

LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

for

Odra-Vistula Flood Management Project

co-financed by:

World Bank (WB), Loan Agreement no. 8524 PL

Council of Europe Development Bank (CEB), Frame Loan Agreement no. LD 1866

European Union's Cohesion Fund (OPIE 2014-2020) and

State Budget

Component 3: Flood Protection of the Upper Vistula

Subcomponent 3D: Passive and Active Protection in San Basin

WORKS CONTRACT 3D.2/1

*Construction of the right embankment of the Biala
River in the City of Tarnów*

FINAL VERSION

Issue	Date	Authors	Verifier	Client's approval	Description
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Subcomponent 3D: Passive and Active Protection in San Basin

**Works Contract 3D.2/1 Construction of the right embankment of the Biala River in the City of
Tarnów**

The Land Acquisition and Resettlement Action Plan is developed for Works Contract implemented by the STATE WATER HOLDING POLISH WATERS – REGIONAL WATER MANAGEMENT AUTHORITY IN CRACOW.

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OVFM PIO

AECOM Polska Sp. z o.o.

Technical Assistance Consultant

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SUMMARY

Works Contract 3D.2/1 *Construction of the right embankment of the Biala River in the City of Tarnów* shall be implemented by PGW WP RZGW in Cracow. The contract is located at local chainage 0+000 – 0+695 of the River Biala (register chainage km 5+046 – 6+186 of the River Biala), in Małopolskie province, in the area of the City of Tarnów (City on District Rights - Tarnów, Municipality of Tarnów). It includes development of a new section of the flood embankment over a length of 695 m along with accompanying facilities, and that scope comprises the following:

A) actions requiring purchase of land:

- construction of a new flood embankment on the right bank of the River Biala, along with engineering facilities, and the need to remove part of the area of the Family Allotment Gardens "Semafor",
- construction of a service road on the strip footing at the embankment, along with an entry road onto the embankment crest, construction of two entry roads onto the embankment from the service road and two entry roads onto the embankment from the area beyond the embankment.

B) actions not requiring purchase of land:

- development of an anti-filtration membrane,
- demolition of colliding water-supply network,
- redevelopment of a water-supply connection for a free-standing object,
- redevelopment of the existing gas piping,
- redevelopment of the existing sewerage network, and
- redevelopment of the existing power line and lighting networks.
- development of the new embanked area between the Biala River and the newly constructed flood embankment connected with the necessity to remove part of the area of the Family Allotment Gardens SEMAFOR.

Location of the Contract was presented on an attached general drawing (Appendix no. 1 to this paper).

Implementation of the Contract results from the necessary improvement of flood safety for the area located along the right bank of the Biala River in Tarnów, protection of developed land, and limitation of flood damage within that area through development of an embankment between a railway embankment of PKP (Cracow – Medyka railway line) and the existing embankment (vicinity of Św. Katarzyny Street) closing the flood protection system for the City of Tarnów. The designed development shall protect the area of about 15 ha, where about 600 buildings as well as bulk and linear objects are located, against floods. About 300 people shall be protected directly.

As informed above, the Contract shall comprise development of a new right flood embankment over a length of 695 m, including development of accompanying infrastructure comprising e.g.: a flood road at the embankment footing, an embankment ramp, a technical lane, an entry road onto the embankment crest from the road at the embankment, two entry roads onto the embankment from the embanked area, and embankment crossings.

Within the framework of works it is planned to seal the embankment through provision of an anti-filtration membrane at the embankment crest. At embankment crossings and at the entry road onto the embankment from the flood road, the embankment crest shall be reinforced with concrete slabs. Grass sowing is expected for the remaining area.

The Contract also expects to redevelop the existing overhead power line and lighting network, protect the existing teletechnical cables, redevelop a section of medium-pressure gas system, as well as redevelop a section of water connection and a section of storm drainage. It is also planned to demolish the internal underground water-supply system and the underground power network for allotment gardens.

Implementation of the works contract shall refer to the demolition of fencing for allotment gardens over a length of about 8913 m, construction of fencing for garden on the landside of the embankment over a length of about 500m, and demolition of about 175¹ free-standing objects (in accordance with provisions of the IPIP, 174 garden sheds and one uninhabited building) at the new embankment to be developed and within the formed embanked area. Estimated number of PAP, natural persons using allotment gardens, 188 people.

Implementation of the Contract shall require purchase of land, but it shall not result in physical and economical resettlement of households. Due to implementation of the Contract new areas protected against floods shall be formed within the City of Tarnów, and they may be used for development, provision of services, or development of industry (after modification of their purpose and passing the Local Spatial Development Plan) – currently the area, where the Contract shall be implemented, as well as the area adjacent to the embankment on the side protected against flooding are not a subject of the LSDP. According to the Study of Spatial Management Conditions and Directions for the Municipality of Tarnów dated 09/25/2014, the contract area covers land with the following purpose: ZD – areas of allotment gardens, and ZO – open green areas. There are highly urbanized areas – low intensive housing (M2), municipal parks (ZP), and productional and service area (PU) – in vicinity, within the area beyond the embankment.

The newly formed embanked area, which also is – before implementation of the contract in question – a site under the risk of flood, shall be subject to restriction in use resulting from the Act on Water Law, which is associated with e.g. a ban of development and planting of trees, i.e. implementation of measures, which would hamper accommodation of flood water. Those limitations are to restore the proper function of the embanked area, and are not related to the change of land ownership, i.e. expropriation (permanent occupation).

Both, the embankment construction and the need to create an embanked area is related to the necessary removal of allotment gardens located there. In both cases (permanent land occupation for the embankment and restriction in the use of the land located in the embanked area), compensation will be paid to allotment garden users.

Based upon the Civil Code the Investor shall pay compensation to users of allotment gardens located within the embanked area for engineering objects and plants belonging to them.

However, compensation for the properties acquired permanently (in favor of the former owners and entities having limited proprietary rights) and for the plantings and structures located on this area (in favor of allotment garden users and FAG) shall be paid by the Investor according to provision of the Special Flood Act.

Owners of the properties and holders of limited property rights (e.g. Polish Allotment Federation, users of gardens) shall receive compensation corresponding with their entitlements, but it shall be emphasized that those properties belong to the public assets of the local authorities and the State Treasury.

	Total volume of hectares, ha	Total number of plots, items	Public plots	%	Private plots	%	Number of owners**	Physical resettlement	Economic resettlement
Permanent acquisition	1.8384	8	8	100%	0	0.0%	1	0	0
Permanent restriction (according to IPIP)	0.1486	4	4	100%	0	0%	2	0	0
Temporary restriction in use (associated with	0.09436	7	6	85.7%	1*	14.3%	4	0	0

¹ The number of 175 objects, including 174 garden sheds and one unoccupied building, has been indicated in the IPIP decision, although actually there are more structures, and all of those objects shall be priced by a valuer acting in the name of the Investor, and compensation shall be paid for them.

	Total volume of hectares, ha	Total number of plots, items	Public plots	%	Private plots	%	Number of owners**	Physical resettlement	Economic resettlement
redevelopment of collision)									
Disposal rights to the properties for construction purposes*** in the area beyond the embankment	19.6661	4	4	100%	0	0.0%	2	0	0
Disposal rights to the properties for construction purposes*** in the embanked area	16.0877	4	4	100%	0	0.0%	2	0	0

* the plot is co-owned by a natural person and by the State Treasury

** data valid for 08/01/2019

*** in case of those properties the Investor has written, voluntary consents of the owners for acquisition of the properties, stating that it is free of charge

8 properties or their parts – having the total area of 1.8384 ha (properties owned by the Municipality of Tarnów) – have been covered by the Contract / expropriated (permanent occupation) within the framework of Works Contract 3D.2/1. Allotment gardens have been developed at 4 out of 8 properties, which have been legally taken over by the State Treasury (plots with following register numbers 1/35, 1/37, 1/39, and 1/41 (partially)), whereas plots with register numbers 1/27, 1/29, 1/31, 1/33 were/are used as access roads.

All of the expropriated properties are properties owned by the Municipality of Tarnów (public plots). Compensation for ownership rights shall be paid to the Municipality. The following entities had limited property rights to those properties:

- Polish Allotment Federation (PAF), and
- Polish State Railways (PKP).

Those entities received compensation proportionally to limited property rights of those entities.

Family Allotment gardens “Semafor” are located within properties no. 1/35, 1/37, 1/39, and 1/41 (partially), as well as within the properties located in the embanked area (1/32, 1/38, and 1/1). Implementation of the Contract is related to the liquidation of 295 allotment gardens, 107 out of which are not cultivated and do not have a user, and 188 is used. Compensation for planting and structures (permanently fixed to the ground) shall be paid to users of allotment gardens to be removed (to natural persons), and in case there is no user and there was no user at the issuance of the IPIP decision, compensation shall be paid to the PAF. Additionally, PAF shall receive compensation for its facilities, buildings, and objects of the family allotment gardens applied commonly by users of the allotments (it refers to the properties, to which the PAF has the use right).

