



**WEST POMERANIA BOARD OF AMELIORATION AND  
HYDRAULIC STRUCTURES in Szczecin**

**ODRA-VISTULA FLOOD MANAGEMENT PROJECT - 8524 PL**

**LARAP – LAND ACQUISITION AND  
RESETTLEMENT ACTION PLAN**

**SUB-COMPONENT 1A *Flood protection of areas in  
Zachodniopomorskie Voivodeship***

**Contract 1A.1:**

***Chlewice-Porzecze. Backwater embankment of Odra River at Myśla River and  
Modernization of Marwicki polder stage I and II***



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## 1 List of abbreviations used in the document

1A.1	Sign of Contract/Task - <i>Chlewice-Porzecze. Backwater embankment of Odra River at Myśla River and Modernization of Marwicki polder stage I and II</i>
APC	Administrative Proceedings Code - Act of 14 June 1960 (consolidated text, Journal of Laws of 2016 item 23)
CC	The Act of 23 <sup>rd</sup> April 1964 – Civil Code (consolidated text, Journal of Laws of 2016, Item 380, 585)
Consultant/ Engineer	Company/legal person who is employed by the Employer to perform the services (described in this document among others)
Contract/Task	Works Contract 1A.1 <i>Chlewice-Porzecze. Backwater embankment of Odra River at Myśla River and Modernization of Marwicki polder stage I and II</i>
Contractor	Public body realizing Contract 1A.1 <i>Chlewice-Porzecze. Backwater embankment of Odra River at Myśla River and Modernization of Marwicki polder stage I and II</i>
EIA	Environmental Impact Assessment
FAG Law	The Act of 13 <sup>th</sup> December 2013 on family allotment gardens (consolidated text, Journal of Laws of 2015, item 528)
GIS	Geographic Information System
IPIP	Investment Project Implementation Permit
Joint Venture (consortium)	Joint Venture Sweco Consulting Sp. z o.o./ Sweco Nederland B.V./ Artelia Ville & Transport SAS/Artelia Sp. z o.o./EKOCENTRUM Sp. z o.o.
LARPF	Land Acquisition and Resettlement Policy Framework
NBP	National Bank of Poland ( <i>Narodowy Bank Polski</i> )
NGO	Nongovernmental Organization
OP 4.12	The designation of the document containing the rules for involuntary resettlements required for co-funding of the Task with the World Bank's loan – Operational Policy 4.12 – Involuntary Resettlements.
PAP	Project Affected Person(s)
PCU	Project Coordination Unit
PRoU	Permanent restriction of use
PIO	Project Implementation Office - An organizational unit responsible for the



	Project implementation allocated as part of PIU
PIU	Project Implementation Unit - West Pomerania Board of Amelioration and Hydraulic Structures in Szczecin
PIU/Employer	West Pomerania Board of Amelioration and Hydraulic Structures in Szczecin
Project	<i>Odra-Vistula Flood Management Project</i>
RAP	Land Acquisition and Resettlement Action Plan
RIPIP	Road Investment Project Implementation Permit
RLB	Registry of Land and Buildings
RRLB	Regulation of the Minister of Regional Development and Construction of 29 <sup>th</sup> March 2001 on the register of land and buildings (consolidated text, Journal of Law of 2015, Item 966, 1777)
RPM Law	The Act of 21 <sup>st</sup> August 1997 on property management (consolidated text, Journal of Laws of 2014, item 1774)
Special Flood Act	the Act of 8th July 2010 on special principles of preparation and execution of flood prevention constructions investments (consolidated text Journal of Laws of 2015, item 966, as amended)
Structure	A material scope allocated in terms of functions, which constitutes a part of Task 1A.1 <i>Chlewice-Porzecze. Backwater embankment of Odra River at Myśla River and Modernization of Marwicki polder stage I and II</i>
World Bank (WB)	International Bank for Reconstruction and Development
ZZMiUW	West Pomerania Board of Amelioration and Hydraulic Structures in Szczecin ( <i>Zachodniopomorski Zarząd Melioracji i Urządzeń Wodnych w Szczecinie</i> )

## 1.1 KEY DEFINITIONS

The following key definitions are used herein:

**Property price** – an amount negotiated with the property owner to its benefit for a respective property or any part thereof, based on the value of the said property estimated by an authorised property appraiser.

**Economic resettlement** – loss of benefits, income or support means resulting from the land purchase or restricted access (to the land, water or forest), occurring as a result of the construction or operation of the designed structures or related services.

**Groups requiring the provision of special assistance** – people who due to their: sex, ethnicity, age, mental or physical disability, difficult material situation or social position are more exposed to adverse resettlement effects than other groups and who may have a limited





possibility of submitting their complaints or using assistance in resettlement or participating in the benefits connected with the Project.

**Resettlement cost** – extent of compensation for lost goods/ properties, covering a replacement value of such goods/ properties as well as cost of resettlement .

**Social impact** – in view of OP 4.12 social impact related to the resettlement is any direct loss, economic or social, resulting from expropriation, permanent constraints in use of the property or access to the property.

**Compensation** – paid in money or in the form of a property which is a substitute for properties acquired or affected by the Project. Such compensation is disbursed when a respective property must be released by the owner to Zachodniopomorski Board of Amelioration and Hydraulic Structures in Szczecin. Pursuant to Polish law in this scope the compensation can be disbursed from the time when expropriation decision becomes final (IPIP for the development: Flood embankment Chlewice-Porzecze. Backwater embankment of Odra River at Myśla River, dated 02.07.2013, becoming final on 20.03.2015) and in all the cases – prior to the acquisition of such property and its occupation for construction purposes.

**OP 4.12 Involuntary resettlements** – Operational Policy outlining main principles and procedures, forming a basis of WB approach to involuntary resettlements connected with investments projects.

**Natural person** – in jurisprudence, a natural person is a human being, from birth until death.

**Legal person** – legal persons are the State Treasury and organizational units that the specific provisions grant legal personality to.

**Project affected person** – every person who, as a result of the project implementation, is deprived of the right of ownership or loses other benefits connected with the infrastructure held (residential, agricultural or breeding), loss of annual or multiannual harvests and crops or other related or moveable assets, in whole or in part, permanently or periodically.

**Income** - property increment obtained as a result of business activity or agricultural activity on the property, and including sale of such a property.

**Involuntary resettlement** – a resettlement is involuntary when it is carried out without the consent of a person being resettled (against their will) or as a result of expressing such consent involuntarily (without a possibility of expressing their objections towards resettlement), e.g. through expropriation.

**Limited liability company** - a limited company established by one or more persons for any purpose allowed by law.

**Expropriation** - consists in depriving of or restricting an ownership right, which a respective person is entitled to concerning a specific property under an individual legal act.

**Replacement value** - compensation for the loss of assets is based on their market value plus any transaction costs (e.g. taxes and registration fees) objective of which is for the compensation to be sufficient to effectively replace assets affected by the implementation of the Project (replacement value). This valuation does not discount depreciation.

**Purchase / Voluntary sales** – a transaction of a charged acquisition of a right to a property from its owner / possessor for a price mutually agreed in a situation where such an owner



has the right to refuse such a transaction. In the event of an expropriation, such a purchase is not deemed voluntary (i.e. willing purchaser / willing seller).

**Real estate assets (according to LMA)** - public property that was sanctioned by the legislator in Article 20 of LMA. Assets have been divided according to the ownership. State Treasury property (Art. 21 and 21a of LMA) and assets of different types of local government units - Commune (Art. 24 of LMA), District (Art. 25a of LMA) and Province (Art. 25c of LMA) have been distinguished. The provision of Article 20 of LMA does not apply to real estate assets of the owners other than those mentioned herewith.

The terms which are used in RAP: **property - real estate – plot - land**, are used interchangeably depending on the context. Terms are used in accordance with the following legal acts:

- CC – property, real estate,
- LMA – real estate, property,
- the Regulation on land register – property, cadastral plot (abbreviated in RAP – plot) and
- Operational Policy 4.12 - land.

## 2 Introduction

This document presents the update of the Land Acquisition and Resettlement Action Plan (RAP) for Contract 1A.1 Chlewice-Porzecze. Backwater embankment of Odra River at Myśla River and Modernization of Marwicki polder stage I and II implemented as part of the Odra-Vistula Flood Management Project (OVFMP) co-financed by IBRD (World Bank) (loan dated 10.09.2015), Council of Europe Development Bank (loan dated 24.05.2016) and the State Budget. It must be underlined that this document is a "site-specific" document and it is dedicated only to Contract 1A.1 and not the entire OVFMP.

The main objective of the OVFMP is to protect the population on the flooded areas within certain parts of the river basins of the largest two Polish rivers, which are the Vistula River and the Odra River, against extreme flooding. The OVFMP consists of the following five Components: Component 1 – Flood Protection of the Middle and Lower Odra, Component 2 – Flood Protection of the Nysa Kłodzka Valley, Component 3 – Flood Protection of the Upper Vistula, Component 4 – Institutional Strengthening and Enhanced Forecasting and Component 5 – Project Management and Studies. The above specified components are divided into Subcomponents. As part of Component 1, there are three Subcomponents marked as 1A (Flood protection of areas in Zachodniopomorskie Voivodship), 1B (Flood Protection on the Middle and Lower Odra) and 1C (Flood protection of Słubice city) – wording in accordance to the following document: "Odra-Vistula Flood Management Project" available at:

[http://www.odrapcu.pl/doc/OVFMP/Resettlement\\_Policy\\_Framework.pdf](http://www.odrapcu.pl/doc/OVFMP/Resettlement_Policy_Framework.pdf)

All Tasks included in the Sub-component 1A provide the comprehensive solutions for the problems connected with flood protection activities, including areas most endangered with the risk of the flood. Sub-component 1A includes the following Tasks:

- 1A.1 - *Chlewice-Porzecze. Backwater embankment of the Odra River at Myśla River and Modernization of Marwicki polder stage I and II*
- 1A.2 - *Flood protection of Ognica village on Odra River Osinów Łubnica. Modernization of inter-embankment. Flood protection of Radziszewo and Daleszewo villages on Odra River at 726+400 ÷ 727+960 km. Modernization of Marwicki polder stage III – pump station.*
- 1A.3 – *Restoring natural values of Lower Odra Valley by improving retention and flood protection capacities of Międzyodrze.*

### 2.1 TASK DESCRIPTION 1A.1

West Pomerania Board of Amelioration and Hydraulic Structures in Szczecin (ZZMiUW), acting on behalf of Zachodniopomorskie Province, is the Project Implementation Unit (PIU) for this Task which includes the construction and reconstruction of the flood embankments and involves two structures:

**Ad 1). “Chlewice-Porzecze. Backwater embankment of Odra River at Myśla River”**, includes the implementation of the new flood embankment, surrounding buildings in Chlewice town. The structure's objective is flood protection of the towns of Chlewice against high waters of the Odra River and backwaters of the Myśla River (the right-bank tributary of the Odra River). The designed flood embankment includes two sections: WM with length of 1.00 km and WO with length of 1.33 km.

*Chlewice-Porzecze. Backwater embankment of the Odra River at Mysla River* includes:

- Construction of the „M” flood embankment with total length of 1008 m from Mysla River,
- Construction of the „O” flood embankment with total length of 1328 m from Odra River,
- Construction of 19 passages (through the "M" and "O" embankments),
- Construction of the mobile anti-flood dam (by the intersection of "M" and "O" flood embankments),
- Implementation of the sucking well with diameter of 1200mm

**Ad 2). “Modernization of Marwicki polder”** includes the reconstruction of Marwice-Krajnik embankment at the Odra Wschodnia River in km 712+165-708+680 (3.48 km) and Gryfino-Mnieszki embankment at the Odra Wschodnia River in km 720+966-718+850 (2.12 km). These embankments are located on the area of Gryfino and Widuchowa communes and their purpose is protection against the flood of Marwice, Krajnik, Krzypnica, a part of Gryfino, Dolna Odra Power Plant.

*Modernization of the Marwicki Polder* includes:

- Marwice – Krajnik flood embankment in km 708+680 – 712+165 of the Odra River (section with length of 3485.00 m),
- Gryfino – Mnieszki flood embankment in km 718+850 – 720+966 of the Odra River (section with length of 2116.00 m),

Both flood embankments are localized on the right bank of the Odra Wschodnia (Eastern Odra) River. Reconstruction will not result in any changes of the flood embankments length, because it will include only reconstruction of the defined sections through the tightening of the main body and grounds under the embankment with the anti-filtration barrier, and also levelling the elevation of the flood embankments crown in such way, that will be adapted to technical parameters defined for the designed class of the hydro-technical construction, according to the Regulation of the Ministry of Environment of 20<sup>th</sup> April 2007 regarding technical conditions and localization of the hydro-technical constructions (Journal of Laws, No. 86, item 579). The main objective of the works is the limitation of the filtration through the embankment during the high-water stage on the Odra River.

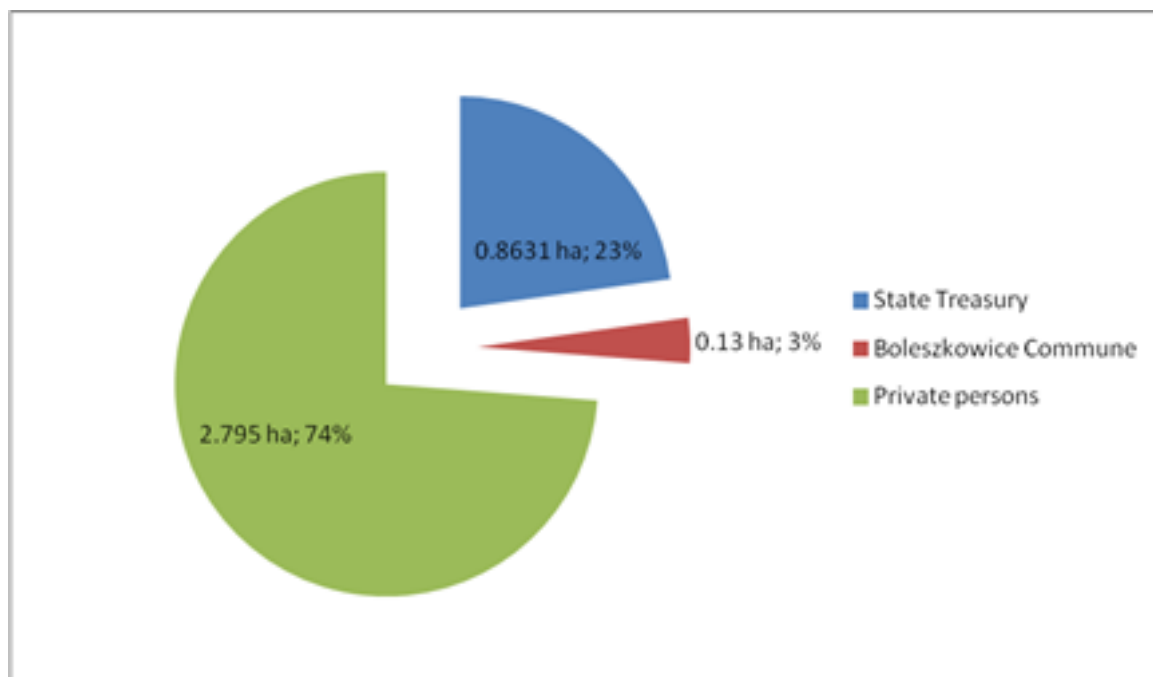
## **2.2 AREA OF TASK 1A.1 IMPLEMENTATION**

**Chlewice-Porzecze. Backwater embankment of Odra River at Mysla River**, it will be necessary to acquire 34 properties with total area of about 3.67 ha, including 24 private plots with total area of 2.79 ha (76% of total area). The remaining 10 properties (24% of total area) are owned by the State Treasury or Boleszkowice Commune. All properties are located in the area of Boleszkowice Commune.

