*, §§ 136-141).

compensatory refunds							
A number of awarded grants	25	66	86	166	185	198	726
Amount of awarded grants (in millions PLN)	2,4	10,8	14,8	22,9	22,9	31,2	105,0
The value of the projects (in millions PLN)	3,6	12,3	17,2	25,9	13,99	33,4	106,4
A number of apartments (in thousands)	no data	no data	0,6	1,3	1,5	1,7	5,1
total							
A number of awarded grants	1 433	4135	3600	1793	3398	3 160	17 519
Amount of awarded grants (in millions PLN)	67,5	204,9	186,0	100,6	185,5	178,2	922,7
The value of the projects (in millions PLN)	482,9	1 405,2	1 262,2	591,6	726,5	1 134,5	5 602,9
A number of apartments (in thousands)	no data	no data	130,1	41,0	102,8	93,8	367,7

b. The amendment adopted the Act of 5 March 2010 on amendments to the Law on Supporting Thermo-Modernisation and Renovations, which entered into force on 7 June 2010.

The amendment enabled a landlord to obtain a compensatory refund without the need to take out a bank loan for the investment. In order to obtain a compensatory refund, a landlord must attach to his application certified copies of documents confirming that his property was subject to the rent-control scheme and indicating the relevant period or periods during which restrictions applied. Also, he must submit documents showing the extent of the renovation work and the estimated cost of the investment.

Under the amended section 19(4), the State Economy Bank is to transfer a compensatory refund to the investor after he has incurred expenses arising from the renovation project, in accordance with the indicated extent of the work. The compensatory refund may not exceed the costs of the investment.

As a result of the above amendments, a landlord can choose between an ordinary or simplified procedure for obtaining a compensatory refund.

In the ordinary procedure, it is necessary to take out a loan for the planned investment and to fulfil the requirements laid down in section 7 of the 2008 Act with regard to the reduction in energy consumption that must result from a given renovation project. A detailed building plan and construction or energy audit are also required. The minimum cost of the investment must reach the statutory threshold, which is determined by reference to the so-called "indicator of the costs of the investment". A landlord may take advantage of compensatory and renovation refunds or compensatory and thermo-modernisation refunds at the same time. On termination of the project, the State Economy Bank transfers the money to the lending bank, which deducts the relevant amount from the loan.

In the simplified procedure, a landlord may invest his own money or find sources of finance for the project other than a bank loan. An application must be supported by documents indicating the extent and cost of the planned works, but no building plan, construction or

energy audit is required. There is no specific requirement with regard to the cost of the planned investment, but it must be at least equal to or higher than the compensatory refund available to the person concerned. The landlord deals directly with the State Economy Bank in seeking authorisation for and payment of the refund.

A landlord who has chosen the simplified procedure may, if he fulfils the relevant requirements, take advantage of a renovation or thermo-modernisation refund at a future date.

The authorities have disseminated detailed information about the conditions for compensatory refunds to persons affected by the operation of the rent-control scheme and a comprehensive explanation of the mathematical formula and its respective components. They also made an information technology system available to potential applicants on the website of the State Economy Bank (http://www.bgk.com), enabling them to calculate or make a simulation of their refund with the help of a special calculator. All the necessary data (applicable conversion indexes, relevant indicators of the reconstruction value of one square metre of the usable area of residential buildings in all regions of Poland, prices for one square metre of a building at a given time and all other relevant statistical information) are also available on the website. Applicants also have at their disposal PDF texts of the 2008 Act, the March 2010 Amendment, the Rules for Investors (*Regulamin dla Inwestorów*), and two standard application forms for obtaining a compensatory refund – one for the ordinary procedure and one for the simplified procedure.

The European Court, in already cited decision in the case of *The Assocation of Real Property Owners in Łódź v. Poland*, made a positive assessment of the compensation scheme. In §88 of the decision it *has found that the redress scheme introduced by the 2008 Act offers to the persons affected reasonable prospects of recovering compensation for damage caused by the systemic violation of Article 1 of Protocol No. 1 identified in the pilot case*. *Consequently, the authorities have established a mechanism enabling the practical treatment of reparation claims for the Convention breach, which may be regarded as serving the same function as an award under Article 41 of the Convention.*

c. Operation of the March 2010 Amendment in practice

According to the Government, from 7 June 2010, the date of the March 2010 Amendment's entry into force, to the end of October 2010, forty-one applications for a compensatory refund had been lodged with the State Economy Bank, of which 12 were granted and the remainder required supplementary information. No application has been rejected and the total amount of refunds granted was PLN 750,000 (approx. EUR 184,000). In contrast, in 2009 only one application was made – and granted.

d. Cut-off date for the compensation scheme

Regulations concerning controlled rents ceased to apply effective on 26 April 2005, that is on the day of publication in the Journal of Laws of the judgment of the Constitutional Tribunal of 19 April 2005 (ref. no. K 4/05).

Since judgments of the Constitutional Court come into force on the day of their promulgation in the Journal of Laws, the above mentioned restrictions concerning the degree of rent increases were invalidated in Poland effective 26 April 2005. On that day landlords were given the possibility to increase rents in accordance with the act and the situation similar to the applicant`s should not, as a rule, take place. Nevertheless, if in exceptional situation a person became a victim of a violation of Article 1 of Additional Protocol No 1, in circumstances similar to the applicant`s after 26 April 2005 and suffered damage, such person may claim compensation on the basis of article 417^1 of the Civil Code.

C. Information on new legislative measures adopted since beginning of 2011

Moreover in 2015 the Act of 26 October 1995 on certain forms of suport of housing construction (ustawa z dnia 26 października z 1995 r. o niektórych formach popierania budownictwa mieszkaniowego Dz. U. z 2015 r. poz. 2071) was amended several times. According to these amendments a new program of suport housing contruction in the area of social rental housing was introduced. The first edition of this program started on 1 November 2015 when the call for proposals has been launched.

Granted by domestic Bank Gospodarstwa Krajowego (hereinafter the BGK) preferential financing is dedicated to qualified investors (social housing associations, housing cooperatives and municipal companies) implementing projects aimed at the construction of the apartments for rent for households with moderate income, especially for families with children.

In accordance with the program foundations within 10 years the BGK will allocate for the program the amount of 4.5 billions PLN and the state budget will alocate 751.9 millions PLN. The above financial suport is aimed at creation of 30 thousands flats with moderate rent. The provisions of the amended Act require concluding of a contract between the inwestor and a relevant municipality. Such contract shall include forseeable forms of municipality's financial participation in the costs of the project, planned number of flats, whose tenants will be persons designated by the municipality, including the persons who currently are the tenants of the housing stock of the municipality, as well as minimal number of housing premises, whose tenants will be persons raising at least one child.

1. Dissemination of the judgment and training activities.

The judgment in the present case was translated and published on the website of the Ministry of Justice (www.ms.gov.pl). Moreover, the judgment in the present case as well as the decision in case *The Assocation of Real Property Owners in Łódź v. Poland* was forwarded to the former Ministry of Transportation, Construction and Maritime Economy (currently the Ministry of Infrastructure and Development), which is responsible for housing issues.

In these circumstances, no other general measure appears necessary.

IV. Conclusions of the responding state

The Government considers that further individual measures are not necessary in the present case and that the general measures adopted are sufficient to conclude that Poland has complied with its obligations under Article 46, paragraph 1 of the Convention.