Impact related to implementation of the Contract on such public entities as the Municipality, the PAF, and PKP shall be insignificant. Significant impact was identified in case of natural persons cropping the allotment gardens to be liquidated. The socio-economic survey proved that 91 users are interested in obtaining a replacement garden, 62 users are interested in cash compensation, and 12 out of remaining 35 users did not determine their preferences in the questionnaires, 2 persons refused to

participate in the survey, and in case of the remaining 21 it was not possible to reach them; thus, the Consultant does not know expectations of those people.

For the purpose of reinstating family allotment gardens the Investor obtained 4 properties owned by the Municipality of Tarnów (plots with register numbers 33/42, 34/1 area 0314 City of Tarnów, and no. 45/1 and 45/3 area 0295) and located about 1 km in a straight line from the area of allotment gardens to be removed. In the past ('70s and '80s of the 20th century) the area was used by the Municipality as a municipal waste storage facility without having a legalized status of a storage site for that area.

During the construction works it was planned that those properties shall be adapted for the purpose of FAG through preparation of the land (logging of trees and shrubs including stumping, delivery of fertile soil layer), improvements to the technical conditions of the access road to that site, provision of land utilities – securing the access to the water-supply system and to the power network. However, during individual consultations with the Małopolski Regional Allotment Federation, FAG SEMAFOR Management Board, and users of allotment gardens, negative opinions on the planned location were provided; therefore the Municipality was requested to indicate other properties. The municipality does not have other replacement properties, which can be used for this purpose, and such properties have not been obtained from the State Treasury (discussions were held with KOWR and with the Prefect as holders of those resources); thus, in accordance with the law, a cash equivalent shall be transferred to the PAF for the lack of replacement property.

An InfoBase will be created for the PAPs interested in continued use of allotment gardens about unused allotment gardens within other allotment gardens located in the city and within the Municipality of Tarnów. The Consultant is in contact with the Małopolski Regional Allotment Federation and will update information on unused allotment gardens on a regular basis.

The interested people may move to other existing gardens. Some people have already obtained new allotment gardens on their own, and informed the Consultant about it during meetings held in November, where establishment protocols on compensation amount were signed with willing users of allotment gardens to be removed. The majority of users of the removed allotment gardens informed, when signing documents enabling payment of compensation, that they are very satisfied with the compensation amounts proposed to them and asked about the payment dates, especially considering that they have other gardens reserved for example, where they will move and which they want to start using as soon as possible. The date of leaving an allotment garden was agreed individually with each user, so that the land can be transferred to the Contractor following the payment and so that construction works can be started.

PGW WP RZGW in Cracow obtained a decision of the Małopolski Governor dated 08/31/2018, ref. no.: 01/2017, on the investment project implementation permit for flood defenses (ref. no.: WI-IX.7840.1.1.2017). The decision is final.

Permanent restriction (PR) in the manner of use, as indicated in the table above, shall not relate to the change of ownership rights; however, it would permanently restrict functionality of the property to some extent. In case of Contract 3D.2/1 PR was established for the following properties:

- plot no. 281, PR area 900 m² due to development of an embankment ramp, a technical lane, and redevelopment of a storm drainage, including development of an open ditch within a part of the plot marked as "wp" – flowing water, plot owned by the State Treasury;
- plot no. 25, PR area 150 m² and plot no. 15/1 – PR area 350 m² due to the fact that the newly developed embankment joins the existing railway embankment, those plots are owned by the State Treasury and perpetual use by the Polish State Railways S.A.;
- plot no. 16, PR area 86 m² due to the development of an entry road onto the embankment and an entry road to the road at the embankment, and joining them with the existing road (municipal road), plot owned by the Municipality of Tarnów.

Obligation to redevelop the existing network colliding with the site to be applied for construction of the embankment is also not associated with the change of ownership rights, and the implemented

restriction in the use has only a temporary and short-term character. In case of Contract 3D.2/1 the redevelopment obligation was established for the following:

- plot no. 66/3 – in relation to the area of 75 m² (redevelopment of the overhead power line),
- plot no. 78/13 – in relation to the area of 460 m² (redevelopment of the overhead power line),
- plot no. 307 – in relation to the area of 47 m² (redevelopment of the overhead power line),
- plot no. 1/26 (former 1/9) – in relation to the area of 16 m² (redevelopment of the overhead power line),
- plot no. 15/1 – in relation to the area of 128 m² (redevelopment of the overhead power line),
- plot no. 307 – in relation to the area of 47m² (redevelopment of the medium pressure gas piping),
- plot no. 1/34 (former 1/19) – in relation to the area of 40 m² (redevelopment of the water-supply piping),
- plot no. 1/36 (former 1/14) – in relation to the area of 130 m² (redevelopment of the water-supply piping).

Furthermore, the IPIP decision also indicates 8 properties necessary for implementation of the works contract, in reference to which the Investor has disposal rights for construction purposes. Owners of those properties provided the Investor with written consents for performance of a determined scope of works within their plots. Those consents are free of charge. The developed infrastructures shall finally be owned by the property owner.

Four of such properties are located within the embanked areas (total area is 16.0877 ha), and measures to remove the allotment gardens shall be implemented in that area. The area of gardens to be removed is 12.2791 ha. Ultimately, the area will be cleared of the existing trees, bushes and structures, sown with grass and maintained as a green area enabling free flow of the flood wave.

The other four properties are located in the area beyond the embankment – the existing allotment gardens shall be left there, and the scope of acquisition shall be minimized to the necessary range to affect the site to the smallest possible extent. The fence of the FAG will be restored along the new boundary from the embankment side.

The table below identifies the measures described above, identified PAP groups and planned compensations.

Impact/loss	PAP category	Compensation
Permanent loss of property (permanent occupation)	Property owners (Tarnów Municipality)	Cash compensation
Lost right for property (use)	Holders of limited proprietary rights (PAF, PKP)	Cash compensation
	Users of allotment gardens	Replacement allotment gardens (InfoBase, search assistance)
Non-residential buildings and structures (small architecture)	Users of allotment gardens	Cash compensation
	PAF (for common parts and unused allotment gardens)	PAF cash compensation and reconstruction of FAG SEMAFOR fence from the embankment landside
Plantings	Users of allotment gardens	Cash compensation
	PAF (for common parts and unused allotment gardens)	Cash compensation
Permanent restriction in property use	Property owners (Tarnów Municipality, perpetual users)	Cash compensation
Temporary restriction in use connected with the necessity to reconstruct the infrastructure	Property owners (natural person, Tarnów Municipality, perpetual users)	Cash compensation

colliding with the embankment		
Temporary occupation	Property owners (will be identified only after selection of Works contractor)	Cash compensation

List of abbreviations applied in this paper

Name	Description
3D.2/1	Marking of Contract/Works Contract/Task – Construction of the right embankment of the Biala River in the City of Tarnów
World Bank (WB)	International Bank for Reconstruction and Development (IBRD)
PCU / OVFM PCU	Odra-Vistula Flood Management Project Coordination Unit
CEB	Council of Europe Development Bank (CEB)
EGiB	Register of land and buildings – a register containing data, which e.g. remain a basis for business planning, spatial planning, assessment of tax and benefits, marking of properties in a mortgage register, register of farms
GIS	Geographic Information System – information system related to land, containing a data base on land referring to a determined area, and procedures and techniques for systematic collection and update of data and provision of access to data
CSO	Central Statistical Office of Poland
IMGW	Institute of Meteorology and Water Management
Engineer Consultant	- Company or legal person providing services for the Investor Technical Assistance Consultant for the OVFM – AECOM Polska Sp. z o.o.
PIO	Project Implementation Office – organizational unit formed within the PIU, responsible for implementation of the Contract
PIU / Employer / Investor	PGW Polish Waters – Regional Water Management Authority in Cracow - Odra-Vistula Flood Management Project (OVFM) Implementation Unit
KOWR	National Agricultural Support Center
LA&RAP	Land Acquisition & Resettlement Action Plan
LARPF	Land Acquisition & Resettlement Policy Framework
NBP	National Bank of Poland
NGO	Nongovernmental Organization
OP 4.12	Operational Policy 4.12 – Involuntary Resettlement
PAD	Project Appraisal Document evaluating the Project, i.e. OVFM, which is necessary due to World Bank procedures. The document is one of elements needed for the World Bank to make a decision about awarding a loan ²
PAP	Project Affected Person (-s)
PKP	Polish State Railways S. A.
IPIP	Decision on the Investment Project Implementation Permit for flood defenses
PAF	Polish Allotment Federation
EMP	Environmental Management Plan
OVFM	Odra-Vistula Flood Management Project
PGW WP RZGW	State Water Holding Polish Waters Regional Water Management Authority in Cracow
Valuer/expert	A natural person possessing state professional qualifications in the scope of real property valuation
PR	Permanent restriction of the manner of using a real property
EU	European Union
Contractor	Company/legal person implementing Works Contract 3D.2/1
RAC	Regional Administrative Court