Within the Task implementation area there are no residential or other buildings. However, there are elements of infrastructure such as fences. The identification is not final as other

elements of infrastructure, especially underground, might be uncovered during construction stage.

Agricultural land and pastures shall be subject to expropriation.



Drawing 1 - Permanent occupancy in the Task 1A.1

Properties which use has been permanently restricted belong to the assets of the Boleszkowice Commune and Mysliborski District.

Prior to issuance of IPIP the plots belonging to the assets of the Agricultural Property Agency were not subject to any lease agreement. In relation with the implementation of the Task, there were no physical or economic displacements.

**Modernization of the Marwicki Polder:** All the works connected with reconstruction of Krajnik-Marwice and Mniszki-Gryfino embankments were planned on the land owned by the State Treasury. The ownership rights are executed by the Marshall of the Westpomerania Province through the ZZMiUW in Szczecin. In connection with the implementation of this structure, no properties will be acquired.

The list of the properties subject to permanent acquisition for the **Chlewice-Porzecze Backwater embankment of Odra River at Myśla River** structure together with the detailed characteristic of their development is presented in the table which constitutes the Appendix No 1 hereto.

According to this table, the following, in particular, will be subject to expropriation: narrow parts of plots which are adjacent to the rivers. The usufruct analysis demonstrated that among the real properties under expropriation:

- 15 properties are classified in RRLB as arable lands; whereas, on some plots there are meadows, waste land and structures. Sections with these structures are not subject to expropriation. Total area of permanent occupation for this type of properties is 1.08 ha,

- 3 of those properties are classified as meadows, pastures or partly wastelands. Total area of occupation for these properties is 0.61 ha,

Other properties have been classified as wasteland.

In all cases the area affected by the project is less than 10% of the total productive area of the farms.

For none of the properties a limited material right, use of property without an agreement or other similar burdens were identified.

Properties where the embankment extension will be carried out do not include any properties which have allotment gardens.

For none of the plots there are identified any limited property law, non-contractual property usufruct or other similar encumbrances.

There are no cultural assets or historical monuments in the Investment area. There are no water intake points and other elements of technical and social infrastructure which would be of importance for the local population and which could require compensation under this RAP.





### 3 The basic principles adopted in RAP<sup>1</sup>

Unless necessary precautions and preventive measures are taken in advance, land acquisition may result in generating hardship to those affected and cause project delays. The key principles to be followed in the design and implementation of the land acquisition and resettlement program are as follows:

1. Land acquisition and involuntary resettlement shall be minimized or avoided where possible. Where resettlement is unavoidable, the procedures and requirements outlined in the RAP for the OVMP will be followed to prepare site-specific Land Acquisition and Resettlement Policy Framework (LARPF) to mitigate adverse impacts (see. [http://www.odrapcu.pl/doc/OVFMP/Ramowy dokument dotyczacy Przesiedlen i Pozyskiwania Nieruchomosci.pdf](http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf)).
2. The land expropriation procedures ensure that the livelihood and living conditions of project-affected people are improved, or at least restored, to pre-project levels.
3. All project affected persons (PAPs) have been meaningfully consulted and shall have a chance to be active and effective participants in the Project development process and will have grievance redress mechanisms. Social consultations shall take into account the needs of stakeholders who may be considered as particularly vulnerable and the ones resulting from the gender identity of the participants.
4. Implementation of effective grievance redress procedures for PAPs and provision of access to legal, fair and accessible proceedings of their appeal to independent authority or court without intentional delay shall be ensured.
5. All cases of land acquisitions and resettlement, either permanent or temporary, will undergo procedures based on local regulations and WB OP 4.12 as per this LARPF and to be detailed for each site in the respective RAP. The RAP must be consistent with the LARPF.
6. RAP also concerns cases of permanent or temporary occupations as well as permanent and temporary limitations to the access to the property resulting in particular in the loss of business income (permanent or temporary) or worse standards of living.
7. The implementation of the RAP will be monitored and reported and in the end evaluated.
8. The process of social participation, protective and mitigation measures will be carried out in accordance with fair treatment regardless of age, sex or disability of affected people. Particular attention will be paid to the households of vulnerable groups.
9. Resettlement plan and land acquisition are designed and implemented as an integral part of the Project. All costs connected with implementation of compensation actions will be included in the costs and benefits of the project.
10. Compensation for P A P s in economic terms, in particular for expropriated people, took place before starting construction works on that affected land.
11. A priority is not given to the compensation in the form of allocation of alternative land of equivalent productive potential i.e. "land for land". Cash compensation was used in the cases where land acquisition or its part has no impact on the use of land for its former purposes as well as in cases where affected person expresses their will to receive cash compensation.

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<sup>1</sup> The content of the chapter compliant with LARPF.

12. Temporary occupation of the property for the Task fulfilment needs is possible only upon voluntary consent of the property owner and under terms and conditions specified in a consent declaration. At the moment the Contractor is at the stage of concluding agreements for temporary occupation with those owners of the properties where it is necessary and where it results from justified needs of the Contractor.
13. In case of temporary acquisition of the assets, after the works they will be returned in the same condition as beforehand to enable the owners or users the business activities on the same level as before. In order to document the condition of the said properties and minimise groundless claims of the resident, prior to the start of works, photo inventory of selected properties that may be affected by negative results of works' impact, was prepared.
14. All PAPs, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix include in LARPF. Lack of legal title should not be a bar to compensation and/or rehabilitation. Detailed procedures for land acquisition, social participation and protective, preventive, compensation and mitigation measures have been established in RAP.

LARPF, as per WB's OP 4.12, applies to "**involuntary resettlement**" which involves cases where affected persons do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful use of eminent domain (i.e. expropriation) or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the Government can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail. For example, ownership of the properties located within an area declared as public interest could be transferred to State Treasury.

The aim of RAP includes collection of basic socio-economic data on persons affected by the Project, identification of the impact, determination of the mitigation and compensation measures, possible negative impact, assessment of whether the conditions of further management of properties covered by the Project have been restored (for both, privately and state owned properties). RAP document describes also procedures, budget and deadlines for achieving the objectives.

Based on agreed indicators, RAP document is and will be till the end of the Project subject to continuous monitoring and updating by the Consultant's team and PIU during the course of the works and the emergence of new facts and legal circumstances affecting implementation of its provisions. This will allow for delivery of relevant information to PAP, early identification of risks and implementation of methods that will allow minimizing or eliminating these risks. Monitoring results will be presented in the reports: monthly and quarterly.

Ex-post assessment will be carried out six months after complete implementation of LARPF and when its aims will be assessed and documented.

## 4 Minimising the impact

### 4.1 SOCIAL IMPACTS

Within the meaning of OP 4.12, social impacts connected with expropriation are as follows: direct losses, economic and social losses, resulting from the property expropriation, permanent limitation of hitherto usufruct manner or access to the property. Therefore, for the purpose of assessing the significance of social impacts a percentage ratio of the entire property to its expropriated part is assumed as a basic criterion. It is also necessary to obtain data acquired during a social-economic survey.

In order to assess the social impacts for the needs of this RAP, the following importance parameters were adopted, according to OP 4.12:

- minor impacts – less than 10% of the production area of the farm and assets is subject to a loss, and there is no physical relocation. Such impacts should be treated as the minor impacts.
- severe impacts – more than 10% of the production area of the farm and assets is subject to a loss, property dividing line runs in such way, that the farming/orchard activities on the property are not possible.

The determined significance of impacts was taken into consideration while preparing eligibility matrix.

For the distinction of the minor and severe losses, 10 % value was adopted, because the Task is conducted in the country side conditions, therefore for the part of the residents running the farms, loss of 10 % and more of the production area of the farm will result in certain limitation of the earnings from the Farming crops, however it will not have the essential influence on the earnings performance of the farm, because of the aerial structure of this farms. If expropriation involves wasteland impact is considered to be irrelevant, because the occupation of this land will have no impact on the livelihoods of the household.

#### 4.1.1 Occurrence of severe impacts

During the interviews with the residents and public consultations, only one owner of the land pointed the loss of the economic profitability of farming on his property. His land is divided with the flood embankment in such a way, that the farming is completely impossible. Nevertheless, the social and economic analyses conducted do not demonstrate any significant impact in this case. Prior to expropriation the plot was used as an investment and the owner only indicated willingness for its development but till the day of issuing IPIP it had been only at the stage of plans. Therefore, the impact has been determined as minor.

In case of the areas owned by the Boleszkowice commune, the social impacts were treated as minor, because the recovery of the land from the entity does not have any impact on its situation and performance.

For the planned Task, there are no impacts connected with any physical displacements of the households or agricultural farms. The economic resettlements do not occur, either

## 4.2 MITIGATION MEASURES

1. All design works were conducted in such a way as to minimize the area of land needed for acquisition.
2. Amounts of compensations for the lost property were determined on the basis of the estimative calculations performed by the licensed property appraisers and decision of the Westpomerania Province Governor. The price estimation for calculations of the compensation amount was honest, objective and independent, and conducted in such way that the existing owner will receive the compensation for the property with a value adequate to the real loss, to minimize the negative influence of the loss of property on their financial situation.
3. As part of compensatory measures, priority could have been given to compensation according to a "land for land" rule through providing a property of a similar production potential. Cash compensation was used when the occupation of property or its part has no influence on the possibility of using the property for hitherto purposes, as well as when PAP affected economically expressed their consent to compensation in cash.
4. All costs connected with the protecting activities will be included in the compensation package. Presently, it is not necessary to implement a range of protecting activities, nevertheless this may change during the performance of Project.
5. Property releasing shall take place after harvesting current crops, for plots where agricultural activity is carried out in a given vegetative year for a given cultivation. If crops are not harvested, an equivalent in cash shall be disbursed. People who cultivate land were informed about the planned term of works commencement and should, within the provided term, clear the crops and harvest as well as their property stored on the land.
6. Each person under expropriation is entitled to free of charge use of the land for current purpose until the payment of compensation or (in case, when the agreement regarding value of the compensation will not be reached) its undisputed part.
7. PAPs were informed by the Employer about the commencement of the works within the time period that will allow to cease all activities performed on the property, but not less than 90 days.
8. To minimize any damages in the farming crops caused by animals, the protecting fences will be constructed near the boundary of plot No 79/4 and in km 0+750 – 1+200 of the flood embankment.
9. Wherever possible, additional passages and crossings will be realized through the flood embankments, according to requests of persons affected with the Task implementation.
10. During the performance of construction works, there will be required distances preserved from overhead lines.
11. Near the existing underground services, all the works will be carried out manually in order to avoid any damage.
12. For the time of conducting works, the supervision of the owners of infrastructure network will be ensured. The owners of such networks will be notified in advance of the date of commencing the works.

13. Upon the completion of works, the real properties will be recovered to their previous condition. Acquisition of property for the needs of temporary occupation shall be guided by the rules provided herein.
14. Prior to the commencement of works, the Employer will conduct a wide-spread information campaign concerning the planned Contract and will open an information centre for Project affected persons, where they will be able to file their motions and comments to the conducted construction works and planned occupations. An information brochure was prepared and sent to all PAPs, advising on a possibility of submitting complaints (in accordance with the provisions of RAP) and providing contact details.
15. As part of the information campaign, PAPs will be informed on a possibility of submitting an application for purchasing the remaining parts of the property so called remnants if upon property division and occupation of its part for the Task, there is a part left which is not suitable for further usage for hitherto purposes (pursuant to Article 23.2 of Special Flood Act).
16. Due to the implementation of the Contract temporary occupation of properties for the execution purpose will be necessary (for site facilities and storage of soil, as well as other building materials). The scope and final location of temporary occupations is being analysed by the Contractor. The Contractor will be negotiating conditions of temporary occupation of a property the Contractor will be guided by the principles described in this LARPF (this process will take place on voluntary basis).

Detailed mitigation measures: (included in the project documentation and covered by the public procurement)

Plot No	Activity
No 100 Chlewice District	<ul style="list-style-type: none"> <li>• performing an access road to both parts of the divided plot by means of ensuring passage through the embankment,</li> <li>• securing the embankment against cattle through building a fence,</li> <li>• reconstructing a wooden fence after constructing the embankment,</li> <li>• installing two gates (before starting works connected with the embankment construction)</li> <li>• cutting out 3 trees upon obtaining the required permit,</li> </ul>
No 27/1 Chlewice District; No 98/2 Chlewice District	<ul style="list-style-type: none"> <li>• cancellation of the passage construction at km 0+620, moving of the passage way at km 0+150 to km 0+120-0+130 for the owner of the property, to allow for continuity of farming activities,</li> <li>• securing the embankment against cattle through building a fence,</li> </ul>
No 81 Chlewice District	securing the embankment against cattle through

	building a fence,
No 25/4 (former No 25/1) Chlevice District; 25/7 (former No 25/2) Chlevice District; No 94 Chlevice District	securing the embankment against cattle through building a fence,
No 112 Chlevice District	<ul style="list-style-type: none"> <li>• securing the embankment against cattle through building a fence,</li> <li>• terrain levelling in km 0+000-0+060</li> </ul>
No 24 Chlevice District	performing flood protection in the technology alternative to the technology specified in the documentation by means of replacing the earth embankment with the mobile closure system.
No 66/3 Chlevice District; No 79/1 Chlevice District	<ul style="list-style-type: none"> <li>• securing the embankment against cattle through building a fence from km 0+750-1+200 and the boundary of the plot No 79/4,</li> <li>• performing an additional passage through the embankment from plot No 72 to plot No 66/4</li> </ul>
No 90/1 Chlevice District; No 113 Chlevice District, No 147 Chlevice District	<ul style="list-style-type: none"> <li>• performing an passage through the embankment in km 0+200</li> <li>• determining the final localisation of the passage after final acceptance of the embankment route.</li> </ul>

The remaining minimizing measures have been described in Environmental Management Plan.





## 5 Social-economic survey

### 5.1 SOURCES AND METHODOLOGY

The social-economic survey was conducted by a legal and social team belonging to the Consortium-Consultant structure, responsible for drawing-up this RAP. Due to the pre-identified relatively minor impact of the planned Task on PAP, the social-economic survey was conducted on the basis of social profiling.

A basic information source concerning the development and use of occupied properties is the analysis of GIS data, excerpts from land register and on-site verification. The status of possession concerning the occupied properties has been determined on the basis of land register and land and RLB. The presence of infrastructure has been determined on the basis of review of GIS data, excerpt from RLB, design documentation (including Building Permit Design) and on-site verification.

