



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

1959 · 50 · 2009

The Pilot-Judgment Procedure

Information note issued by the Registrar

1. Over the past few years the European Court of Human Rights has developed a new procedure known as the pilot-judgment procedure as a means of dealing with large groups of identical cases that derive from the same underlying problem. The Court has for some time had pending before it a great many of these cases, referred to as repetitive cases. They represent a significant proportion of the Court's workload and therefore contribute to the congestion in the Court's processes. The purpose of this note is to provide information about this procedure.

2. The way in which the procedure operates is that when the Court receives a significant number of applications deriving from the same root cause, it may decide to select one or more of them for priority treatment. In dealing with the selected case or cases, it will seek to achieve a solution that extends beyond the particular case or cases so as to cover all similar cases raising the same issue. The resulting judgment will be a pilot judgment.

3. In this judgment the Court will aim:

- to determine whether there has been a violation of the Convention in the particular case;
- to identify the dysfunction under national law that is at the root of the violation;
- to give clear indications to the Government as to how it can eliminate this dysfunction;
- to bring about the creation of a domestic remedy capable of dealing with similar cases (including those already pending before the Court awaiting the pilot judgment), or at least to bring about the settlement of all such cases pending before the Court.

4. The pilot judgment is therefore intended to help the national authorities to eliminate the systemic or structural problem highlighted by the Court as giving rise to repetitive cases. In doing this it also assists the Committee of Ministers in its role of ensuring that each judgment of the Court is properly executed by the respondent State.

5. An important feature of the procedure is the possibility of adjourning or “freezing” the examination of all other related cases for a certain period of time. This is an additional means of encouraging the national authorities to take the necessary steps. Such adjournment, which will usually be for a set period of time, may be subject to the condition that the respondent State acts promptly and effectively on the conclusions drawn in the pilot judgment. Where cases are adjourned in this way, the importance of keeping applicants informed of each development in the procedure is fully recognised by the Court. It should be stressed that the Court may at any time resume its examination of any case that has been adjourned if this is what the interests of justice require, for example where the particular circumstances of the applicant make it unfair or unreasonable for them to have to wait much longer for a remedy.

6. The central idea behind the pilot judgment procedure is that where there are a large number of applications concerning the same problem, applicants will obtain redress more speedily if an effective remedy is established at national level than if their cases are processed on an individual basis in Strasbourg. In view of the Court’s present heavy case-load and the many demands made on its resources by urgent cases and cases raising questions of greater legal importance, repetitive applications are likely to be pending for a number of years before they can be adjudicated.

7. The Court has used the procedure flexibly since it delivered the first pilot judgment in 2004. It is not every category of repetitive case that will be suitable for a pilot-judgment procedure and not every pilot judgment will lead to an adjournment of cases, especially where the systemic problem touches on the most fundamental rights of the person under the Convention.

8. The first pilot-judgment procedure – concerning the so-called Bug River cases from Poland¹ - was taken to a successful conclusion since new legislation was introduced and pending cases were settled². The Court will continue to monitor the operation of the procedure in other cases to see what further lessons may be drawn.

9. The pilot-judgment procedure cannot claim to be the solution to all the difficulties caused by the Court’s excessive workload. But it has the potential to make significant inroads into that workload, and to provide for the elimination of some of the root problems which lie behind repetitive applications as well as establishing a remedy for those adversely affected by them.

¹ *Broniowski v. Poland* [GC], no. 31443/96, ECHR 2004-V ([link](#)). See also *Broniowski v. Poland (friendly settlement)* [GC], no. 31443/96, ECHR 2005-IX ([link](#))

² See *E.G. v. Poland*, no. 50425/99, and 175 other Bug River Applications, decision of 23 September 2008 ([link](#)).