² <http://documents.worldbank.org/curated/en/2015/07/24763021/poland-odra-vistula-flood-management-project>

Name	Description
SAC	Supreme Administrative Court
Contract/Works Contract	Works Contract 3D.2/1 Construction of the right embankment of the Biala River in the City of Tarnów
CC	The Law of April 23, 1964 – Civil Code (consolidated text: Journal of Laws of 2019, item 1145, as amended)
Constitution	Constitution of the Republic of Poland of April 2, 1997 (OJ of 1997, No. 78, item 483, as amended)
CAP	The Law of June 14, 1960 – Code of Administrative Procedure (consolidated text: Journal of Laws of 2020, item 256)
Special Flood Act	The Law of July 8, 2010 on specific terms of preparing for implementation of projects in the scope of flood protection facilities (consolidated text: Journal of Laws of 2019, item 933)
Special Decision	Decision on the Investment Project Implementation Permit (IPIP) issued based upon the Special Flood Act
LMA	The Law of August 21, 1997 on the properties management (consolidated text: Journal of Laws of 2020, item 465)
FAG Law	The Act of December 13, 2013 on Family Allotment Gardens (Journal of Laws of 2017, item 2176)
Act on spatial planning	The Act of March 27, 2003 on the spatial planning and management (consolidated text: Journal of Laws of 2018, item 1945, as amended)
Water Law Act	The Act of July 20, 2017 – Water Law (consolidated text: Journal of Laws of 2018, item 2268, as amended)
Regulation on land register	Regulation of the Minister of Regional Development and Civil Engineering on register of land and buildings (consolidated text: OJ of 2019, item 393, as amended)
Regulation on evaluation	Regulation of the Council of Ministers of September 21, 2004 on evaluation of properties and on development of an estimate study (OJ of 2004, No. 207, item 2109, as amended) and Regulation of the Council of Ministers of July 14, 2011 modifying the regulation on evaluation of properties and on development of an estimate study (unified text: OJ of 2011, no. 165, item 985)

Key Definitions

This document uses the following key definitions:

Real 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 authorized property valuer. Property price compensation will be no less than cost to replace lost asset without depreciation of asset due to age, condition, or any other factor relating to asset.

Cut-off date – a date when an inventory of assets and a register of project affected persons were completed. Persons living in the area, where the Project shall be implemented, do not have a right to compensation or any other form of support after the cut-off date. Similarly, the compensation shall not be paid for fixed assets (such as buildings, plants, fruit trees, and woodlots) after the completion date for the inventory or – alternatively – after the agreed date.

Economic relocation – loss of over 20% of arable land in case the income of Project Affected Person (PAP) bases upon farming mainly.

Physical relocation – loss of living place or such commercial objects as shops or workshops, or objects necessary to generate income.

Groups requiring special assistance – people whose sex, belonging to an ethnic group, age, being physically or mentally handicapped, difficult financial situation or difficult social position makes them more exposed to negative effects of resettlement than other groups and who may have a limited possibility of submitting claims, receiving resettlement assistance or participating in the benefits related to the Works Contract.

Resettlement cost – the extent of compensation for lost goods/properties covering a replacement value of such goods/properties as well as the cost of resettlement and associated resettlement activities.

Social impact – in the light of OP 4.12 any direct loss – economic and social – resulting from expropriation of properties, restricting the previous use method or the access to properties permanently is deemed as social impact.

Compensation – paid in cash or in the form of a property which is a replacement for the properties and assets acquired or affected by the Works Contract. Such compensation is paid out at the time when the respective property must be released by the owner to the PGW WP RZGW in Cracow. Pursuant to Polish law, compensation can be paid out from the time when expropriation decision (here: IPIP), as a rule, becomes final and in all the cases – prior to the acquisition of such property or its occupation for construction purpose.

OP 4.12 Involuntary Resettlement – an operational policy containing the main principles and procedures which constitute the basis for the IBRD approach to involuntary resettlement related to investment projects.

Project Affected Person (PAP) – every person who, as a result of Project implementation, loses the right of ownership or other benefits related to the owned inhabited (residential, agricultural or breeding) infrastructure; annual or perennial yield and produce or other related or movable assets – in whole or in part, permanently or temporarily. PAPs may also include local commune members, or other people, also affected by project activities.

Natural person – legal term defining a person in the civil law from the moment of birth until death.

Legal person – the State Treasury and organizational units with a legal entity attributed by the particular provisions remain legal persons.

Income – any money received i.e. pensions, job salaries, etc. as well as property increment obtained as a result of business activities or agricultural activities from the real estate, including the sale of such real estate.

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

Land Acquisition and Resettlement Policy Framework (LARPF) – a document approved by the World Bank, on the basis of which this Land Acquisition and Resettlement Action Plan is being developed. Based on the LARPF, a formal Contract framework for land acquisition was defined. Any acquisition of properties – both: permanent, as well as temporary – shall be implemented in accordance with procedures determined under the Polish Law, the Bank's operational policy OP 4.12, and the LARPF.

Capital company – legal form of business entities' organization, most often used in running large enterprise, and also for internal organization of capital groups.

Joint Stock Company (S.A.) – type of capital company common in market economy, the form of which is based on the circulation of shares held by shareholder. The share capital consists of the founders' contributions, who become the company's co-owners.

Value of expenses – amount due to the user for expenses borne, as negotiated with the person bearing expenses on the property, or amount basing upon the value of expenses determined by a certified valuer.

Replacement value – Compensation for the loss of assets bases upon their replacement / market value increased by any transaction costs (for example: taxes and registration fees) and its objective is for the compensation to be enough to effectively replace the Project affected assets (replacement value). Replacement value is an amount needed to replace lost assets without depreciation of asset for reasons of age, condition, or other factor associated with assets.

Expropriation – consists in depriving a person/persons of their property right in the designated real property or limiting that right under an individual legal act.

Purchase/voluntary sale – acquisition of the rights to the property from its owner / possessor for a mutually agreed price in a situation where such an owner has the right to refuse such a transaction (i.e. willing purchaser / willing seller). In the event of an expropriation, such a purchase is not deemed voluntary).

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

Substitute terms used in the LA&RAP: **land – property – plot – ground**, depending on the context the terms are applied in accordance with the following legal acts:

- CC – land, property;

- LMA Law – property, ground plot;
- Regulation on land register – land, register plot (short version applied in the LA&RAP: plot); and
- Operational Policy 4.12 – land.

Gardener / User of an allotment garden – it is an adult natural person entitled to use an allotment at the family allotment gardens based upon the right to the allotment;

Allotment or allotment garden – it shall be a basic spatial unit of the family allotment gardens, area of which cannot exceed 500 m², used for satisfying the needs of the gardener and the family in terms of crop, leisure, and recreation.

Right to allotment – it shall be understood as a legal title established in accordance with the act entitling to the use of allotment.

Family Allotment gardens – it shall be understood as a separated area or areas used for the purpose of family allotment gardens, composed of allotments and a general area, applied for common use by the gardeners, provided with garden facilities.

Garden facilities – it shall be understood as buildings and structures, fences, alleys, and garden paths, playgrounds, common rooms, pump plants, water-supply pipings and power networks, and other facilities located within the family allotment gardens to be used commonly by people applying the plots, and provided for proper operations of the family allotment gardens, if they are not a component of an enterprise.

Garden shed – its hall be deemed as a free-standing building used for leisure and recreation or any other structure meeting that function, located at an allotment within the family allotment gardens, with development area of up to 35m² and height of up to 5m at steep roofs and up to 4m at flat roofs, and the developed area does not include terrace, veranda or porch, if their total area does not exceed 12m².

Removal of the family allotment gardens or their part – it shall be deemed as disposal or termination of rights attributable to a garden federation to properties, where the family allotment gardens or their parts are located, and handing those properties over by the garden federation.

Liquidating unit - its hall be deemed as owner of the property, where the family allotment gardens to be removed is located, or unit which gains title to that property through expropriation.

Polish Allotment Federation (PAF) – a nation-wide gardening association continuing over 120-years tradition of gardening movement. PAF operates based upon the Act of December 13, 2013 on family allotment gardens. The purpose of family allotment gardens is to satisfy leisure, recreation and other social needs of local societies through assurance of a common access to FAG and to allotment gardens providing the possibility of garden cultivation for own needs, as well as rising ecological standards for the surrounding areas.

PAF has III-instance organizational structure. On the state level PAF is managed and represented by the State Council with 39 to 55 members, and the President of State Council heads it. On the regional level Regional PAF Management Boards operate. On the level of Family Allotment Gardens FAG Management Boards are the managing units.