As far as social impact is concerned, a basic information source were the data obtained on the basis of available registers (e.g. register of economic activity, National Court Register) as well as details obtained on the basis of on-site inspection. Also GUS (Central Statistical Office) data were used and materials posted in the Internet (information from Office websites, Internet forums, etc., local press releases).

The data collected were used in social profiling, i.e. classifying PAP to a respective group of the authorised on the grounds of property expropriation.

A cut-off date for a social-economic survey shall be a day of obtaining IPIP for the Task (IPIP for the Project: Chlewice – Porzeczce flood embankment. Backwater embankment of Odra River at Myśla River; dated 02.07.2013, which became final on 20.03.2015).

### 5.2 GENERAL SOCIAL-ECONOMIC DATA

Chlewice village covers the area of 644 ha and counts 85 dwellers, including 44 women. 62.4% of its population is in the production age (18-65 years old), 21.2% are elder people at the age over 65 and 16.5% of population are children and the youth below the age of 18. The majority of Chlewice dwellers are over the age of 30. Households with more than 3 people constitute the most of 26 households in Chlewice (16 households). 7 households are households with 2 dwellers and in 3 households there is 1 dweller in each (mostly the elders). Among all the households, 9 households are of a multi-family type (multi-generation).

Among 26 households, only 18 generate their income from the land (farmland). In the case of the remaining households, an income is derived from retirement pension, disability pension or employment in neighbouring towns.

Chlewice has been transforming (as Szumiłowo, Kaleńsko, Namyślin) into a summer resort over the recent years. New structures are being erected, a part of the historical development is being adapted for new purposes and some of developments are ruined.

A poorly developed technical and social infrastructure of the village is one of the barriers in terms of the development of rural areas, both socially and economically. As part of the Rural Development Programme, a community centre has been renovated and furnished, a sports field has been built and a playground has been modernised.

### **5.3 DATA CONCERNING PROPERTIES**

The majority of real properties expropriated as part of the Task are used for agricultural purposes. As in the entire Chlewice, there are mostly meadows (including pastures) and agricultural waste land, with a smaller share of arable lands. Therefore, for some of the dwellers holding farmlands, the loss of 10% and more of the production area of the farm may result in a certain limitation in the income on cultivation. Nevertheless, the above shall not affect the economic profitability of farming significantly due to the area structure of these farmlands (the plots under expropriation constitute mostly a smaller part of the entire farmland or they are not the only source of income for their owners).

In Chlewice rural administrative unit (*sołectwo*) there is an aggregate deposit with underground resources: 6 056 000 tonnes in the area of 37.25 ha. The deposit is located outside the Task fulfilment area and currently it is not exploited.

### **5.4 CONCLUSIONS**

After review of the sources of information, the general conclusions were also supported by socio-economic research using questionnaires dedicated to particular persons. These studies confirmed that due to the nature and location of the proposed Project, as well as due to the proposed scope of occupation of the properties, there will be no significant impact on this Project.

Ten questionnaires have been distributed, all respondents replied; the results have been published in Appendix 1 to RAP.

The analyses carried out demonstrated that there will be no physical and economic resettlements and social and economic costs of the Project will not be significant. Therefore, it is indicated that a sufficient compensation form will be in cash.

Relatively insignificant social and economic costs of the Project also result from the fact that on the planned area there are no public utility institutions, such as schools, offices, work establishments, churches or seats of other religious associations, which means that the expropriation procedure will affect non-owners of properties to an insignificant extent.



## 6 Binding law regulations and evaluation methodology

This RAP for the indicated Task within the scope of the Sub-component 1A *Flood protection of areas in Zachodniopomorskie Voivodeship* is based on Polish law regulations, as well as, due to co-financing from the funds of the World Bank, with the Operational Policy OP 4.12. Involuntary Resettlements.

The Loan Agreement concluded between Poland and the World Bank is an international law act and by signing it Poland is obliged to abide the World Bank policies.

In case of discrepancy between Polish regulations and policy of the World Bank, the regulations which are more favourable to the affected people will apply.

Obligations arising from Policy OP 4.12<sup>2</sup> is applied whenever the implementation of the Project requires:

- a) involuntary taking of land resulting in:
  - (a) relocation or loss of shelter,
  - (b) loss of assets or access to assets,
  - (c) loss of income sources or standard of living
- b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

To address the impacts of these activities, the borrower is obliged to prepare a Land Acquisition and Resettlement Policy Framework or a Land Acquisition and Resettlement Action Plan depending if the specific interventions and related impacts have been identified or not. Moreover, the following obligations result under OP 4.12:

- Involuntary resettlement should be avoided where feasible exploring all viable alternative project design, and if it is not feasible to avoid resettlement, its range and impact should be minimized; For this project there was no need for resettlements and they were not implemented
- Resettlement process should be planned and implemented as development activity providing means and assets allowing PAPs to participate in benefits resulting from implementation of the Project. Support should be offered to social groups affected by resettlements in order to improve their economic status, income and livelihood, or at least restore their status to the situation prior to the Project implementation; For this project there was no need for resettlements and they were not implemented
- The resettled should receive compensation at replacement value, assistance in relocation and support in the transition period; For this project there was no need for resettlements and they were not implemented
- Lack of legal title to the ground should not bar compensation; the above conditions and restrictions did not occur
- Particular attention should be paid to vulnerable social groups and individuals (e.g. single mothers, the handicapped, the poor); The above conditions and needs were not identified
- The communities should be given opportunity to participate in planning, implementation and monitoring of the resettlement process; The Project was subject to public consultations and the residents had an opportunity to present comments at pre-design and design stage, as well as at the stage of administrative proceedings.
- The resettled should be assisted in integration with the host community; For this project there was no need for resettlements and they were not implemented

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<sup>2</sup> Chapter complaint with LARPF

- Process of resettlements should be closely linked to the schedule of the main Task so that the resettled people receive compensation before the construction or other activities covered by the Project begin; For this project there was no need for resettlements and they were not implemented
- Monitoring of resettlement is required as well as evaluation of its efficiency; For this project there was no need for resettlements and they were not implemented. Therefore no monitoring or evaluation were conducted
- As regards rural or farming lands, even when it is possible to apply financial compensation, land-for-land compensation is recommended, if economically feasible; Farms that lost their fixed assets entirely and became entirely unprofitable should receive compensation in the amount equal to the value of the entire farm; For this project there was no need for resettlements and they were not implemented. All PAPs expressed their consent for financial compensation, however in one case the established compensation in accordance with the residence, was understated. The said person did not follow the possible appeal procedures and for this moment the administrative terms for their lodging have lapsed.
- For losses that are hard to compensate for financially, such as access to public services, access to Employers or suppliers, fishery areas, access to pastures and forest areas, an attempt should be made to grant access to equivalent and culturally relevant assets and income opportunities. In this Project the above conditions did not occur and relevant solutions were not considered.

## 6.1 POLISH LEGAL REQUIREMENTS

The most significant normative acts related with acquiring rights to properties necessary for the implementation of the Task include:

- The Constitution of the Republic of Poland of 2<sup>nd</sup> April 1997 (Journal of Laws of 1997 No. 78; item 483, of 2001 No. 28, item 319; of 2006 No. 200 item 1471; of 2009 No. 114 item 946)
- Civil Code Act of 23<sup>rd</sup> April 1964 (consolidated text, Journal of Laws of 2016, item 380, 585) hereinafter referred to as the Civil Code (CC)
- The Act of 8<sup>th</sup> July 2010 on special principles of preparation and execution of flood protection constructions developments (consolidated text, Journal of Laws of 2015, item 966, 1777), hereinafter referred to as Special Flood Act
- The Act of 21<sup>st</sup> August 1997 on Property management (consolidated text, Journal of Laws of 2015, items 1774, 1777; of 2006 item 65), hereinafter referred to as the RPM.

The Civil Code regulates the legal relations between natural and legal persons, including the ones concerning the motion of property sale agreements. The freedom of shaping the content of the agreement principle and to decide with whom to conclude the agreement is binding here. An unanimous statement made by the parties decides about concluding an agreement. The Civil Code provides for the special form of concluding agreements whose subject is a property. They shall be concluded in the form of a notarial deed otherwise null and void.

On 08.07.2010 the Polish Parliament passed a Special Flood Act, which aims to simplify and speed up the procedures related to the implementation of flood protection projects. Provisions of the Act relate to issues regarding acquisition of properties, by the State Treasury, provinces, districts and communes.

The competent authority will issue a single integrated decision for the entire flood protection

project, so-called Project Implementation Permit under the provisions of the special act.

The mechanism of involuntary acquisition of rights to land is included in the Special Flood Act and RPM Act.

### **6.1.1 Obtaining properties based on Special Flood Act**

In accordance with the Special Flood Act – for this Task expropriation by State Treasury - of property or its parts, as well as temporary or permanent limitation of the manner of its or its part use takes place in the Investment Project Implementation Permit (IPIP) issued by the Province Governor in form of an administrative decision. The expropriation takes place from the time when IPIP becomes final.

Prior to the issuance of IPIP (after the issuance of IPIP a party may demand of buying of the property), a party may demand from the Employer to cover, by the motion to expropriate, such a property or its part belonging to the party, which shall not be proper for the use in the same way as prior to the Task implementation. In case when the Employer does not consider the buying out the land as necessary, the party enjoys the right to lodge a claim to the independent common court for buying out the land (This rule does not apply to owners of properties where public roads are located).

As regards transferring the ownership of the property or its section to the State Treasury or a local government entity, the owner or the holder of usufruct rights (i.e. the legal right of using and enjoying the fruits or profits of state land) is entitled to financial or land-for-land compensation. The Special Flood Act does not indicate any preference for the land-for-land compensation; financial compensation allowing for purchasing similar property at a market price is rather assumed.

The amount of compensation is determined separately for each property by negotiating individually with the current owner or holder of usufruct right. The negotiations are based on the independent and objective valuation prepared by a licensed appraiser.

The amount of compensation is determined for the property in the condition as of the date of issuing IPIP, but in reference to property value as of the date on which the amount of compensation is determined.

In case the Employer and the expropriated party reach an agreement as regards the amount of compensation, a written agreement is concluded, determining the amount of compensation, and time and manner of payment.

However, if the agreement is not reached within 2 months from the date of issuing final IPIP, the amount of the compensation is determined by the Governor (regional authority). Before issuing a decision on the amount of compensation, the Governor appoints an independent expert appraiser. Also the affected party is entitled to present opinion of an expert. In such case the Governor has to account for the opinion presented by the affected party in the decision determining the amount of compensation. If the affected party files remarks and motions in the proceedings, the Governor has to refer to them during the proceedings and subsequently in the issued compensation decision.

The decision issued by the Governor may be challenged by the party to the relevant Minister, currently the Minister of Infrastructure and Construction Industry.

In case of challenging, by the expropriated person, the decision determining the amount of compensation, the person may lodge a motion for the payment of the compensation in the amount established in the challenged decision. In such a case the compensation is paid in the amount specified in the decision, which does not have impact on the pending challenge

procedure.

The decision issued in the challenge procedure may be challenged to the Province Administrative Court within thirty days from the moment of serving the decision to the challenging party. The party enjoys again the right to lodge a cassation appeal to the Supreme Administrative Court against the decision of the administrative court, within thirty days from the moment of serving the extract of the decision with its grounds, to the challenging party.

### **6.1.2 Special procedures**

Depositing funds on the court account if disbursement of compensation is not possible

Pursuant to Article 133 of the Act on property management, the Employer submits the amount of compensation to the court deposit in accordance with the decision of the Governor obliging the Employer to pay the compensation to the deposit, which is equivalent to fulfilling the obligation. The above can take place only in the following two cases: if an authorised person rejects accepting compensation or its disbursement is hindered significantly (lack of capacity of a creditor, its longer absence in the country, lack of appointing a proxy, natural disasters, martial law) and when compensation for expropriation applies to real properties with an unregulated legal status.

Depositing compensation on the court account entails the same effects as disbursing such compensation and obliges a creditor to reimburse depositing costs to the debtor.

If the Court overrules such an application, such a fee shall not be subject to reimbursement and if a creditor (as a party to the proceedings) is represented by a legal counsel or attorney, the Court may impose the payment of the amount of PLN 120 for representation remuneration.

### **6.1.3 Acquisition of “residues”**

In case part of a property is taken over and the remaining part is no longer good for proper use for so far purposes (so called “residues”), the Investor is obliged to acquire such a part of a property upon the motion of the owner or perpetual usufruct user (in accordance with the Art. 23 sec. 1 of the Special Flood Act).

The motion to acquire the residue may be submitted either before the issuance of IPIP or after its issuance, however the acquisition of the property may happen only after the issuance of IPIP. In case of an issues IPIP the right to demand acquisition of the “residue” is not enjoyed by the owner of the property where public road is located.

In relation with the issuance of IPIP, the residues shall be acquired under civil law agreements by way of the following procedure:

1. Submitting by the owner/perpetual usufruct user of the property an application including:
  - a. justification indicating why the part of the property remaining after taking over is no longer good for so far purposes,
  - b. marking the residue on the copy of the land registry map attached to the application.
2. Assessment of the submitted application by the committee appointed by the Investor and composed of 4 people. The committee shall include a representative of RAP monitoring and



implementation as well as technical specialists and property specialists. The representative of the Consultant for RAP may participate in the works of the Committee with advisory vote.

3. Making a decision on acquisition or refusal to acquire the property immediately, however not earlier than before the issuance of IPIP and not later than 30 days from the day of receiving a complete application for the acquisition of the residue.
4. Notification to the applicant on the decision concerning acquisition/refusal to acquire the residue.
5. Obtaining an opinion of a property appraiser on the value of the residues.
6. Negotiations with the owner/perpetual usufruct user on the amount of the compensation.
7. Concluding a property purchase agreement (acquisition of the residue) in the form of a notarial deed.
8. Payment of the compensation.

For this moment the application for residue acquisition was submitted by Boleszkowice commune. The problem is being negotiated now in the scope of establishing the basis and value of the acquisition.

#### 6.1.4 EU subsidies

Among the properties expropriated for the needs of the investment there are agricultural/forest properties covered by aid programme i.e. Such for which the owners/holders collected subsidies or aid is granted.

Expropriation of such land would cause lack of possibility to perform the obligations assumed by the farmer/beneficiary in agreements with state accredited payment agency i.e. Agency for Restructuring and Modernisation of Agriculture (ARMA, ARiMR) , within particular programmes. The above, in turn, may be connected with specific consequences, including the need to return collected payment as well as to pay administrative penalties.

A solution of this problem is implementation of a special mechanism on the level of European Union regulations and definition of so called Force Majeure, in obvious way making it impossible for a farmer to fulfil the contractual obligations. The regulations include an open list of situation where we deal with Force Majeure. Within the list, the Force Majeure includes, among other, property expropriation. However, in order to use this mode it is necessary to have initiative on the part of the farmer/beneficiary. As they must report the occurrence of Force Majeure (here: expropriation and/or permanent restriction of property use) to the Head of the District (Poviat) Office of ARMA in writing along with relevant evidence (in analysed cases it will be a copy of IPIP decision or Road Investment Project Implementation Permit (RIPIP) **within 15 working days** counted from the day when the person or someone authorised by them is able to perform such an activity (in case of Rural Development Programme RDP 2007-2013 the term is 10 working days).