1. INTRODUCTION

This study presents the Land Acquisition and Resettlement Action Plan (LA&RAP) for the Works Contract 3D.2/1 *Construction of the right embankment of the Biala River in the City of Tarnów*, forming a part of Subcomponent 3D implemented under the Odra-Vistula Flood Management Project (OVFMP). Implementation of the OVFMP Project is co-funded by the: International Bank for Reconstruction and Development (World Bank) (loan agreement no. 8524 PL of September 10, 2015), Council of Europe Development Bank (CEB) (frame loan agreement no. LD 1866 of May 24, 2016), European Union's Cohesion Fund, and the State Budget. It shall be emphasized that the presented document is a "site-specific" study, and it is dedicated only to the Works Contract 3D.2/1, which shall be implemented based upon the Polish Law, the Bank's operational policy OP 4.12, and the LARPF.

OVFMP has conventionally been split into five Components covering: flood protection for the Middle Odra and the Lower Odra (Component 1), flood protection for Kłodzka Dale (Component 2), flood protection for the Upper Vistula (Component 3), Institutional Strengthening and Enhanced Forecasting (Component 4), and Project Management and Studies (Component 5). Works Contract 3D.2/1 shall be implemented within the framework of Component 3 and within one of its 4 subcomponents – Subcomponent 3D Passive and Active Protection in San Basin.

The main objective of OVFMP is enhancement of the flood protection level for people living within selected areas of the Odra River-Basin and of the Upper Vistula Basin in case of summer floods and winter floods, and rapid floods. Implementation of Works Contract 3D.2/1 also meets that objective.

A detailed purpose for implementation of Works Contract 3D.2/1 is closing a flooding zone of the Biała River in Tarnów between the high bank forming a railway embankment of PKP (Cracow – Medyka railway line) and the existing embankment (area of Św. Katarzyny Street). It is necessary to improve flood safety, protect the inhabitants, and limit flood damage in the areas beyond the embankment located along the right section of the Biała River in Tarnów, where there is no protection in the form of flood embankments.

Due to implementation of Works Contract 3D.2/1 flood safety for inhabitants shall be improved and flood damage in the area beyond the embankment located along the right bank of the River Biała in the City of Tarnów shall be limited.

1.1. Odra-Vistula Flood Management Project (OVFMP)

The main objective of OVFMP is protection of people in the flood areas of selected parts of basins of two biggest rivers in Poland – Vistula and Odra – against summer floods and winter floods and rapid floods. The OVFMP Project comprises the following main components and their subcomponents:

- A) Component 1 – Flood Protection of the Middle and Lower Odra:
 - 1.A Flood protection of areas in Zachodniopomorskie Province,
 - 1.B Protection of the Middle and Lower Odra,
 - 1.C Flood Protection of Słubice City.
- B) Component 2 – Flood Protection of the Nysa Kłodzka Valley:
 - 2.A Active Protection,
 - 2.B Passive Protection.
- C) Component 3 – Flood protection of the Upper Vistula:
 - 3.A Protection of Upper Vistula Towns and Cracow,
 - 3.B Protection of Sandomierz and Tarnobrzeg,
 - 3.C Passive and Active Protection in Raba Sub-basin,
 - 3.D Passive and Active Protection in San Basin.
- D) Component 4 – Institutional Strengthening and Enhanced Forecasting:
 - 4.A Early warning systems for southern Poland,
 - 4.B Operational centers.
- E) Component 5 – Project Management and Studies.

Units responsible for implementation of OVFM Project

Component 1:

- Subcomponent 1A: State Water Holding Polish Waters Regional Water Management Authority in Szczecin
- Subcomponent 1B: (tasks divided among the following units)
 - State Water Holding Polish Waters Regional Water Management Authority in Wrocław
 - State Water Holding Polish Waters Regional Water Management Authority in Szczecin
- Subcomponent 1C: State Water Holding Polish Waters Regional Water Management Authority in Szczecin.

Component 2:

- State Water Holding Polish Waters Regional Water Management Authority in Wrocław through PGW WP RZGW in Wrocław,

Component 3:

- Subcomponent 3A: State Water Holding Polish Waters Regional Water Management Authority in Cracow
- Subcomponent 3B: (tasks divided among the following units)
 - State Water Holding Polish Waters Regional Water Management Authority in Cracow
 - State Water Holding Polish Waters Regional Water Management Authority in Rzeszów
- Subcomponent 3C: State Water Holding Polish Waters Regional Water Management Authority in Cracow
- Subcomponent 3D: (tasks divided among the following units)
 - State Water Holding Polish Waters Regional Water Management Authority in Cracow
 - State Water Holding Polish Waters Regional Water Management Authority in Rzeszów

Component 4:

- Subcomponent 4.A:
 - IMGW
- Subcomponent 4.B:
 - State Water Holding Polish Waters Regional Water Management Authority in Wrocław

Component 5: OVFM PCU, IMGW, and all units of PGW WP indicated above.

1.2. Scope of works for Works Contract 3D.2/1

Within the framework of Works Contract 3D.2/1 *Construction of the right embankment of the Biala River in the City of Tarnów*, which is referred to in this LA&RAP, the following elements shall be done:

A) Requiring purchase of land

Construction of a new embankment with facilities, which shall include the following elements, e.g.:

1. Reinforcement of slopes and of the embankment crest with rip-rap over a length of about 10 m from the junction of the designed embankment with the railway embankment at embankment chainage km 0+000 – 0+010,
2. Reinforcement of the embankment crest with concrete slabs at the embankment crossing and at the entry road onto the embankment from the flood road at embankment chainage km 0+168 – 0+180 and 0+660 – 0+695,
3. Development of a flood road at the 3.5 m wide embankment strip footing, hardened over a width of 3.0 m with breakstone, at embankment chainage km 0+060 – 0+168 and km 0+180 – 0+660,
4. Development of a technical lane with an average width of 3.0 within the embanked area at chainage km 0+000 – 0+695 and in the area beyond the embankment at chainage km 0+000 - 0+053 and 0+156 – 0+695,
5. Development of the entry road onto the embankment crest from the flood road at chainage km 0+646 over a length of 12.0 m, inclination of 1:12, width of 3.5 m, reinforced with concrete slabs over a width of 3.0 m,

6. Development of an embankment ramp at embankment chainage km 0+168-0+180,
7. In the area of the embankment ramp: develop 2 entry roads from the flood road – 3.5 m wide, 11.0 m long, and inclination of 1:12 each, reinforced with concrete slabs over a width of 3.0 m – in the area beyond the embankment, and develop 2 entry roads from the embanked area – width of 3.5 m and inclination of 1:12, over a length of about 59 m and 50 m, respectively,
8. Development of 4 embankment turnpikes at chainage km 0+010, 0+163, 0+185, and 0+655,
9. Development of 7 hectometer posts at chainage about km 0+049, 0+149, 0+249, 0+349, 0+449, 0+549, 0+649.

B) Not requiring purchase of land

1. development of an anti-filtration membrane at the embankment crest on a depth of 1.0 m b.g.l., with a minimum thickness of 0.4 m and a depth of 8.0 m at embankment chainage km 0+005 – 0+695,
2. sowing the embankment crest with grass mix at embankment chainage km 0+010-0+168, and 0+180-0+660,
3. Demolish fencing of allotment gardens (including a fence located in the area of the Biała river bed over a length of 1100 m) over a total length of about 8913 m,
4. Develop fencing for gardens on the landside of the embankment – over a length of about 500 m at embankment chainage km 0+174 – 0+695,
5. Demolishing about 175³ free-standing objects (so-called garden sheds) at the designed embankment and in the area of shaped embanked area,
6. Cutting trees and bushes in the place of the embankment constructed and in the constructed embanked area,
7. Demolishing internal underground water-supply system for allotment gardens over the total length of about 438 m,
8. Demolishing internal underground power line for allotment gardens over the total length of about 85 m,
9. Redevelopment of two water-supply valves,
10. Redevelopment of a section of water-supply connection reaching a free-standing object – over a length of about 21 m,
11. Redevelopment of a section of medium pressure gas piping, including demolition of the existing piping over a length of 31.7 m and developing a new piping section in the same spot over a length of 31.7 m and providing protective tubes over a length of 28.2 m and 6.0 m,
12. Protection of the existing teletechnical cables through application of 4 protective tubes,
13. Redevelopment of the existing overhead power and lighting network, including e.g. removal of the existing 3 and construction of 3 new posts, and replacement of 1 existing post, removal of the existing and development of new power cables,
14. Redevelopment of a section of the storm drain system, including e.g. removal of a piping section and of the existing outlet, and discharge of water through the designed outlet and opened ditch to the River Biała over a length of about 40.0 m; the ditch shall be reinforced using open-work slabs on geo-textile and a palisade made of wooden piles, as well as reinforcement of ditch slopes using rip-rap on geo-textile.
15. Protection of the existing sewerage system through the assembly of tight manholes for the existing chambers (3 items) and the assembly of a non-return valve at the existing chamber Ø1500,
16. Repairs to access roads, which may be damaged during the performance.

³ The number of 175 objects, including 174 garden sheds and one unoccupied building, has been indicated in the IPIP decision, although actually there are more structures, and all of those objects shall be priced by a valuer acting in the name of the Investor, and compensation shall be paid for them.

1.3. Identification of the number of people for which implementation of the Contract would be beneficial

The aim of Works Contract 3D.2/1 *Construction of the right embankment of the Biala River in the City of Tarnów* is closing a flooding zone of the Biala River in Tarnów between the high bank forming a railway embankment of PKP (Cracow – Medyka railway line) and the existing embankment (area of Św. Katarzyny Street). It is necessary to improve flood safety, protect the inhabitants, and limit flood damage in the areas beyond the embankment located along the right section of the Biala River in Tarnów, where there is no protection in the form of flood embankments. Implementation of the Contract shall assure protection against floods for inhabitants of 2 residential estates (detached houses and multi-family houses) located in the eastern part of the City of Tarnów, i.e. for the area of about 15 ha. About 600 houses and outbuildings, commercial and service buildings, medical care units, offices (e.g. Office for Municipal Roads of Tarnów) and educational-cultural-sport centers are located within that area. About 300 persons shall be protected directly.



Photo 1. Areas at the Biala River, facilities of allotment gardens FAG “Semafor” located within the contract area in the background.

Implementation of the contract shall also contribute to the protection against flooding for the entire technical and communal infrastructure located within that area, i.e. power lines, telephone lines, gas piping, water-supply network, sewerage system, as well as to “releasing” land within the City of Tarnów, which currently is under risk of flood in the River Biala basin, for future development.

1.4. Characteristics of the Works Contract 3D.2/1 site

Due to implementation of Works Contract 3D.2/1 *Construction of the right embankment of the Biala River in the City of Tarnów* **permanent acquisition** is required (8 properties were acquired on behalf of the State Treasury). All plots were owned by the local authorities, i.e. Municipality of Tarnów (public plots). Total area of permanent acquisition is 1.8384 ha.

Allotment gardens have been developed at 4 out of 8 properties, which have been legally taken over by the State Treasury (plots with following register numbers 1/35, 1/37, 1/39, and 1/41 (partially)), whereas plots with register numbers 1/27, 1/29, 1/31, 1/33 were/are used as access roads.

The Polish Allotment Federation proved use rights to properties no. **1/8 (1/39⁴), 1/21 (1/33³), 1/23 (1/41³)** and **1/1** area 274 Tarnów (a part of the plot with an area of 0.1903 ha). That right results from the following decision of the Mayor of Tarnów:

- dated March 12, 2018 (ref. no.: WGN.RGM.6844.31.332.1.2015/BHK) in reference to plots no. 1/8, 1/21, 1/23 area 274 Tarnów,
- dated March 15, 2018 (ref. no.: WGN.RGM.6844.31.332.2.2015/BHK) in reference to plot no. 1/1 area 274 Tarnów.

That right has not been revealed in the Mortgage Register kept for the properties in question until October 2019. That right shall be reflected soon in the Mortgage Register for those properties, and the basis for entries shall be the decisions quoted above, as the PAF filed relevant applications in that scope at the mortgage register court.

The Polish Allotment Federation does not have/did not have the use right to properties no. **1/14 (1/37³), 1/19 (1/35³)**.

Considering the lack of the right to use the property **1/14 (1/37³), 1/19 (1/35³)**, PAF is not entitled to compensation for the part of the allotment gardens SEMAFOR removed on the said properties, and compensation will be paid to users of allotment gardens for plantings and structures belonging to them.

No.	No. of property subject to permanent occupation after division	Owner	Entity holding the use right	Manner of property use
1	1/35	Tarnów Municipality	Lack	Allotment gardens
2	1/37	Tarnów Municipality	Lack	Allotment gardens
3	1/39	Tarnów Municipality	PAF	Allotment gardens
4	1/41 (in part)	Tarnów Municipality	PAF	Allotment gardens
5	1/27	Tarnów Municipality	Lack	Allotment gardens
6	1/29	Tarnów Municipality	Lack	Allotment gardens
7	1/31	Tarnów Municipality	Lack	Allotment gardens
8	1/33	Tarnów Municipality	PAF	Allotment gardens

⁴ Number of plot after splitting.



Plots with PAF use rights

- Plot No. 1/23 (formerly) - currently 1/41 and 1/42
- Plot No. 1/21 (formerly) - currently 1/32 and 1/33
- Plot No. 1/8 (formerly) - currently 1/38, 1/39 and 1/40

Plots without the right to use PAF - disputed with PKP

- Plots No. 1/14 (formerly) currently 1/37 and No. 1/19 (formerly) currently 1/35



Fig. 1 Map indicating properties to which the PAF has user rights, and properties to which the PAF does not have any rights (permanent acquisition and permanent restriction in the manner of use).

The IPIP decision also indicated the properties, for which the ownership right would not be modified, but they shall be subject to the following:

1. **Permanent restriction in the use** – those are 4 properties, one owned by the Municipality of Tarnów and three owned by the State Treasury, with the total area of permanent restriction of 0.1486 ha. Permanent restriction for the properties in question has been specified below.
2. Temporary restriction in the use of properties resulting from **the obligation to redevelop the existing infrastructural networks**, which collides with the route of designed flood embankment. Such a restriction shall be applied in case of 7 properties within the area of 0.0936 ha. Three of those properties are owned by the Municipality of Tarnów, and 4 – by the State Treasury. Details of temporary restriction in the use were described below.
3. Acquisition basing upon **disposal rights to the property for construction purposes**, i.e. based upon a voluntary, written and free-of-charge consent of the property owner given in reference to the will of the Investor to perform construction works within its properties, in case of 8 properties. The works to be performed within the plots in question are associated with enhancement of properties operations in case of an owner, who agreed for that, due to modification of management for adjacent property – it is related to e.g. redevelopment of a descend road to the plot of such a person. Financial expenditures borne for the performance on such a plot remain the cost of the Investor, and its owner does not bear such a cost and is not obliged to redeem those financial expenditures to the Investor. The case refers – as it has already been mentioned – to 8 properties: 7 owned by the Municipality of Tarnów, and 1 by the State Treasury.

Social impact resulting from particular categories of acquisition indicated above

Due to permanent acquisition it is necessary to remove any structures and planting, which are located within that area. And that area is currently occupied by Family Allotment gardens “Semafor”. The area of FAG to be removed for construction of the embankment is 1.2076 ha.



Photo 2. Allotment gardens – FAG “Semafor” – located within the contract area

An additional important legal provision, which has been indicated in the IPIP decision and is not associated with permanent occupation, but is associated with social impact, is the necessary removal of a part of Family Allotment gardens “Semafor” located within the embanked area, which would be formed after construction of the flood embankment – area of 12.2791 ha.

The total area of Family Allotment gardens “Semafor” **to be removed is 13.4867 ha.**

The area of the newly formed embanked area shall amount to 16.0877 ha, but not the entire area is occupied by allotment gardens – 12.2791 ha only. The remaining area of about 4 ha is green land, riverside, not managed for use.

All engineering objects shall be removed from the area of Family Allotment gardens “Semafor” to be applied for embankment development and for shaping of the embanked area (garden sheds, tool cotes, etc.), as well as the existing fences, water pipe, power line. Fruit and ornamental trees and shrubs shall be removed. Other elements of small architecture, e.g. composting units, benches, trellis for vine, etc. – shall be liquidated.

The following were inventoried for removal:

- 107 allotment gardens – not used, which – in accordance with data obtained from the FAG Management Board – do not have a user, are neglected, and lack of user for those gardens was proved by a site visit;
- 188 allotment gardens – in use.

Details were provided in Chapter 5.



Photo 3. Allotment gardens – FAG “Semafor” – located within the contract area



Photo 4. Allotment gardens – FAG “Semafor” – located within the contract area

Permanent restriction (PR) in the use shall not be associated with change of ownership rights, but it will permanently limit to some extent the property’s functionality. In case of Contract 3D.2/1 PR was implemented for the following 4 properties owned by the Municipality and by the State Treasury:

- plot no. 281, PR area of 900 m² due to development of an embankment ramp, technological lane, and redevelopment of rainfall drain, including development of an open ditch at part of the plot marked as “Wp” use – flowing water; the plot is owned by the State Treasury;
- plot no. 25, PR area of 150 m² and plot no. 15/1 – PR area 350 m² due to joining the newly constructed embankment with the existing railway embankment; the plots are owned by the State Treasury and perpetually used by Polish State Railway S.A.;
- plot no. 16, PR area of 86 m² due to development of an entry road onto the embankment and entry road to the road at the embankment, and joining them with the existing roads (municipal road); the plot is owned by the Municipality of Tarnów.