The Head of the District Office of ARMA conducts relevant administrative proceedings and by a decision establishes if the Force Majeure occurred.

Consequences of issuing a decision stating the occurrence of Force Majeure:

- for RDP 2007-2013 and 2014-2020 (many-year obligations and payments): no need to return by the farmer/beneficiary a part of total received aid for previous years, for the year in which the Force Majeure occurred aid in decreased amount may be granted, obligations and payment are continued

in accordance with the original period (as long as eligibility criteria are met e. g. Minimal surface), moreover, no administrative penalties are used in the scope of so called mutual compliance;

- for direct payments: the received aid is not returned, a beneficiary maintains the right to payment within the direct support systems in reference to areas or animals that were eligible at the moment of the occurrence of the Force Majeure for payment in the direct support systems.

It shall be considered that we shall deal with Force Majeure in case of properties or parts of properties being part of the investment, necessary for its functioning, which do not become the property of the State Treasury but in relation to which permanent restriction of use is introduced (so called permanent restrictions) and so called "residues" (properties acquired at the motion of a party in a situation where under IPIP part of a property is taken over and the remaining part is no longer good for so far purposes).

The term for reporting the occurrence of this type of Force Majeure and the evidence of the occurrence - just as in case of expropriation - shall go back to the IPIP decision and the obligation to release such a property in relation with issuance of the above mentioned decision. As in such a case the Force Majeure was also caused in relation with the property expropriation, and it did not deprive of the ownership of this particular part of the property but as of the date when the property was released to the Employer, it caused lack of possibility to use it in accordance with so far purpose (e.g. agricultural purpose). It is similar in case of permanent restrictions, if of course they caused lack of possibility to use the property in accordance with the obligations assumed by the farmer.

The owners of all taken over properties shall be informed by the Consultant on the need to report within a specified term, to the Head of the District Office of ARMA (ARiMR), information on Force Majeure occurrence (the need to release a property being the result of expropriation and/or permanent restriction of property use), which in an obvious way makes it impossible to meet the contractual obligations.

## 6.2 ASSUMED MECHANISMS OF ACQUIRING RIGHTS TO PROPERTY<sup>3</sup>

In the LARPF there were identified numerous inconsistencies between the OP 4.12 and Polish law:

OP 4.12	Polish law	Corrective instruments
<p>Lack of legal title to the land ought not to be an obstacle in compensation/disbursement of damages. Those not having a legal title receive compensation.</p>	<p>Polish legal system does not provide for the right to damages in the event of owners/users of land without legal title (except for those whose legal title is lost or who acquired the right to property as a result of acquisitive prescription, i.e. method of acquiring property through uninterrupted possessing of property for the period indicated in the ordinance)</p>	<p>In the event of those not holding a legal title to property under the effects of the Task implementation, each such case ought to be considered individually in terms of a possibility of applying general mechanisms under Civil Code for the achievement of goals OP 4.12.</p> <p>According to OP 4.12, Project affected persons not holding a legal title to property are not entitled to obtain cash compensation for the real estate. Nevertheless, they are entitled to receive compensation for all the structures, growing and improvements of the property made prior to the final date (cut-off date) and to appropriate solutions in the cases in which they will be forced to be resettled physically or economically. In such cases relevant mitigating measures will also be applied.</p>
<p>WB Policy requires compensation for the income loss (e.g. from economic activity, agricultural activity, etc.) in connection with property occupation for the needs of the planned Task implementation</p>	<p>The provisions of Polish law do not provide for compensation for income loss as a result of Task implementation.</p>	<p>Those who lost their income<sup>4</sup> or employment will receive support (health insurance, vocational training, etc.) from Labour Offices.</p> <p>In the case of entrepreneurs it is possible to use general mechanisms under the Civil Code (covering the damage incurred and lost profit).</p>
<p>Particular attention must be paid to the needs of vulnerable social groups, including poor people, elder people, lonely mothers, children, ethnic minorities</p>	<p>Polish law does not require to plan particular measures for the purpose of additional support to vulnerable social groups (elder people, the disabled, poor people and other with special needs).</p>	<p>Dispossessed people will be granted any necessary help in obtaining support of offices and institutions offered to residents.</p> <p>Additional activities will also be undertaken to ensure the achievement of goals specified in OP 4.12.</p>

<sup>3</sup> The table provided herein is compliant with LARPF

<sup>4</sup> Here understood as revenue

WB policy requires additional compensation for expenditures incurred by PAP in connection to physical movement (e.g. transport of materials) and granting support related to the resettlement.	Support for covering costs of movement and other related costs arising from the need for re-locating to a new place by residents and companies is not anticipated.	In order to cover costs of movement and other related costs it is possible to apply general mechanisms under Civil Code for the achievement of goals specified in OP 4.12.
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OP 4.12	Polish law	Corrective instruments
Disbursement of compensation ought to take place prior to the physical occupation of the area for the needs of Task implementation	Flood Act provides for a possibility of occupying the area and commencing works prior to the damages disbursement.	<p>In all the cases a condition for commencing works is the reception of confirmation that PAP was notified in advance of the commencement of works, compensation was disbursed and permit was obtained for entering the area.</p> <p>The only exceptions are situations with appeal proceedings due to the failure of negotiations, absence of owners and impossibility of determining such owners.</p> <p>In order to minimize a risk of commencing works prior to the compensation of losses, property occupation should be planned and carried out prior to the commencement of works.</p>
Compensation for assets loss is based on their market value plus all transaction costs (e.g. taxes, fees) and it should be sufficient for the effective reconstruction of lost assets (reconstruction value)	Valuation methods used may result in lowering of the value of property compared to market prices.	<p>Property valuation will be entrusted to an independent and experienced expert<sup>5</sup>. Such an opinion should be verified by PIU. The person dispossessed ought to be granted with sufficient time to become familiar with the expert's opinion. In case of any doubts concerning the amount of damages, such valuation must be carried out by an independent expert before the Governor.</p> <p>In all the cases the valuation must indicate a reconstruction value.</p>
It is necessary to prepare a social-economic study, RAP, monitoring of compensatory measures, resettlements, measures aimed at the reconstruction of life status as well as evaluation of the effectiveness of all such measures.	The provisions of Polish law do not provide for an obligation to prepare a social-economic study, RAP. There is no obligation of monitoring and evaluation of their implementation.	Social-economic studies, RAP are prepared according to LARPF, OP 4.12 and good practices.

In any case of the need to acquire the property for the needs of the Task 1A.1 implementation, the priority of the Employer or Contractor is to agree with the

<sup>5</sup> Here understood as property appraiser

land owners/perpetual usufruct users as to the conditions of transferring the ownership of the property in favour of the State Treasury, or its temporary occupancy. In case of this investment, the mechanism of financing of the Project from the funds of the World Bank was included in the Project after already obtaining IPIP.

Therefore, the future procedure on permanent taking over the ownership of the plots by the Employer is in the mode specified by the Special Flood Act i.e. plots are taken over within the expropriation procedure.

Furthermore, the IPIP issued indicate real properties or parts thereof, constituting a part of the investment project, which are indispensable for its functioning, but which do not become the property of the State Treasury or a local government entity and towards which the use manner is permanently limited (hereinafter referred to as: TO). A different TO restriction category arising from IPIP, will include the areas of direct flood hazard and areas of prospective flood hazard or particular flood hazard, if established (Article 9.8f of the Special Flood Act). Such property will not be involved by the permanent change in the management manner and basically they may be used by the owner (perpetual usufructuary) like before the project implementation; nevertheless, after fulfilling the investment task – with some functional limitations.

The said limitations and related inconveniences, restrictions in an economic potential and property market potential (e.g. prohibition of development, prohibition of planting trees, prohibition of conducting an agricultural activity, etc.) affect the property market value negatively and they must be compensated accordingly. In an extreme case of usefulness loss for the owner (perpetual usufruct), they are entitled (under Article 22.2 of the Special Flood Act), to demand its purchase under civil law procedures (The owner of the property where public roads are located, may not request the redemption). If this procedure is not used, there is an administrative procedure in which applicable compensation is established.

The Special Flood Act does not define the use manner permanent limitation (TO) and does not indicate an administrative body, competent in terms of the subject matter, to establish compensation in administrative proceedings. Such a state, i.e. lack of clear legal provision indicating content-related competence of a body is caused by an obvious legal loophole and it authorises to apply in the administrative proceedings an *iusuris* analogy (road special act -ZRID) referred to the Decision of the Supreme Administrative Court in Warsaw of 9 November 2012 (I OW 142/12). The Court, indicating a Governor as a competent body, unambiguously decides that [cited] *A body competent for establishing compensation is a body which issued a RIPIP... It is not possible to accept that a legislator distributed competences for establishing compensation for the effects of the same decision depending on the object of compensation.*

In consequence, with reference to the determination of compensation towards TO, the competent body will be the Governor which issued IPIP and compensation will be determined under terms and conditions specified herein.

When it comes to possible temporary occupation, whose detailed scale may not be specified at this stage of the Project's advancement, the Contractor shall aim at concluding agreements in the form of relevant civil law agreements. In any case the actions of the Employer shall be preceded by information action among the people who are the owners or authorised holders of the property. Taking over or temporary occupancy of the property shall take place, first of all, by consultations with the affected people, getting to know their expectations and presenting them with further procedure.

The conditions agreed with the owners or authorised holders of the property shall in

particular provide for a relevant compensation for transferring the ownership right or relevant, agreed beforehand, remuneration for use of the property during the implementation of the Task. The talks with the owners of the properties under expropriation shall be preceded by obtaining an independent and objective evaluation drawn up by an authorised property appraiser in accordance with the rules as described in this RAP.

Pursuant to OP 4.12 the compensation land-for-land shall be offered to the owners of property on which the planned Task shall have severe impact. As it was indicated in the Chapter 4.1, the 10% value was assumed to introduce the division into severe and minor impact as the Task is conducted in rural conditions. Therefore, for part of the residents who farm, the loss of 10 % and more of the production area of the farm shall result in some limitation of income on crops. However, it shall not have a severe impact on economic viability of farming due to the area structure of such farms (expropriated plots usually constitute only smaller parts of the whole farm or are not the only source of income for the owner). Therefore, regardless of the assessed impact, most of the people affected by expropriation, expressed a will to get cash compensation.

In relation to failure to reach an agreement concerning the amount of compensation in the course of negotiations between ZZMiUW and so far owners of the property within the term of 2 months from the day when IPIP became final (i.e. from 20.03.2015), the issue of establishing the compensation amount was handed over to the Westpomeranian Governor for a decision. For all the properties the Governor issued decisions establishing the amount of compensations on the basis of property appraiser's opinion. The amount of compensation was established in accordance with the above described rules.

One of so far owners covered by expropriation declares a will to accept compensation in the form of "land for land". However, taking into account the fact that there is no proper swap land and social and economic impacts are here minor (the expropriated property was an investment - see above chapter 5 of this RAP), the financial compensation was used. It shall be considered as compliant with this RAP. In this case also the amount of compensation was established by the Westpomeranian Governor by way of a decision, on the basis of an opinion of an independent property appraiser. The so far owner of the property submitted to ZZMiUW an application for acquiring the "residues". The application received a negative opinion. PAP questioned both the amount of the compensation established by the Westpomeranian Governor and the negative decision of ZZMiUW on refusal to acquire the "residues", however the person did not use the appeal mechanisms as predicted by Polish law and this RAP. Therefore, the amount of compensation for the expropriated property as established by the Westpomeranian Governor is final and binding. Likewise, the decision of ZZMiUW on the refusal to acquire the "residues" was not effectively questioned before a common court. ZZMiUW attempted to pay the compensation, however the amount due to PAP as established by the decision of the Governor was not collected by the entitled person. Therefore, the amount was paid in to the court deposit and it may be collected at any time from the deposit by the so far owner.

Boleszkowice Commune has not agreed with the amount of compensation established by the Westpomeranian Governor, either. At the moment there are pending negotiations in order to find an optimal solution.

### 6.3 VALUATION PRINCIPLES<sup>63</sup>

The owner, holder of perpetual usufruct and other legal holder of land or a part of land on which flood management investment, necessary for its implementation, is carried out, is entitled to compensation for the transfer of ownership of the property to the State Treasury or a local government entity.

In all cases compensation must meet the principle of replacement value, which means the market value of the land, and related assets (e.g. crops) plus any transactions costs required to replace it, such as taxes and registration fees. Compensation is determined on the basis of a valuation by a property appraiser, and other experts (e.g. farming expert) as required.

According to the OP 4.12, with regard to land and structures, "replacement cost" is defined as follows:

- a) for farming land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes;
- b) for land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes;
- c) for houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.

With reference to the real properties under expropriation, for the needs of the Task fulfilment, the aforementioned provisions letter a) and b) above shall apply.

In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the Project deducted from the valuation of an affected asset. Where Polish law does not meet the standard of compensation at full replacement cost, compensation under Polish law is supplemented by additional measures so as to meet the replacement cost standard, such as support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living (including sources of income), etc.

The amount of compensation paid by the State Treasury or the local government entity, respectively, is determined by the Employer and the current owner, holder of perpetual usufruct rights or other legal holder through negotiations based on a valuation conducted by a certified property and assets valuation committee/appraiser appointed by PIU. In any case the process should result, at least, in compensation at replacement value.

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<sup>6</sup> The content of the chapter is compliant with LARPF.

If the decision on the Investment Project Implementation Permit refers to family allotments established in accordance with the regulations on such allotments, an entity for which the family allotment or its part will be liquidated is obliged to:

- Disburse compensation to allotment possessors for plants constituting their ownership, devices and structures located on such allotments;
- Disburse compensation to allotment association for devices constituting its ownership, buildings and structures of a family allotment intended for shared use and required for the functioning of the allotment;
- Ensure alternative real properties for the reconstruction of a family allotment.

The amount of compensation in the case of flood protection measures is determined according to the state of the property as of the day of the Investment Project Implementation Permit issued by the body of first instance and according to the property's value as of the day on which the amount of compensation is determined. Compensation is subject to indexation as of the day of payment according to the principles applicable in the case of return of expropriated property.

The compensation is established on the basis of the valuation prepared by a professional property appraiser.

NOTE:

The valuation methods are defined in a legal act which is the Regulation of the Council of Ministers of 21 September 2004 on property valuation and preparation of a valuation report, specifying the methods and techniques of compensation valuation.

### **6.3.1 Property valuation<sup>7</sup>**

The amount of compensation basis is determined on the basis of the market value of the property. While ascertaining the market value of the property, the following factors in particular are taken into consideration: its type, location, use and zoning, existing technical infrastructure, overall condition and current market prices. Should the change of zoning and land use for the purpose of the investment decrease the property's value, its market value will be ascertained according to pre-rezoning and pre-project use. If the data from the local or regional property market allows the appraiser to ascertain the market value of the property, they should apply one of the market approaches, i.e. the sales comparison approach, the income capitalisation approach or the combined approach. Should the zoning in accordance with the purpose of the investment increase the property's value, its market value is ascertained according to the alternative use resulting from the new zoning. If the data from the local or regional property market does not allow the appraiser to ascertain the market value of the property, they should ascertain the replacement value of the property on the basis of the cost approach.

Should the current owner or holder of perpetual usufruct rights of the affected property agree to deliver the property and vacate the premises within 30 days, the amount of compensation is increased by 5% of the value of the property or of the value of the title to perpetual usufruct.

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<sup>7</sup> The content of the chapter is compliant with LARPF.



### 6.3.2 Valuation of plants and crops<sup>8</sup>

The valuation of tree stand or tree cover, if the tree stand includes usable assets, will involve the valuation of timber in the tree stand. If the tree stand includes no usable assets or if the value of timber is exceeded by the costs of reforestation and maintenance of the tree stand, the valuation concerns the costs of reforestation and maintenance of the tree stand until the day of expropriation.

The valuation of fields of perennial plants involves the valuation of the costs of establishing the field and its maintenance until the first crop as well as of the lost profit in the period from the day of expropriation until the completion of the full yield. The aggregate of costs and the value of lost profits are reduced by the sum of the yearly depreciation charge resulting from the period of using the field from the first year of yield until the day of expropriation. The valuation of crops, cultivation and other yields of annual plants involves the valuation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the harvest of the crops.

The valuation of crops, cultivation and other yields of annual plants involves the valuation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the harvest of the crops.

## 6.4 ELIGIBILITY CRITERIA

According to the Operational Policy of the World Bank, the following groups of people are eligible for compensation and assistance in connection with land acquisition resulting in loss of assets and displacement (economic or physical):

- (a) people who have formal legal rights to land or other products affected by the Project (including customary and traditional rights recognized under the laws of the country);
- (b) people who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-provided that such claims are recognized under the laws of the country or become recognized through a process identified in the RAP
- (c) people who have no recognizable legal right or claim to the land they are occupying

The persons mentioned in item (a) and (b) should be granted with compensation for lost lands and also other assistance. The persons mentioned in item (c) should be granted support in resettlement instead of compensation for occupied lands and, if necessary, other form of assistance for the achievement of goals of OP 4.12 – provided that such persons occupied the Project implementation area prior to the cut-off date. Those who occupy the area upon the cut-off date will not be entitled to compensation or to other forms of assistance in connection with resettlements. All the persons defined in items (a), (b) and (c) should receive compensation for lost assets other than land.

Therefore, the lack of legal title to the property should not constitute an obstacle for receiving

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<sup>8</sup> The content of the chapter is compliant with LARPF.

compensation or other support offered in connection with the forced property occupation.

It must be emphasized that in the case under consideration there is no group of people qualified as a group without legal title to land. Nevertheless, according to the Polish law, persons usufructing property without legal title are aware of illegality of their activities and the fact that such property may be returned to its owner at any time without compensation in cash.

As far as the assessment of PAP influence is concerned, it is described in chapter 4.1. Social impacts.

## 6.5 A LIST OF ENTITLED PEOPLE

The entitlement to compensation and help was established in accordance with the following rules:

- PAP which hold property in the Project area legally receive compensation in its full amount, with priority of “land for land” rule,
- PAP which are leaseholders, tenants, life annuitants and other dependent possessors of property in the Project area received full compensation for the loss of such rights,
- PAP which are persons who have a limited property right in the property, receive full compensation for the loss of such rights,
- owners of crops, plants, structures and other constructions attached to the land receive compensation for the above,
- dwellers of houses and flats who will have to be resettled, apart from compensation under the above rules, will receive support in resettlement, appropriate access to social infrastructure and, if necessary, a package of specially selected protection activities, this provision is not applicable in this Project,
- PAP which due to the Project implementation will lose their income, salary or a possibility of conducting a business activity will receive adequate compensations and, if necessary, a package of specially selected protection activities,
- PAP which have property in the Project area illegally, without legal title and without expectancy of acquiring such a legal title will be receive compensations for expropriation since it is infeasible in the light of Polish law. Nevertheless, such persons will receive compensation for plants and structures owned by them and, if necessary, a package of specially selected protective activities for the reconstruction or improvement of life quality.

PAP are entitled to obtain compensation for the following categories of impacts/losses:

- **Permanent loss of property** – if possible, and when PAP expresses their willingness, will be compensated in the form of “land for land” through granting property of a similar value, location and functions as the dispossessed real estate. If it is impossible to find property satisfying the requirements for adequate compensation, PAP fails to express their willingness to receive compensation in the form of “land for land” or only a small part of the plot is occupied, compensation will be disbursed in cash and it will correspond to the market value of disposed property or its part. In addition, for immediate release of property it will be possible to increase compensation with the amount of 5% of the value of dispossessed property according to the rules specified in the Special Flood Act. PAP which are not owners of perpetual usufructs, yet having legal title to the property (e.g. lessees) will receive compensation correspondent to the value of the dispossessed rights. Upon PAP

request, the Employer will overtake the property in whole and will compensate the takeover of this property according to the foregoing rules. Any transaction costs, including taxes connected with granting compensation for expropriation will be incurred by the Employer. PAP which have property in the Project area without legal title (illegally), granting compensation for property expropriation will not be feasible. Nevertheless, such persons will receive compensation for plants, crops and structures owned by them and, if necessary, a package of protective activities aimed at the reconstruction or improvement of a life quality; the cases as above do not occur within this Project,

- **Permanent restriction of use of property (TO)** – compensation will be in cash, including the loss of property market value. Depending on the situation, specially selected protective activities will be also offered. Upon PAP request, the property where there will be permanent limitation within hitherto usufruct of property, will be dispossessed (The owner of the property where public roads are located has no right to request redemption of the property) and PAP will receive compensation according to the rules specified for permanent loss of property; the cases as above do not occur within this Project,
- **Residential buildings** – compensation will be the same as for permanent loss of property. Furthermore, dispossessed PAP will receive additional payment in the amount of PLN 10 000.00 Depending on the situation, the Employer will provide such persons alternative residential premises. Squatters are not entitled to receive compensation; however, in some cases the Employer is obliged to provide them alternative residential premises. Such persons will be also offered a protective package, covering assistance in finding a place of dwelling. If these are unemployed persons or addicted, supporting activities will be offered concerning their job market position and they will receive a treatment proposal; the cases as above do not occur within this Project,
- **Residential facilities and structures (stables, fencing, technical infrastructure, etc.)** – owners and users of such facilities and structures will receive compensation as for permanent loss of property. As part of protective activities, the Employer will offer the rebuilding of infrastructure network and, where applicable, facilities and structures at the Employer's cost. In addition, cash compensation payable to local governments which implemented or are implementing buildings and structures in the area occupied by Projects and are using funds from the European Union budget or other foreign sources, will be increased by the amount of funds from the grant be repaid, together with interest;
- **Loss of plants** – will be compensated to legal owners of property in cash, with consideration of the costs of seeding and caring for plants, as well as the value of lost proceeds in the period from the expropriation day to the final day of full cropping;
- **Loss of tree stand** – analogical to the loss of plants. Depending on a particular case, compensation may also take place according to the estimate value of timber which may be obtained;
- **Impact on entrepreneurs and employment** - will be compensated in cash through compensating losses actually incurred through entrepreneurs and profit lost by them as a result of the Project implementation. A basis for determining such values should be accounting and settlement documents or tax declarations of entrepreneurs. In the event of job loss by workers they will receive the unemployment benefit. Both employees and workers under civil law contracts, in the event of the loss of earning possibility will receive free of charge health insurance, help in finding a job and possibly support in the form of vocational training enabling their re-qualification for the

- purpose of finding a job; the cases as above do not occur within this Project,
- **Loss or restriction of access to social infrastructure** (e.g. parks) – will be, as far as possible, compensated through reconstructing such an infrastructure in a new and properly located place. In the event of impossibility or lack of need for reconstructing such an infrastructure in a new place, PAP will be granted access to the existing social infrastructure; the cases as above do not occur within this Project,
  - **Costs of the resettlement of households** – for the purpose of covering the costs of the resettlement of households, PAP will receive the amount of PLN 10 000.00. They will be also offered a special package of protective activities, including, if necessary, assistance in finding a transport company and covering transport costs exceeding the amount of PLN 10 000; the cases as above do not occur within this Project,
  - **Vulnerable groups** – they will receive a specially selected protective package (activity implementation schedule within this scope will be determined individually). For school children and the youth it will be the assistance in finding location enabling their education in the present schools; similarly for pre-kindergarten and kindergarten children. Elder people will be resettled to places without architectural barriers hindering moving around and with the same of easier access to health care centres, with a possibility of preserving hitherto habits and lifestyle. Poor people will be offered with assistance in obtaining additional institutional support from government agencies, self-governments and respective non-government organisations. The cases as above do not occur within this Project
  - **Temporary property occupation** – will be compensated in cash through monthly payments correspondent with the market places for leasing or renting property. If PAP will incur a loss due to the temporary property occupation, it will be compensated separately according to the foregoing rules. Upon the completion of construction activities, all the real properties will be recovered to their original conditions;
  - **Damage within houses, buildings and structures connected with construction works (e.g. vibrations, accidents, etc.)** – will be compensated depending on their nature in order to enable full reconstruction of the affected object or purchase of a new one. Appropriate rules for the disbursement of compensation will be applied for the above mentioned impacts.

For structure – *Chlewice-Porzecze. Backwater embankment of the Odra River at Myśla River*, all the eligible entities are to be qualified as the owners of real properties. There are 15 entities identified for compensation.

Except one case, all the identified owners want to receive compensation in cash.

In addition, one identified owner reports receiving “EU subsidies” of an undeclared amount. Pursuant to applicable regulations, expropriation of the entire property or its part, hindering further fulfilment of an obligation provided that such expropriation could not be foreseen on the day of commencing the fulfilment of agricultural and environment obligation constitutes the act of Force Majeure and in such a case the reimbursement of agricultural and environmental subsidies is not required. The evaluation within this scope is carried out by ARMA (ARiMR). The determination of rights to a possible compensation and for the requirement to reimburse the received agricultural and environmental subsidies, its type and amount will be possible only after obtaining ARMA (ARiMR) decision on the reimbursement of the received agricultural and environmental subsidies.

A detailed catalogue of persons entitled to compensation is provided in Appendix No 1 hereto. Nevertheless, this appendix shall not be disclosed due to the personal data protection.



## 6.6 ELIGIBILITY MATRIX<sup>6</sup>

Impact/loss	PAP specification	Compensation
Permanent loss of property	Owners, perpetual usufructuaries, property owner-like possessors	<ul style="list-style-type: none"> <li>• „land for land” compensation</li> <li>• Cash compensation if the above is impossible or unwanted</li> <li>• Covering of all transaction costs</li> </ul>
	Property users	<ul style="list-style-type: none"> <li>• Compensation in cash for the loss of rights,</li> <li>• Help in starting usufruct of a similar property .</li> </ul>
	Lessees	<ul style="list-style-type: none"> <li>• Compensation in cash for the losses incurred in connection with the contract expiration,</li> <li>• Covering transaction costs</li> </ul>
	Property illegal possessors	<ul style="list-style-type: none"> <li>• No compensation for the loss of property</li> </ul>
	Illegal holders of easement	<ul style="list-style-type: none"> <li>• help in finding a solution enabling the use of property belonging to them (possessor of dispossessed property ),</li> </ul>
Permanent restrictions within property usufruct	Owners, perpetual usufructuaries, property owner-like possessors	<ul style="list-style-type: none"> <li>• compensation in cash for the losses connected with the restrictions in property usufruct,</li> <li>• covering transaction costs,</li> <li>• proposing an institutional support and advising on the possibility of other use of property</li> </ul>

<sup>6</sup> The chapter is compliant with LARPF

Impact/loss	PAP specification	Compensation
	Property users	<ul style="list-style-type: none"> <li>• compensation in cash for the loss of rights due to restrictions</li> </ul>
	Illegal possessors of property	<ul style="list-style-type: none"> <li>• proposing an institutional support and advising on the possibility of other use of property</li> </ul>
	Lessees	<ul style="list-style-type: none"> <li>• compensation in cash for the losses connected with the restrictions,</li> <li>• covering transaction costs,</li> <li>• proposing an institutional support and advising on the possibility of other use of property</li> </ul>
	Illegal holders of easement	<ul style="list-style-type: none"> <li>• help in finding a solution enabling the use of property belonging to them (possessor of dispossessed property).</li> </ul>
Non-residential facilities and structures (stables, fencing, technical infrastructure etc.)	Owners, perpetual usufructuaries, owner-like possessors of facilities and structures	<ul style="list-style-type: none"> <li>• Compensation in cash in the amount of the reconstruction value for the lost assets,</li> <li>• Transfer or reconstruction of lost assets.</li> </ul>
	Users	<ul style="list-style-type: none"> <li>• Compensation in cash in the amount of the reconstruction value for the lost assets,</li> <li>• Transfer or reconstruction of lost assets.</li> </ul>
	Illegal possessors of facilities and structures	<ul style="list-style-type: none"> <li>• Compensation in cash in the amount of the reconstruction value for the lost assets,</li> <li>• Transfer or reconstruction of lost assets.</li> </ul>
	Lessees of facilities or structures	<ul style="list-style-type: none"> <li>• Compensation in cash in the amount of the reconstruction value for the lost assets,</li> <li>• Transfer or reconstruction of lost assets.</li> </ul>
Loss of plants	Owners, perpetual usufructuaries, owner-like possessors of real estate	<ul style="list-style-type: none"> <li>• Compensation in cash, including the costs of seeding and caring for the plants as well as lost crops,</li> <li>• Enabling harvesting</li> </ul>





Impact/loss	PAP specification	Compensation
	Users	<ul style="list-style-type: none"> <li>• Compensation in cash, including the costs of seeding and caring for the plants as well as lost crops,</li> <li>• Enabling harvesting</li> </ul>
	Lessees	<ul style="list-style-type: none"> <li>• Compensation in cash, including the costs of seeding and caring for the plants as well as lost crops,</li> <li>• Enabling harvesting</li> </ul>
	Property illegal possessor	<ul style="list-style-type: none"> <li>• Enabling harvesting</li> </ul>
Loss of trees	Owners, perpetual usufructuaries, owner-like possessors of property	<ul style="list-style-type: none"> <li>• Compensation in cash, if necessary, including the costs of seeding and caring for the tree stand as well as lost crops</li> </ul>
	Users	<ul style="list-style-type: none"> <li>• Compensation in cash, if necessary, including the costs of seeding and caring for the tree stand as well as lost crops</li> </ul>
	Lessees	<ul style="list-style-type: none"> <li>• Compensation in cash, if necessary, including the costs of seeding and caring for the tree stand as well as lost crops</li> </ul>
	Property illegal possessors	<ul style="list-style-type: none"> <li>• Enabling harvesting</li> </ul>
Commune property	Commune	<ul style="list-style-type: none"> <li>• Reconstruction or replacement of destroyed facilities upon consultations with the commune.</li> </ul>
Temporary property occupation	Owners, perpetual usufructuaries, owner-like possessors of property	<ul style="list-style-type: none"> <li>• Cash compensation,</li> <li>• Reinstating the property to its initial condition.</li> </ul>
	Illegal possessor of property	<ul style="list-style-type: none"> <li>• Recovering the property to its initial condition</li> </ul>



Impact/loss	PAP specification	Compensation
	Lessees, property users	<ul style="list-style-type: none"> <li>• Cash compensation,</li> <li>• Recovering the property to its initial condition.</li> </ul>

A detailed catalogue of the eligibility of persons entitled to compensation is provided in Appendix No 1 hereto. Nevertheless, this appendix shall not be disclosed due to the personal data protection.