The obligation to redevelop the existing networks colliding with the land to be applied for construction of the embankment is also not associated with modification of ownership right, and the implemented restriction is temporary and short-term. In case of Contract 3D.2/1 the redevelopment obligation was implemented for the following:

- plot no. 66/3 register area 0192 – in reference to area of 75 m² (redevelopment of overhead power line),
- plot no. 78/13 register area 0192 – in reference to area of 460 m² (redevelopment of overhead power line),
- plot no. 307 register area 0276 – in reference to area of 47 m² (redevelopment of overhead power line),
- plot no. 1/26 (prior to splitting:1/9) register area 0274 – in reference to area of 16 m² (redevelopment of overhead power line),
- plot no. 15/1 register area 0274 – in reference to area of 128 m² (redevelopment of overhead power line),
- plot no. 307 register area 0276 – in reference to area of 47m² (redevelopment of medium pressure gas piping),

- plot no. 1/34 (prior to splitting:1/19) register area 0274 – in reference to area of 40 m² (redevelopment of water piping),
- plot no. 1/36 (prior to splitting:1/14) register area 0274 – in reference to area of 130 m² (redevelopment of water piping).

Furthermore, the IPIP decision also indicated 8 properties necessary for implementation of the Works Contract, for which the Investor has disposal right for construction purposes. Owners of those properties provided the Investor with written consents for implementation of the determined scope of works within their plots. Those consents are free-of charge. The developed infrastructure shall finally be owned by the property owner.

Four of the properties indicated above are located within the embanked area (total area of 16.0877 ha), where actions associated with the removal of allotment gardens within the area of 12.2791 ha shall be done. The other four properties are located in the area beyond the embankment, where the existing allotment gardens shall be kept, and the scope of acquisition for the time of construction works shall be minimized, so that area would be affected to the least extent feasible.

To sum up, one shall indicate that the property owner (Municipality of Tarnów) is lively interested in implementation of the Contract, whereas the situation gets more complicated in case of users of allotment gardens, which are to be removed, especially due to the fact that formal documents – which would prove the right of “gardeners” to use that area – are missing for some of those properties (it refers to plots no. **1/9** (1/27), **1/14** (1/37), **1/19** (1/35), **1/20** (1/31), **1/22** (1/29) – number after splitting given in brackets, original plot number before splitting given without brackets). Roads are located on plots no.: **1/9** (1/27), **1/14** (1/37), **1/19** (1/35), **1/20** (1/31), **1/22** (1/29), and they are not frequently used by the gardeners (public road with asphalt course is applied to access the Family Allotment Gardens – Kassali Street; however, allotments to be removed are located on plots no. **1/14** (1/37), **1/19** (1/35). The Investor planned measures which would allow each user of an allotment garden for receiving compensation for structures and planting belonging to her/him in accordance with the Framework Resettlement Policy and OP.4.12.

Planned measures allowing for mitigation of social impacts:

- for elements owned by plot users – allotment gardens within the embanked area – payment of compensation by the Investor based on the rules under the Civil Code;
- for elements belonging to plot users – allotment gardens within contract splitting lines (within the properties to which the PAF has use rights) – payment of compensation By the Investor based upon the Governor’s decision; the decision in question shall indicate particular elements, for which compensation shall be paid, as well as to whom it shall be paid, i.e. to the Municipality for the ownership rights to properties, to the PAF for limited property rights and for common elements for general application by the gardeners, to allotment users for plants and structures belonging to them.
- for elements belonging to plot users – allotment gardens within contract splitting lines (within the properties to which the PAF does not have use rights) – payment of compensation by the Investor based upon an administrative agreements concluded before the Governor. Payment of compensation to the Municipality for the ownership rights to properties, to the PAF for limited property rights and for common elements for general application by the gardeners, to allotment users for plants and structures belonging to them.

The Investor additionally undertook measures, which would allow for provision of replacement properties for the purpose of reinstating the removed allotment gardens (in accordance with Article 21 (1) item 3 of the Special Act). The family allotment gardens shall be reinstated within the properties of the Municipality of Tarnów. Those are plots with register numbers 33/42, 34/1 area 0314 City of Tarnów, and no. 45/1, 45/3 area 0295 located about 1 km in a straight line from the area of allotment gardens to be liquidated. Unfortunately, the area has a historic negative opinion among the public as in the ‘70s and ‘80s it was used by the Municipality as a municipal waste storage facility. During the

construction works it was planned that those properties shall be adapted for the purpose of FAG through preparation of the land (logging of trees and shrubs including stumping, delivery of fertile soil layer), improvements to the technical conditions of the access road to that site, provision of land utilities – securing the access to the water-supply system and to the power network.

However, during individual consultations with the Małopolski Regional Allotment Federation, FAG SEMAFOR Management Board, and users of allotment gardens negative opinions on the planned location were provided; thus, that solution was rejected. The municipality does not have other replacement properties and such properties have not been obtained from the State Treasury (discussions were held with KOWR and with the Prefect as holders of those resources); thus, in accordance with the law, a cash equivalent shall be transferred to the PAF.

As a measure compensating effects of the Project, an InfoBase has additionally been developed for the users of the removed allotment gardens in reference to unused allotment gardens located within other allotment gardens located in the city and within the Municipality of Tarnów. The Consultant is in contact with the Małopolski Regional Allotment Federation and will update information on unused allotment gardens on a regular basis. The interested people may move to other existing gardens.

Current legal status of the Contract

Decision no. 01/2017 was issued on 08/31/2017 for the Contract in question by the Małopolski Governor on the investment project implementation permit titled: *Construction of the right embankment of the Biala River at local chainage km 0+000 – 0+695 (register chainage of the River Biala km 5+046 – 6+186) in the City of Tarnów, Municipality of Tarnów, City on District Rights – Tarnów*, ref. no.: WI-IX.7840.1.1.2017. This decision is final.

The Decision on investment project implementation permit has been preceded with the issuance of the following:

1. Decision on Environmental Conditions dated November 30, 2016, ref. no.: ST-4210.1.2015.MB, as issued by the Regional Director for Environmental Protection in Cracow,
2. Water-law Permit dated February 16, 2017, ref. no.: ZU-430-45/16, as issued by the Director of Regional Water Management Authority in Cracow.

Payment of compensation have begun after developing the LA&RAP before obtaining “No Objection” clause for it from the World Bank.

The draft LA&RAP was awarded the World Bank’s OK on 16.11.2019 and could be subject to public consultations. It should be emphasized that measures resulting directly from the Bank’s OP 4.12 as well as ones determined in the LA&RAP were implemented throughout 2019 in parallel to the works over the LA&RAP.

2. AIMS OF AND RULES FOR IMPLEMENTATION OF THE LA&RAP

The key aim of the Land Acquisition and Resettlement Action Plan is purchase of properties necessary to implement the Works Contract in accordance with the Polish Law and with the World Bank's policy OP 4.12 in a way, which minimizes adverse impact on project affected persons, improves or at least restores their living conditions, and assures long-time balanced use of environmental resources within that area. This LA&RAP is also to document previous actions of the Investor related to the process of obtaining land, and to assess if they meet the requirements under OP 4.12, or are there any gaps, which need to be filled.

An additional rule applied at implementation of this LA&RAP, which shall be observed by PGW WP RZGW in Cracow, is assurance of the rule that payment of compensation for legally expropriated property and for permanent or temporary restricted use of the property shall be done prior to the commencement of construction works.

The objective of the LA&RAP is also to collect basic socio-economic data on project affected persons, identify the impact, determine measures mitigating or compensating potential adverse impact, assess the implemented measures. The LA&RAP also describes procedures, the budget, and the time for achieving those objectives.

The activities minimizing a social impact planned for implementation in this LA&RAP will be continuously monitored, on the basis of established indicators, as well as periodically updated by the Consultant's team and by the PIO, as the works progress and new factual and legal circumstances emerge, which affect the implementation of its provisions. It will allow, among others, for: provision of relevant information to Project Affected Persons, early risk identification and implementing the methods that allow for the risk minimization or elimination. The monitoring results will be presented in the monthly reports and in quarterly reports.

The ex-post evaluation will be conducted six months after the LA&RAP is fully implemented and its objectives will be assessed and it will provide documented evidence that directly affected PAPs have successfully established a standard of living equal to, or better than, pre-Project levels.

The rules applied in the process of land acquisition and resettlement are in conformity with assumptions given in the general OVFMP program document, so-called Land Acquisition and Resettlement Policy Framework, which is available at:

http://www.odrapcu.pl/doc/OVFMP/Resettlement_Policy_Framework.pdf.

A hard copy may be obtained upon request for review or may be reviewed in the following locations:

- Local PIO office at: PGW WP RZGW in Cracow, 22. Marsz. Józefa Piłsudskiego Str., 31-109 Cracow;
- Office of OVFMP PCU at: 9. Jaworowa Str., 53-123 Wrocław, and 5. Morawskiego Str., 30-102 Cracow;
- directly in the Project Office, which would remain a consultation point: AECOM Polska Sp. z o.o., Odra-Vistula Flood Management Project Office, 1. Pokoju Al., Building K1 – 4th floor, Cracow 31-548.

3. MINIMIZATION OF IMPACT

Minimization of performance impact on project affected persons in case of Works Contract 3D.2 shall be done through informing – on each stage of Contract implementation – about their entitlements, time of commencement of works, starting an InfoPoint, possibility of filing claims and motions, meetings, etc. Details of those actions, as well as of minimizing measures, which have already been implemented, have been described below.

3.1 Minimizing the area to be acquired on the designing stage and on the stage of applying for IPIP

One of the key rules observed during designing of this Contract was the rule of minimizing the area of permanent acquisition.

In order to minimize the impact on users of allotment gardens located within the properties, which – after development of the embankment – would be located within the formed embanked area, the Investor shall initiate a process of compensation payment for structures and plants belonging to particular users (protocols were signed by willing PAPs determining the amount of compensations and relevant settlements, documents allowing payments are being prepared by the Investor) The use of that area would be restricted due to necessary assurance of free flow of flood water, in accordance with regulations under the Act on Water Law.

3.2 Minimizing the impact on the performance stage

Prior to the commencement of works, PGW WP RZGW shall carry out an extensive information campaign about the planned commencement date for implementation of the Contract and shall repeat information on the opening of an information center for Contract Affected Persons, where they can file their requests and comments as regards the executed construction works and planned seizures. An information leaflet, containing information on the possibility of submitting complaints (in accordance with LA&RAP provisions) and on contact data (to the: PGW WP RZGW, Consultant Engineer, and Contractor) shall be prepared and sent to all Contract Affected Persons.

It shall be emphasized that public consultations were held during the development of a technical concept for this Contract and prior to the commencement of the EIA procedure (that issues were discussed in details in Chapter 8).

Due to implementation of the Contract it may be necessary to temporarily acquire real properties for the purpose of its implementation (acquisition for construction backyard and for storage of soil and other construction materials). The scope and target locations of temporary acquisition shall be determined after selection of the Contractor (those acquisitions do not result from provision of the IPIP decision). The Contractor, with its own efforts and at its own expense – while negotiating the conditions for temporary acquisition of properties – shall observe the rules determined under this LA&RAP (the process shall be voluntary and shall base upon the rules determined in the agreement). Template of the agreement was given in Appendix no. 10.

The Contractor shall provide the Investor with information related to all agreements concluded for temporary acquisition, and prior to the temporary acquisition of the property, the Contractor shall perform an inventory of its status and shall develop photo documentation.

After completing the works the properties shall be restored to the previous conditions or such agreed by the parties in the agreement and returned in a good condition.

3.3 Minimizing the impact through provision of information to the parties

The Municipality of Tarnów has been informed about the issuance of IPIP by the unit issuing the decision in question, i.e. Małopolski Governor; however, the remaining parties have been informed about the issued decision through announcement placed on notice boards in the Małopolskie

Provincial Office and in the City Office of Tarnów, and through publication of the decision in IT publication (Public Information Bulletin) of the aforementioned institutions.

Regardless of the actions of the Małopolski Governor, the Investor informed PAP about the planned works contract at meetings with gardeners, which took place in the area of FAG SEMAFOR (in the Gardener House) on June 15, 2019 and on September 3, 2019. Detailed information was also provided to users of allotment gardens during survey done for the purpose of socio-economic study from June 15 to July 25, 2019.

Additionally, due to questions of attendees, the issues associated with the properties have also been discussed during public consultations for the Draft Environmental Management Plan, which took place on August 21, 2019 in the City Office of Tarnów (Mirror Hall).

Individual meetings with users of allotment gardens were held on November 6, 14, 21, 22, 29 (from 8.00 am to 7.00 pm), where establishment protocols on the compensation amount were signed based upon estimates developed by independent valuers. During those meetings all doubts of the PAPs were clarified and questions were answered. A lawyer attended each of those meetings and provided answers to questions referring to legal issues.

3.4 Minimizing the impact – organizational measures

Minimizing the impact of Contract implementation may also be done through organizational measures on the stage of performing construction works and assembly. In that case the following measures shall be applied:

- The property shall be handed over after collection of crop or – if it would not be possible due to the schedule of works – additional compensation shall be paid in an amount corresponding with the damage, e.g. crop lost in particular vegetation season.
- The expropriated person shall be entitled to use land free of charge, as previously, until receiving the compensation or (if agreement on the compensation amount would not be reached) its undisputable part.
- Project Affected Persons (PAP) shall be notified by PGW WP RZGW / Consultant about physical commencement of the works in advance – at least 1 month – what would allow them for finishing management within the property.
- Any cost associated with implementation of measures mitigating and compensating adverse impact shall be included in OVFM Project costs as eligible expenditures.
- The Investor developed an information leaflet, forming Appendix 12 to the LA&RAP, which is to provide PAP with the most important information on the rules of purchasing the properties for the purpose of contract implementation, rules of establishing and payment of compensation and contact details of the Investor and Consultant.
- An informational meeting was organized and held for PAP (users of allotment gardens and representatives of FAG “Semafor” Management Board) to clarify the rules of compensation payment in details and to inform about a date of socio-economic survey. Information leaflets were handed over during the meeting.
- Required distance from overhead lines’ wires shall be observed during the performance.
- At the existing underground utilities, as documented on maps, the earthworks shall be done manually to avoid any damage.
- The construction works shall be performed from 6.00 am to 10.00 pm only.
- Supervision by infrastructural network owners shall be assured during the performance. Owners of those networks shall be informed about the commencement date in advance.
- Owners of properties, which will be temporarily acquired for contract implementation (acquisition beyond the range of IPIP decision), shall receive compensation for temporary acquisition of the properties (the Contractor shall be responsible for proper actions in that range and shall – with its own efforts and at its own expense – obtain land for temporary acquisition through negotiations on the possibility of temporary acquisition at voluntary consent of the owner (so-called temporary acquisition cannot be extracted) (the draft agreement is attached as Annex 9 to the LARAP). After completing the

works the properties shall be restored to the previous condition or such agreed by the parties in the agreement and handed over in a good condition.

A wider description of mitigation measures minimizing adverse impact, including the ones related to valuable environmental resources, is given in a document titled "Environmental Management Plan" (EMP) for the Works Contract 3D.2/1.

4. LEGAL FRAMES AND EVALUATION METHODS

4.1. Purchase of properties – valid regulations resulting from the Polish Law

The most important Polish normative acts concerning acquisition of properties associated with development of flood protection objects and facilities:

- Constitution of the Republic of Poland of April 2, 1997,
- Act of August 21, 1997 on the land management acquisition,
- Act of March 27, 2003 on spatial planning and management,
- Act of April 23, 1964 on the Civil Code,
- Act of July 8, 2010 on specific terms of preparing for implementation of projects in the scope of flood protection facilities,
- Act of December 13, 2013 on family allotment gardens,
- Regulation of the Council of Ministers of September 21, 2004 on evaluation of properties and on development of an estimate study.

Publication details for the aforementioned acts were included in the table reproduced on pages 10 and 11 of the LA&RAP.

4.2. Purchase of properties – World Bank’s operational policy OP 4.12

Operational Policy OP 4.12 Involuntary Resettlement is applied whenever the implementation of the Project requires:

- a) involuntary real property acquisition resulting in:
 - a. relocation or loss of shelter;
 - b. loss of assets or access to assets;
 - c. loss of income sources or lowering the standard of quality of life.
- b) involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the quality of life of Project Affected Persons.

In order to reduce and mitigate the impact of those actions, the loan debtor is obliged to develop LARPF and LA&RAP, depending on the fact whether particular intervention and related effects have been identified or not.

A detailed description of obligations resulting from OP 4.12 has been listed in the general OVFMP program document, i.e. so-called Land Acquisition and Resettlement Policy Framework (LARPF) available at the following address:

http://odrapcu.pl/doc/OVFMP/Resettlement_Policy_Framework.pdf.

This detailed LA&RAP provides obligations specific for the Works Contract 3D.2/1 and relevant for implementing the process of preparing the Contract for implementation.

4.3. Purchase of properties – rules and procedures resulting from the Act of July 8, 2010 on the special rules for preparation of flood protection investment for implementation, hereinafter referred to as the “Special Flood Act”

On July 8, 2010 the Sejm of the Republic of Poland enacted a special flood act, which was to simplify and accelerate procedures associated with implementation of flood protection investments. Provisions of the Act re related to e.g. issues related to the purchase of properties on behalf of the State Treasury, provinces, districts, and communes. The Act has been amended several times – in 2013, 2014, 2015, 2016, 2017, 2018, and recently in 2019.

Justification for the Act indicates that it is to provide effective implementation of tasks related to the development of flood defenses using financial resources obtained for that purpose from the EU and

from international organizations. Until enacting the Special Flood Act implementation of flood protection investments required multi-stage proceedings, which included obtainment of a series of administrative decisions (e.g. decision on the location of public purpose investment, splitting decisions, decision on the construction permit) and implementation of proceedings to provide permanent acquisition or temporary acquisition for the properties (through negotiations with owners or obtainment of expropriation decisions). Yet, in accordance with provisions of the Special Flood Act, a relevant administrative unit issues a single integrated decision for the entire flood protection investment - decision on investment project implementation permit. Restriction of ownership rights resulting from the aforementioned decision is compensated through awarding the owners or perpetual users of those properties with fair compensation.