## 7 Social consultations and participation of public

When planning the participation of the society in connection with preparation and implementation of RAP it is important, that the preparation of the Task is an activity spread in time, therefore, all needs and stakeholder situation, especially persons affected by the physical displacement, will not change during implementation of RAP. For this reason, the process of consultation and participation of the society in the development and implementation of RAP should be treated as continuous and spread in time process, whose correct implementation will let to minimize the negative impacts of the project on the affected persons and to minimize all risks connected with the potential social conflict, especially all risks regarding the blocking of the Task implementation by PAP.

The local population has been so far informed on the planned Contracts by means of announcements posted on the websites of the Province Office and on public notice boards in the places where a given Task was to be fulfilled. The local population has been informed on filing an application for issuing IPIP by PIU, on issuing IPIP and on the options of appealing against such a decision. PAP holding real properties within the Task fulfilment area have also been notified by letter on the aforementioned circumstances.

During the process of the initial identification of the stakeholders participating in the Project development, the following entities were identified as having the influence on the preparation and implementation of RAP with regards to structure - *Chlewice-Porzecze. Backwater embankment of Odra River at Mysla River.*

Exterior stakeholder	Type of impact on RAP
Ministry of Infrastructure and Development	<ol style="list-style-type: none"><li>1. Consideration of appeal from IPIP</li><li>2. Consideration of appeal from the decision regarding amount of the compensation</li></ol>
Governor of Westpomerania Province	<ol style="list-style-type: none"><li>1. Issuance of IPIP</li><li>2. Issuance of decision about amount of the compensation</li></ol>
Mayor of Boleszkowice town	<ol style="list-style-type: none"><li>1. Representation of Boleszkowice commune as the entity being subject to expropriation</li><li>2. Information of PAP about public consultations</li><li>3. Direct participation in public consultations</li></ol>

Exterior stakeholder	Type of impact on RAP
Administrator of Chlewice village	<ol style="list-style-type: none"> <li>1. Information for local community about the Project</li> <li>2. Assistance in identification of needs of the interested community and local community</li> <li>3. Assistance in solving the potential conflicts between Employer and PAP</li> <li>4. Representation of Chlewice village community in the RAP implementation process</li> <li>5. Direct participation in public consultations</li> </ol>
Voluntary fire fighters department in Chlewice	<ol style="list-style-type: none"> <li>1. Assistance in identification of needs of the interested community and local community</li> <li>2. Direct participation in public consultations</li> </ol>
Persons being subject to expropriation	<ol style="list-style-type: none"> <li>1. Participation in sociological studies and inventorying</li> <li>2. Description of needs and losses in connection with planned expropriation</li> <li>3. Selection of compensation form</li> <li>4. Direct participation in public consultations</li> </ol>
Residents of Chlewice	<ol style="list-style-type: none"> <li>1. Determining the needs resulted from the infrastructure losses in connection with construction of the flood embankment</li> <li>2. Direct participation in public consultations</li> </ol>

During the period preceding the announcement of the RAP project, at least two consultation meetings are planned, during which the local community will be informed about the details, such as:

- requirements resulting from the policies of the World Bank,
- introduction of people responsible for Project implementation, developing and implementation of RAP,
- detailed information on the planned scope of the Task, • planned sequence of Employer's actions,
- a mechanism of submitting complains and motions, • compensation rules within RAP.

On 01.04.2015 the meeting took place with Boleszkowice community administrator regarding implementation of Task 1A.1 - *Chlewice-Porzecze. Backwater embankment of Odra River at Mysla River and Modernization of Marwicki polder stage I and II*, during which the necessity of the organization of the meeting with residents was agreed to define motions regarding implementation of the Task, including compensation for the expropriated residents. The initial consultancy meeting with residents took place on 22.04.2015. During the meeting, all matters regarding compensation rules for the expropriated properties and Task implementation were discussed.

As during the public meetings, many people do not demonstrate their all doubts, problems and motions, and complaints demonstrated on such meetings are not always representative, the individual consultations with persons subject to expropriation are also conducted. Individual consultations have been completed on 15.05.2015. During the individual consultation, all residents will be provided with the requirements resulting from the OP 4.12 policy, persons responsible for the Project implementation, elaboration and implementation of the RAP, planned sequence of PIU activities and compensation rules within the RAP.

After completion of the works on draft of the RAP and on receiving WB No Objection decision, there were public discussions in Namyślin (10.08.2016) and Gryfino (11.08.2016). A final document, upon having obtained the World Bank's No Objection Clause for the draft of the document, shall be made available to the interested parties until the Project implementation is completed.

The community was informed about the public announcement of the RAP draft and planned dates of the public debates regarding the RAP draft as well as about the possibility of complaints and motions regarding the RAP project by, i.e.:

- placing the information about consultancy meetings on PIU website,
- placing the information about consultancy meetings on the websites of the Boleszkowice Commune, Gryfino Town Hall and Commune Office , Widuchowa Commune and PCU.,
- announcement in " Gazeta Wyborcza – szczeciński supplement",
- placing the information about the consultancy meetings on the notice board in ZZMiUW in Szczecin, local branches of ZZMiUW in Gryfino and Myślibórz, Marshal Office of Zachodniopomorskie Voivodeship, Boleszkowice Commune Office, Widuchowa Commune Office and Gryfino Town and Commune Office, the places of future construction works implementation ,
- individual invitations send to Marshal of Zachodniopomorskie Voivodeship, Zachodniopomorkie Voivode, Starost of Myślibórz Powiat (County), Starost of Gryfino Powiat (County), Head of Widuchowa Commune, Mayor of Gryfino Town and Commune, Director of RZGW in Szczecin, County Starost Office in Myślibórz, Director of Property Management Department of Zachodniopomorskie Voivodeship Office, Zachodniopomorski Inspector for Construction Supervision, Director of the Agricultural Real Property Agency Branch Office in Szczecin, Chief Forester of the Dębno Forest District and people whose properties were subject to expropriation.

Public consultation lasted 21 days to allow all interested parties to get familiar with draft of RAP and submit comments. Comments to the draft RAP may be submitted in writing form and oral form to ZZMiUW (71-421 Szczecin, Al. Wyzwolenia 105) or by mail to: ZZMiUW in Szczecin or by e-mail to: tradomski@zzmiuw.pl. After motion of the public announcement period, there were public discussions (public debates) regarding the RAP in Namyślin (10.08.2016) and Gryfino (11.08.2016). Places and dates of the public debates provided in the above mentioned information for the community, and additionally, due to the character of the Project (point investment), first meeting was organised in Namyślin, but second meeting was organised in Gryfino. In the public debate, society had an option of submitting oral and written comments to the draft RAP in the debate minutes. Comments submitted by the community, does not result in making changes to the contents of this RAP.

The Report from the public discussion is provided in Appendix No 1 hereto. Nevertheless, this appendix shall not be disclosed due to the personal data protection.

## 8 Complaints management

For the RAP project purposes, the rule was accepted, that PIU will undertake all measures to amicably settle all complaints regarding the Task. Mechanism of the complaints management must be differentiated to provide the integration with the administrative procedures obligatory on different stages of the Task preparation.

### 8.1 GENERAL MECHANISM FOR COMPLAINTS AND MOTIONS MANAGEMENT

General mechanism for complaints and motions management will be applied for the following complaints and motions:

- a) submitted before the application of the Employer for IPIP,
- b) submitted after the IPIP issuance and/or the decision about the amount of the compensation for the expropriated property,
- c) submitted during the public consultations regarding the draft of this RAP,
- d) submitted during IPIP proceedings or the decision about the amount of the compensation directly to the Employer.

With regards to this mechanism, the general rule adopted by the PIU is the right for submission of the complaint or motion regarding the Task for each person, irrespectively that his property, rights or assets are placed on the area designed for the implementation of the Task 1A.1.

Submission of the complaints and motions is free. Additionally, the person who submits the complaint or motion cannot be exposed to any harms or allegation, because the fact of the submission.

All complaints and motions can be submitted to the report in the written, electronic or oral form. They can be submitted directly to the ZZMiUW, in Szczecin, send by regular mail to ZZMiUW address in Szczecin 71-641 Szczecin, ul. Teofila Firlika 19 or by electronic mail to the following address: [mdurka@zzmiuw.pl](mailto:mdurka@zzmiuw.pl).

All complaints and motions will be archived in the different register, with the submission dates, response dates and examination manners.

If the examination of the complaint or motion requires the examination and explanation of the case, all needed materials will be collected and all necessary analyses will be performed, etc. In such case, the response for the complaint or motion will be given within 14 days from its submission to the ZZMiUW. In case, when the explanatory proceeding will not be needed, the response to the complaint or motion will be given within 7 days from its submission.

In case of very complicated matters and in cases, when the examination of the complaint or motion needs to make any changes in the RAP, the term of the response for the complaint or motion will be extended up to 30 days. If such a term is too short, the interested party will be informed about the reason that the substantive response could not be given within this term and provided with the new term, during which such response will be given.

In case of the negative settlement of the case, the person submitting the complaint or motion will be comprehensively informed about the reasons of the negative settlement of the case.



Diagram of the general mechanism of the complaints and motions management is presented below:

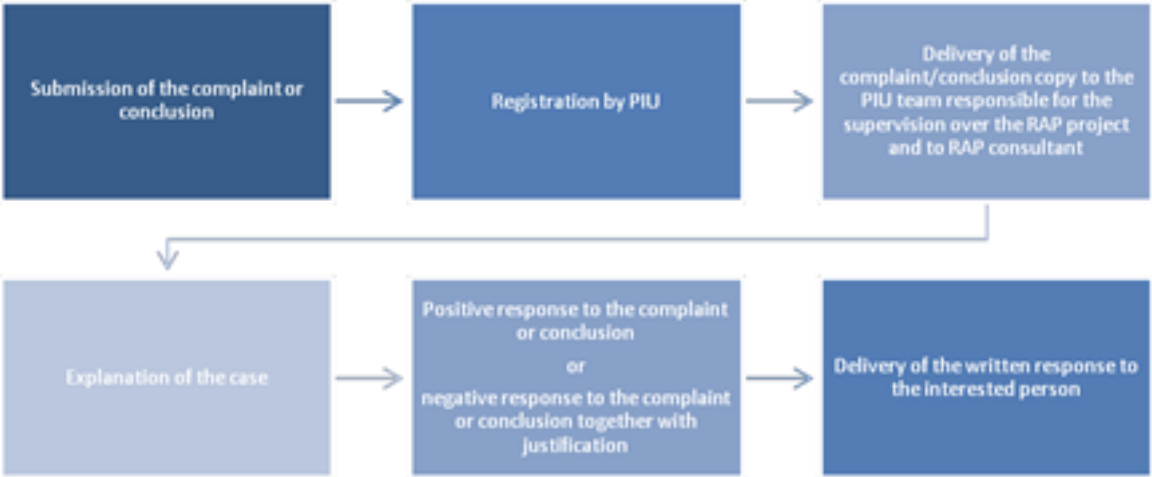


Figure 2 - Diagram of the general mechanism of the complaints and motions management

## 8.2 DETAILED MECHANISM FOR COMPLAINTS AND MOTIONS MANAGEMENT

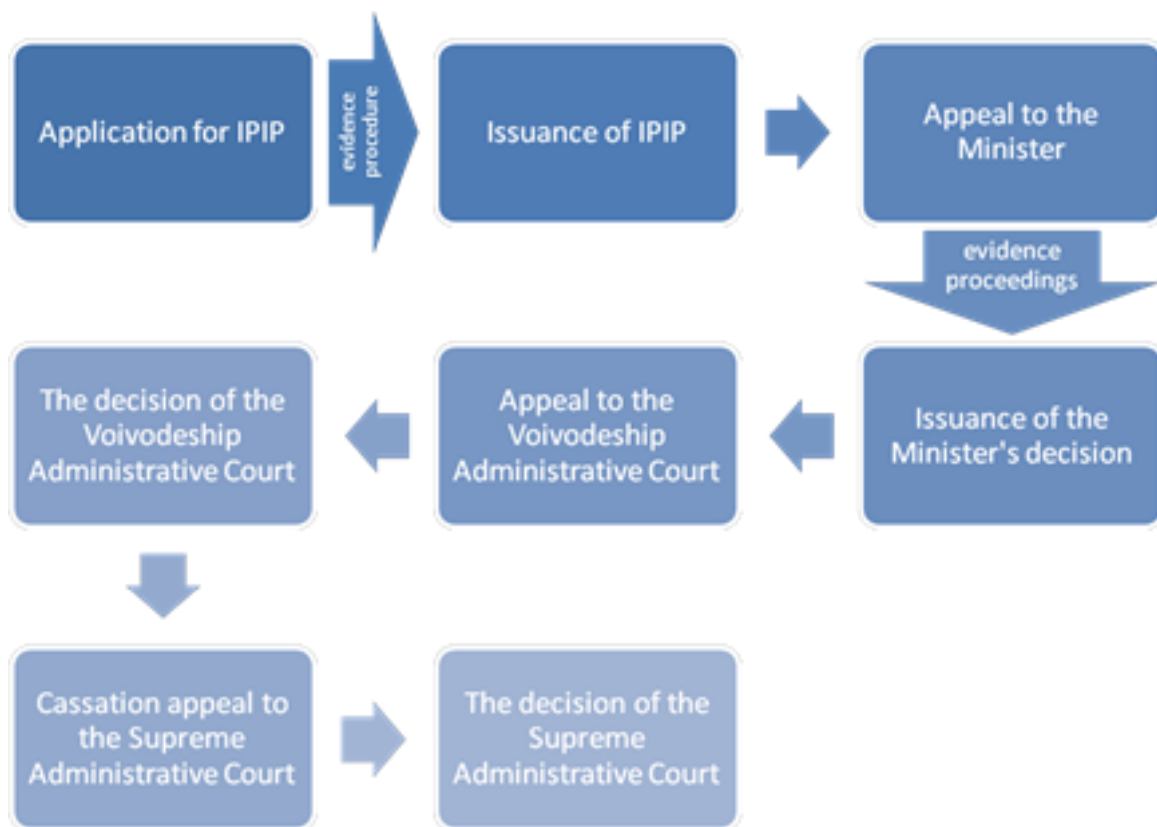
As the final IPIP has already been issued for the Task, detailed mechanisms of appeals and applications management shall be related with the procedure concerning determining compensation for lost right to property and related assets. They shall be applied during negotiations on determining the compensation as conducted after issuance of IPIP, in the procedure on issuing by Westpomerania Governor a decision on the amount of compensation and court cases concerning IPIP and compensation.

Three appeals were submitted against IPIP, two of which were substantially considered by a relevant Minister for construction industry.

In case of dissatisfaction with the decision of the minister, the parties enjoy the right to submit an appeal to the Province Administrative Court in Warsaw, within the term of 30 days from the moment of receiving an extract of the decision. The Court shall examine if the Governor and the minister have conducted the procedure in this scope in a relevant and reliable manner, including in the scope of taking into account remarks, motions and evidence reported by the parties to the procedure. In accordance with binding legal regulation, the appeal is subject to the court fee in the amount of PLN 500.00. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings.

In case when the decision of the Province Administrative Court is not satisfactory to a party, they enjoy the right of the cassation appeal to the Supreme Administrative Court. The said court shall examine not only the correctness and legality of the procedures run by the Governor or the Minister, but also the decision of the Province Administrative Court. The cassation appeal is subject to court fee in the amount of PLN 250. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings





**Drawing 3 - Appeal management schedule at the stage of IPIP**

At this stage of land acquisition PIU has already obtained the final IPIP. The next step is then the negotiation on the amount of the compensation.

Reservations reported by the Parties at the stage of negotiations shall be archived in the reports on negotiation meetings. The reports and other documents as mutually sent by the parties during negotiations, provided that the agreement as to compensation is not reached, shall be handed over to the Westpomerania Governor.

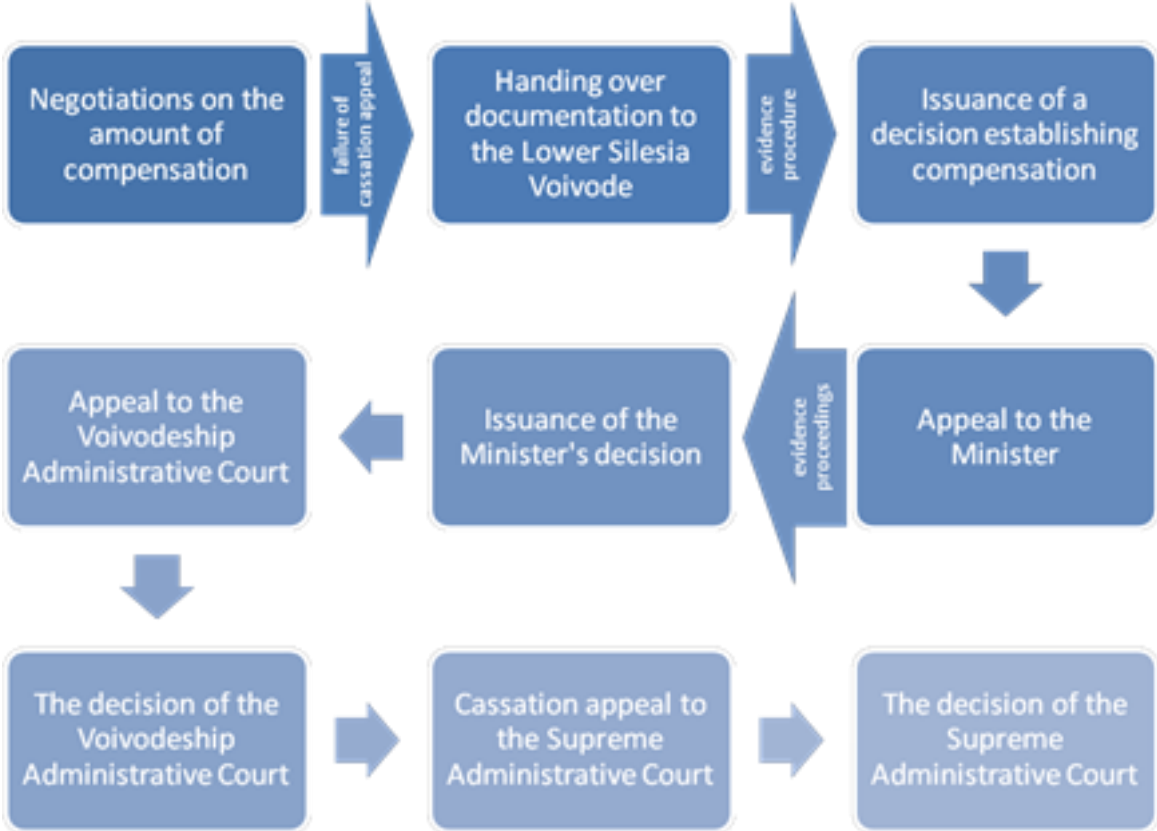
The parties participating in the procedure concerning determination of compensation enjoy the right to free of charge active participation in this procedure and to submit remarks and motions. The remarks and motions are submitted directly to the Westpomerania Governor. In case when a given remark or motion requires an answer on the part of the Employer, they shall immediately present their opinion in the case and hand it over to the Westpomerania Governor. The answers of the Employer shall be served via the Westpomerania Governor.

After the Westpomerania Governor grants a decision on determining the amount of compensation the parties that are dissatisfied with the decision enjoy the right to appeal against it to a relevant minister for construction industry. Any statements, motions and evidence submitted in the procedure before the minister responsible for construction matters will have to be taken into account by him/her when determining the amount of compensation.

In case of dissatisfaction with the decision of the minister, the parties enjoy the right to submit an appeal to the Province Administrative Court in Warsaw. The Court shall examine if

the Governor and the minister have conducted the procedure in this scope in a relevant and reliable manner, including in the scope of taking into account remarks, motions and evidence reported by the parties to the procedure. In accordance with binding legal regulation the appeal is subject to the court fee in the amount of PLN 200. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings.

In case when the decision of the Province Administrative Court is not satisfactory to a party, they enjoy the right of the cassation appeal to the Supreme Administrative Court. The said court shall examine not only the correctness and legality of the procedures run by the Governor or the minister, but also the decision of the Province Administrative Court. Cassation appeal is subject to fee in the amount depending on the value of the claim subject. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings.



Drawing 4 - Mechanism of claim management at the stage of issuing the decision on the amount of compensation

### 8.3 MECHANISM OF SUBMITTING COMPLAINTS AND MOTIONS CONCERNING THE PERFORMANCE OF THE CONTRACT FOR WORKS

Mechanism of submitting complaints and motions concerning construction and installation works carried out by the Contractor shall be implemented at the beginning of the entire process and shall be binding throughout the implementation, operation and conclusion of the Investment.

With the moment of works commencement (around 01.10.2017) “consultation place” at the Contractor’s construction facilities shall start operations, where within established time and days of a month the interested residents will be able to get information and explanations as well as lodge complains and motions.

### 8.3.1 Place and manner of submitting complaints and motions

A complaint or a motion may be submitted by a party in one of the following three locations:

1. Directly at the Project Office which will function as a consulting centre:

Office of the Engineer-Consultant:

.....

....., Poland

2. Directly at the office of the Employer:

West Pomerania Board of Amelioration and Hydraulic Structures

ul. Teofila Firlika 19, 71-641 Szczecin ,

3. In addition, complaints and motions may be submitted:

- By means of post to the above provided address, or

- Via Internet:

website .....

e-mail: .....

### 8.3.2 Due dates for considering complaints and motions

Due dates for considering complaints and motions:

- confirmation of being served with a complaint drawn-up in writing: within 7 days of the incoming date of a complaint.

- proposed solutions: within 30 days of the incoming date of a complaint.

The rules for considering complaints and motions, referred to in item 9.2, shall be binding also in the case of such complaints.

Proposed form of complaint registration is presented in Appendix 10.2.

### 8.3.3 Persons responsible for considering complaints and motions

A unit (Social Consultant) will be appointed within the Project organisational structure which will be responsible for contacting the society and processing social complaints. This unit shall also include one person from the Consulting Engineer's team with competences and experience needed within this scope.

#### **8.3.4 Audits and independent appeal mechanism**

It is anticipated to conduct periodical (once per six months) internal audits of the effectiveness of the “mechanism of complaints and grievances” for the purpose of assessing the effects of the system implemented.



## 9 Institutional structure and implementation team

The institutional structure of the team preparing this RAP is presented in the diagram below:

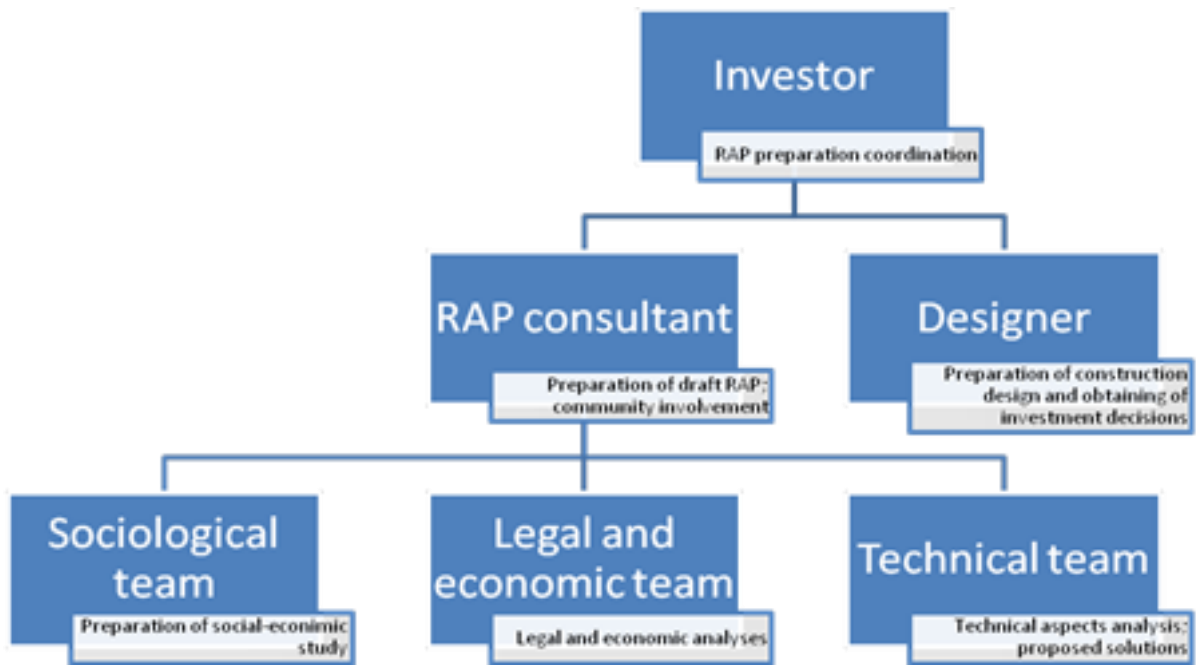


Diagram No. 1. Structure of RAP document implementation

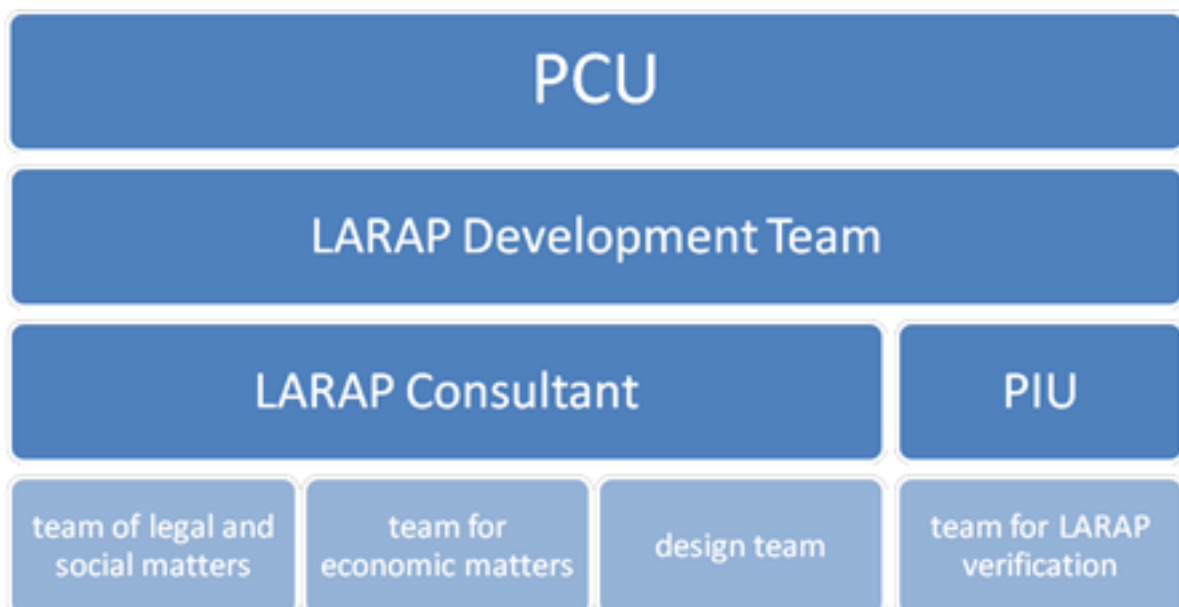


Diagram No.2. Institutional structure of RAP indicating location of PCU in the structure



RAP Consultant for this RAP is JV Sweco Consulting Sp. z o.o./ Sweco Nederland B.V./ Artelia Ville & Transport SAS/Artelia Sp. z o.o./EKOCESTRUM Sp. z o.o.

The scope of competences of RAP preparation team is as follows:

1. Employer: coordination of RAP preparation:
  - a. Facilitating supervision over RAP preparation,
  - b. Ensuring information exchange between RAP Consultant and Designer,
  - c. Ensuring the introduction to CD of changes arising in the course of preparing RAP,
  - d. Conducting public consultations,
  - e. Monitoring the process of RAP preparation.
2. RAP Consultant – draft RAP preparation:
  - a. Conducting social-economic survey and preparation of social and economic study,
  - b. Collection and analysis of data concerning the development and usufruct of property ,
  - c. Designing the plan of community involvement and public consultations; coordination of public consultation process,
  - d. Preparing the proposal for impact minimization and technical analysis of such proposals; submitting change proposals concerning the construction design (CD) to the Employer,
  - e. Eligibility analysis,
  - f. Preparation of compensation packages,
  - g. Preparation of draft RAP document.
3. Designer:
  - a. Preparation of CD,
  - b. Obtaining administrative decision, including environmental decision and IPIP, c. Technical analysis of proposed changes in CD presented by the Consultant.

RAP preparation team on the part of RAP Consultant is not included in the Employer's organizational structure.



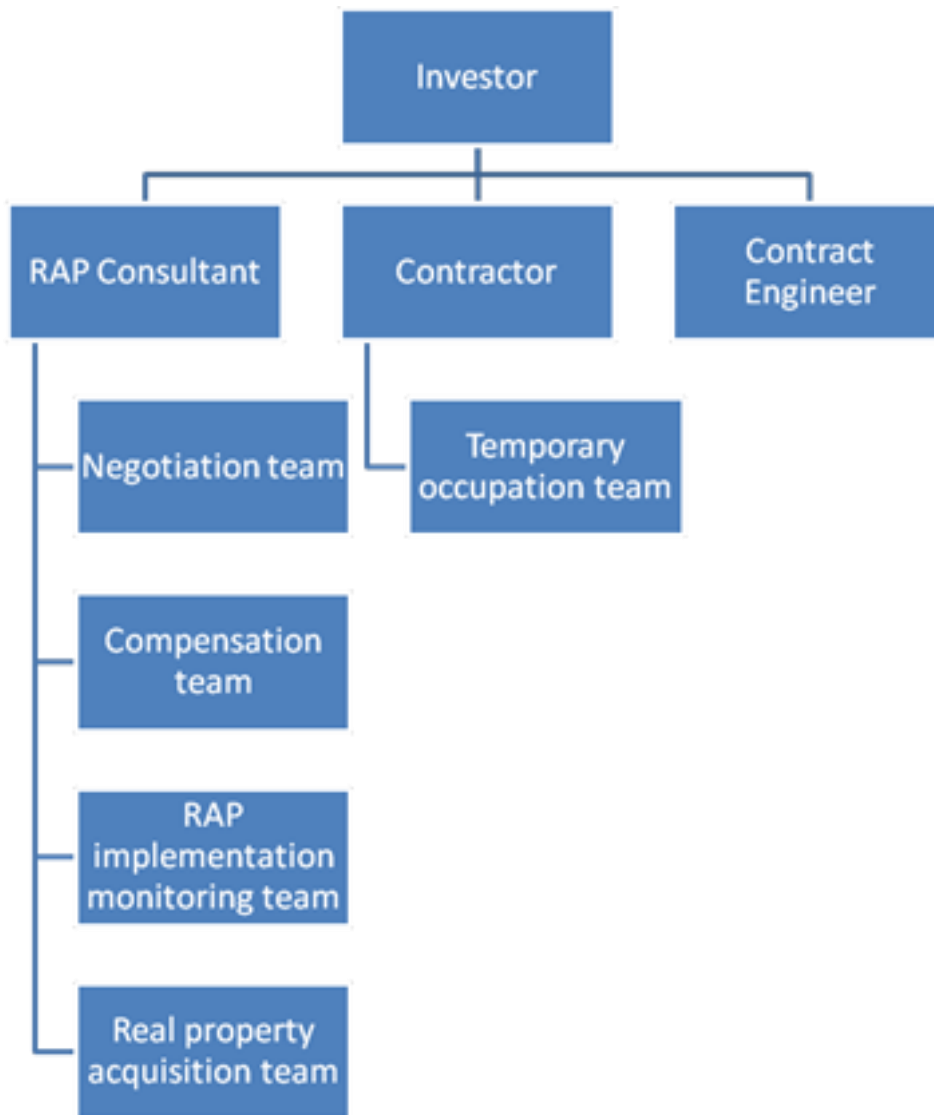


Diagram No. 3. RAP introduction team during the Contract implementation period

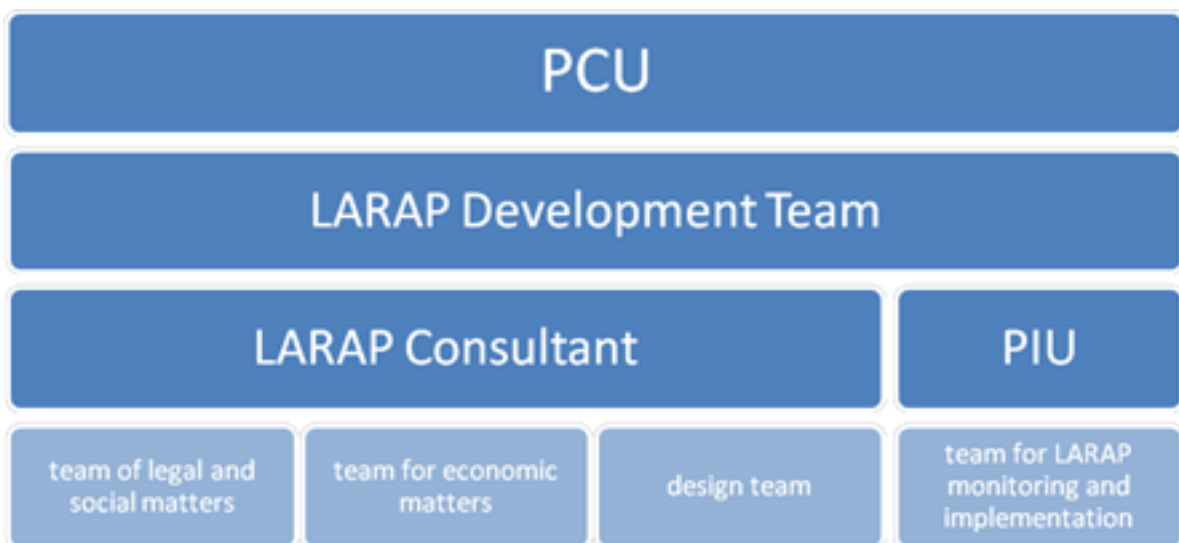


Diagram No. 4. Institutional structure of RAP implementation indicating place in PCU structure



The scope of competences of RAP implementation team is as follows:

1. Employer:
  - a. Facilitating supervision over RAP implementation,
  - b. Concluding agreements on compensation,
  - c. Disbursement of compensation,
  - d. Ensuring information transfer between RAP Consultant, Engineers and Contractor.
  - e. Taking the property over.
2. RAP Consultant:
  - a. Planning negotiations and participation in negotiations,
  - b. Verification of valuations conducted by property appraisers,
  - c. RAP implementation monitoring by the Contractor and Engineer, d. Proposing remedial activities in the event of problematic situations,
3. Engineer:
  - a. Supervision of the commencement and performance of works, b. Supervision over the fulfilment of obligations by the Contractor.
4. Contractor:
  - a. Obtaining real properties for temporary occupation,
  - b. Disbursement of compensation for the real properties acquired for temporary occupation,
  - c. Performance of works on the property under permanent occupation,
  - d. Recovery of real properties acquired for temporary occupation to the condition prior to the Task implementation.
5. PCU
  - a. Coordination of activities undertaken by PCU to implement the Project, including implementation of provisions of RAP



## 10 Monitoring and evaluation

Monitoring of the RAP implementation is the integral part of the Contract monitoring and management system. For this reason, tools for contract implementation monitoring that are used for reporting to the financial institutions and providing actual information about the problems, random events and irregularities will be used for the needs of the RAP implementation monitoring. Due to it, the RAP implementation process can be included in the investment process as its integral part and it is possible to acquire the total view letting the immediate decision in case of problems or irregularities. Provision of the proper communication between consultant and PIU is also fundamental. Provision of the proper cooperation between Consultant, PIU and PCU is fundamental here.

General monitoring and assessment procedures are described in detail in the following document: Land Acquisition and Resettlement Action Framework (LARPF) available at:

[http://www.odrapcu.pl/doc/OVFMP/Ramowy\\_dokument\\_dotyczacy\\_Przesiedlen\\_i\\_Pozyskiwania\\_Nieruchomosci.pdf](http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf).

Diagram of the information flow within the monitoring is presented below.





The registration process of events and facts by the consultant and PIU, especially through the correspondence register, register for progress of property acquisition and register for progress of the compensation payments plays the fundamental role for RAP implementation monitoring. All data included in such registers is taking into consideration during preparation of the data lists, e.g. number of acquired properties and amount and type of the compensations, according to Appendix No. 2.

All changes are registered in the registers. On the basis of the above mentioned registers, the following parameters are monitored:

- a) number of properties for expropriation and expropriated,
- b) number of persons for displacement and displaced,
- c) number of properties for temporary occupancy (planned and realized),
- d) amount of all expenses needed for displacement process (planned and realized),
- e) paid compensations for loss of the property legal title,
- f) paid compensations for loss of the income sources,
- g) acquired and given swap property,
- h) degree and status of the protecting activities,
- i) number of complaints,
- j) number of examined complaints.

Such formed RAP implementation monitoring system allows for quick reactions in case of problems and for proper reporting within the existing Contract management systems. This document will be updated once every quarter.

Monitoring results will be included in monthly and quarterly reports.

Ex-post assessment will be carried out six months after full implementation of RAP, and its aims will be assessed and documented.

Key indicators which will be monitored in reference to Contract fulfilled by ZZMiUW:

Indicator	Information source	Monitoring frequency	Progress indicator
<b>Assumed parameters</b>			
Number of real properties subject to expropriation	IPIP Decision	One time upon issuing the decision	Quantity (pcs.)
Number of real properties subject to permanent limitation	IPIP Decision	One time upon issuing the decision	Quantity (pcs.)
Number of PAP - owners - perpetual usufruct - independent owners - others (if applicable)	Land and Mortgage Register, excerpted from land register, IPIP decision	One time upon issuing the decision  On-going updating in the period of determining and disbursing compensation	Number
Amount of all the	Registers of ZZMiUW /	Quarterly	PLN



expenditures on compensation (planned)	Consultant		
Quantity of acquired real properties	Registers of ZZMiUW / Consultant	Quarterly	Quantity (pcs.)
<b>Achieved parameters</b>			
Amount of all the expenditures on compensatio	PZMiUW financial registers	Quarterly	PLN
Quantity of acquired real properties	Registers of ZZMiUW / Consultant	Quarterly	Quantity (pcs.)
<b>Effectiveness indicators</b>			
Number of complaints	Registers of ZZMiUW / Consultant	Quarterly	Quantity (pcs.)
Number of examined complaints	Registers of ZZMiUW / Consultant	Quarterly	Quantity (pcs.)
Compensations disbursed	ZZMiUW financial registers	Quarterly	PLN

NOTE: The process of acquiring properties for temporary occupation: the Contractor will be solely responsible for this process, including paying out compensation.



## 11 Costs and budgets

Item	Unit	Price	Quantity [m <sup>2</sup> ]	Total
Land within the boundaries of the Task (including cultivation, planting and infrastructure)	Square meter	3.60 PLN	36 717	113 000 PLN
Temporary restriction of access to the property (do not become the property of the State Treasury)	Square meter	1.80 PLN	600	1 080
TOTAL				114 080 PLN

Estimate values of the costs specified above have been prepared on the basis of average market prices for real properties on the analysed area, determined based on the selling prices for agricultural and building plots for the analysed area, offered on Internet portals dealing in property selling. The said values have been indicated for the budgeting needs and they may be subject to changes after preparing appraisals.



## 12 RAP IMPLEMENTATION SCHEDULE

Particular steps necessary for preparation and implementation of RAP, based on LARPF are presented below. Detailed schedule in this scope is included in the Appendix no. 2 hereto.

RAP DEVELOPMENT			
Steps	Action	Responsibility	Verification
1	Preliminary assessment of the Task's social impact	Consultant - Law and Social Matters Team	ZZMiUW – RAP verification team
2	Determining the final scope of expropriation and drawing up a building permit design	WS Projekt Usługi Projektowe Walerian Siemiński	ZZMiUW – RAP verification team
3	Specifying the frames in the scope of RAP implementation with relevant government administration bodies	Consultant - Law and Social Matters Team	ZZMiUW – RAP verification team
4	Collecting extracts and survey diagrams from the land and building registers and from area development plans	Consultant - Law and Social Matters Team	ZZMiUW – RAP verification team
5	Assessment of the Task's social impact	Consultant - Law and Social Matters Team	ZZMiUW – RAP verification team
6	Verification and update of collected materials, impact analyses and economic analyses (Detailed Measurement Survey)	Consultant - Law and Social Matters Team	ZZMiUW – RAP verification team
7	Drawing up a draft RAP	Consultant - Law and Social Matters Team, Design Team	ZZMiUW – RAP verification team
8	Social consultations of RAP	Consultant - Law and Social Matters Team	ZZMiUW – RAP verification team
9	Introduction of changes resulting from social consultations to the building permit design	WS Projekt Usługi Projektowe Walerian Siemiński	ZZMiUW – RAP verification team
10	In the scope resulting from taking into account remarks and motions of RAP - verification and update of collected materials, impact analyses and economic analyses	Consultant - Law and Social Matters Team	ZZMiUW – RAP verification team





<b>RAP DEVELOPMENT</b>			
<b>Steps</b>	<b>Action</b>	<b>Responsibility</b>	<b>Verification</b>
11	In the scope resulting from taking into account remarks and motions of RAP	Consultant - Law and Social Matters Team	ZZMiUW – RAP verification team
12	Making RAP public	Consultant - Law and Social Matters Team	ZZMiUW – RAP verification team
13	Submitting RAP to the World Bank	ZZMiUW – RAP verification team	PCU

<b>IMPLEMENTATION OF RAP</b>			
<b>Steps</b>	<b>Action</b>	<b>Responsibility</b>	<b>Verification</b>
1	Establishing a detailed schedule of RAP implementation	RAP Consultant -Law and Social Matters Team	ZZMiUW – RAP monitoring and implementation team
2	Submitting an application for IPIP	Designer	ZZMiUW – RAP monitoring and implementation team
3	Acquiring by PIU property that may be handed over as swap property	RAP Consultant -Law and Social Matters Team	ZZMiUW – RAP monitoring and implementation team
4	Obtaining IPIP	Designer	ZZMiUW – RAP monitoring and implementation team
5	Handing over to the PAP implementation information on obtaining IPIP and its consequences and planned further actions of the Employer	RAP Consultant -Law and Social Matters Team, Economic Matters Team	ZZMiUW – RAP monitoring and implementation team
6	Valuation of property by independent and objective appraisers, in accordance with binding regulations and price verification	RAP Consultant -Law and Social Matters Team, Economic Matters Team	ZZMiUW – RAP monitoring and implementation team
7	Delivery to expropriated people of the prepared property appraisal reports and negotiations	RAP Consultant -Law and Social Matters Team, Economic Matters Team	ZZMiUW – RAP monitoring and implementation team
8	In case of negotiations' failure - obtaining a decision of the Governor	RAP Consultant -Law and Social Matters	ZZMiUW – RAP monitoring and

## IMPLEMENTATION OF RAP

Steps	Action	Responsibility	Verification
	on the amount of compensation	Team, Economic Matters Team	implementation team
9	Payment of compensations or handing over swap property, start of implementation of other compensation and mitigation actions as planned in RAP	RAP Consultant -Law and Social Matters Team, Economic Matters Team	ZZMiUW – RAP monitoring and implementation team
10	Physical taking over of expropriated property and commencement of works	Contractor	ZZMiUW – RAP monitoring and implementation team
11	RAP implementation evaluation	RAP Consultant -Law and Social Matters Team, Economic Matters Team	ZZMiUW – RAP monitoring and implementation team
12	RAP evaluation	Independent auditor	
13	Acquisition of properties for temporary occupation by the Contractor	Contractor	Consultant

## PERIODIC TASKS

Step	Action	Responsibility	Verification
1	Internal constant monitoring of RAP implementation	RAP Consultant -Law and Social Matters Team	ZZMiUW – RAP monitoring and implementation team
2	Reporting to the World Bank	RAP Consultant -Law and Social Matters Team	ZZMiUW – RAP monitoring and implementation team
3	Constant coordination with government and self-government administration bodies		ZZMiUW – RAP monitoring and implementation team
4	Constant communication with people affected by the Task's implementation	RAP Consultant -Law and Social Matters Team	ZZMiUW – RAP monitoring and implementation team

## POST IMPLEMENTATION TASKS

Step	Action	Responsibility	Verification
1	RAP implementation evaluation	Independent external auditor	





Address \_\_\_\_\_

Phone: \_\_\_\_\_

or E-mail: \_\_\_\_\_

### **13.2 TABLE OF MONITORING A PROPERTY ACQUISITION**

This table is attached in an electronic version on a CD.

### **13.3 PROPERTY ACQUISITION SCHEDULE**

This schedule is attached in an electronic version on a CD.

### **13.4 MAPS WITH DEMARCATION LINES ON THE INVESTMENT AREA (2 SHEETS)**

The said maps are attached in an electronic version on a CD.