The Governor notifies all of the parties about commencing the proceeding on the issuance of a decision on investment project implementation permit in accordance with Article 7 of the Special Flood Act.

4.3.1. Decision on investment project implementation permit in reference to permanent acquisition and restriction in the use

After considering the application filed by the Applicant (in that case: PGW WP RZGW in Cracow), the Governor issues a decision on investment project implementation permit, the subject of which are numerous issues regulated so far by separate administrative decisions. Obtainment of a special decision is equal to obtainment of a decision on development conditions or a decision establishing the location of the public purpose investment. Furthermore, the decision contains e.g. determination of lines splitting the land and approval of the property splitting, as well as the approval of construction design.

In case of the properties indicated by PGW WP RZGW in the application, and subsequently marked in the decision on investment project implementation permit, on the day the decision becomes final it caused the following results:

- a) properties or their parts remaining part of the investment and necessary for its implementation became ownership of the State Treasury,
- b) properties or their parts remaining part of the investment and necessary for its functioning, which did not become ownership of the State Treasury, but their use method is permanently restricted,
- c) properties or their parts to be used for flood protection, which – based upon Article 9 (8) letters e) and f) of the Special Act – are restricted in the use method by the Governor, if that authority would state it necessary.

Additionally, due to such a need, the Governor also indicated properties, where it is obligatory to redevelop the existing land utilities, due to a related need (he limited the use of those properties for the time of redeveloping the colliding networks), and indicated properties, where the works shall be done based upon disposal rights to the properties for construction purposes, as obtained by the Investor (voluntary, written consent of the property owner).

The decision forms a basis for making entries in the mortgage register and in the properties cadaster. In case permanent restrictions in the use would be established for the properties, owner or perpetual user of those properties may apply for the purchase of those properties by the State Treasury based upon an application submitted within 90 days from receiving a notification about commencement of proceeding on the issuance of a decision on investment project implementation permit. Entitlement given under Article 22 (2) of the Special Flood Act (in reference to the purchase of properties with permanently restricted use method) cannot be applied by an owner of properties, where public roads are located.

In accordance with Article 23 (2) of the Special Flood Act, if a part of property is legally taken over by the State Treasury, and the remaining part is not fit for proper use for previous purposes, PGW WP RZGW is obliged to purchase – upon the request of owner of perpetual usufructuary of the properties – in the name and on behalf of the State Treasury the remaining part of the property. That regulation

solves the issue of so-called “remnants”, which are left after transferring the separated parts of the properties to the State Treasury. In that case the property owner (perpetual usufructuary) is entitled to claiming for the purchase of remaining part of the property by PGW WP RZGW.

4.3.2. Compensation for properties acquired in the mode under the Special Flood Act

Due to transferring the properties to the State Treasury, the property owner or its perpetual user is entitled to compensation.

The amount of that compensation is determined through establishments made between PGW WP RZGW and the previous owner or perpetual user or a person, who has a limited property title. The compensation shall be paid by PGW WP RZGW acting in the name and on behalf of the State Treasury. The establishments are made in a written form under pain of becoming null and void.

If within 2 months from the day the decision on investment project implementation permit becomes final the compensation amount would not be established, the amount of that compensation shall be established by the Governor in a decision. Rules determined in the act on property management are applied to establish the amount and to pay the compensation. The amount of that compensation is established by certified valuers based upon the market value (or replacement value, if the market one cannot be established) of the property.

Decision on establishing the compensation amount – similarly as the decision on investment project implementation permit – may be appealed against by a party through provision of an appeal to a higher level unit. The procedure was described in details in Chapter 10.2.

Filing an appeal against that decision does not however form an obstacle for paying the compensation to entitled persons – in accordance with Article 21 (11) of the Special Flood Act, the appealing party may file an application for payment of compensation determined in the compensation decision, and the State Treasury is obliged to pay that amount despite the appeal provided. Payment of the compensation amount does not affect the appealing proceeding in progress.

The compensation for the previous owner or perpetual user is reduced by the amount of restricted property rights established for the property (e.g. use, easement, lien, cooperative rights to the property, or mortgage). The amount is evaluated by an independent valuer in conformity with the rules determined in the regulation of the Council of Ministers on the evaluation of properties and the development of estimate study.

4.3.3. Additional benefits for owners or perpetual users of properties acquired in the mode under the Special Flood Act

The Special Flood Act foresees special regulations based upon which the owners or perpetual users of properties, which became ownership of the State Treasury, are entitled to payment of additional benefits.

If the previous owner or perpetual user of the property covered by the special decision hands over the property in time determined in the Act, the amount of compensation shall be increased by 5% of the property value.

Previous owners or perpetual users of properties or their parts, which legally became ownership of the State Treasury, may use the properties free of charge until expiration of the deadline determined in the special decision.

4.4. Analysis of non-compliance and corrective measures

Considering the fact that there is a difference between the Polish Law and the World Bank's operational policy OP 4.12, corrective measures described below shall be applied for this project and for its components.

OP 4.12	Polish Law	Corrective Measures
<p>Lack of a legal title to the land should not be a bar to receiving compensation/compensation payment. Persons without a legal title are eligible for compensation.</p>	<p>The Polish legal system does not account for the right to compensation of land owners/users that do not hold legal title to it (except for persons who acquired the title by usucaption, i.e. a method by which ownership can be gained by uninterrupted possession of the real property for a period indicated in the CC act).</p>	<p>Each case of a Contract Affected Person without a legal title to the real property shall be analyzed individually for the possibility of applying general mechanisms from the Civil Code to achieve the objectives of OP 4.12.</p> <p>As per OP 4.12, Project Affected Persons without a legal title to the real property are not eligible to receive cash compensation for the real property. However, they are eligible for compensation for any facilities, plantings or improvements to the real property that were done before the cut-off date and for receiving adequate solutions in cases where they have to be physically or economically displaced. In those cases, additional mitigating measures shall also be applied.</p>
<p>WB policy requires compensation for loss of income⁵ (e.g. from business or agriculture, etc.) resulting from real property acquisition for the purposes of implementation of the planned Works Contract.</p>	<p>Provisions of Polish law do not provide for compensation for the loss of income resulting from Contract implementation.</p>	<p>Persons who lost the income or employment shall receive support (health insurance, professional trainings etc.) from employment offices.</p> <p>Mitigation measures implemented to restore the standard of life.</p> <p>In case of entrepreneurs, it is possible to apply general mechanisms from the Civil Code (covering the loss suffered and the expected profits which were lost - <i>damnum emergens et lucrum cessans</i>).</p>
<p>Particular attention should be paid to the needs of vulnerable social groups, such as the poor, the elderly, single mothers, children or ethnic minorities.</p>	<p>Polish law does not require planning specific measures aimed at providing additional assistance to vulnerable social groups (the elderly, the handicapped, the poor and other groups which may have special needs).</p>	<p>The expropriated persons shall receive all the necessary help in obtaining assistance provided to citizens by offices and institutions.</p> <p>Additional measures shall also be implemented as needed to ensure that the objectives of OP 4.12 are met.</p>
<p>WB Policy requires additional compensation for the expenses incurred by the PAP as a result of physical relocation (e.g. transport of materials) and assistance in implementing the resettlement.</p>	<p>Assistance regarding incurring the costs of relocation and other similar costs resulting from the necessity to move to a new location by citizens and enterprises is not provided in the law (according to Article 21 (8) of the Special Act).</p> <p>If the IPIP decision refers to a property with a house or with a building, where an apartment has been constructed, the amount of compensation for the previous owner or perpetual user living in that house or in that apartment shall be increased by PLN 10 000 in reference to that property.</p>	<p>In order to cover the costs of relocation and other similar costs, it is possible to apply general mechanisms from the Civil Code in a manner that achieves the objectives of OP 4.12.</p>
<p>The compensation should be paid prior to physical acquisition of the land for the</p>	<p>The Special Flood Act allows for acquiring the land and commencing works before the compensation is paid.</p>	<p>In all cases, no works shall begin until it is confirmed that the Project Affected Person has been informed about the commencement of works in advance,</p>

⁵ In Polish economy understood as revenue.

OP 4.12	Polish Law	Corrective Measures
<p>purposes of Contract implementation.</p>	<p>Payment of compensation in Poland for acquired properties is separated from the possibility of commencing the works.</p>	<p>compensation has been paid and permission to enter the land has been granted.</p> <p>The only exceptions are cases where appeal proceedings have been initiated due to negotiation failure, owner absence or the impossibility of determining the owner(s)..</p> <p>The only exceptions are as follows: failed negotiations with PAP i the case is addressed by the court, inheritance proceedings are in progress, it is not possible to identify a property owner or cases when the State Treasury is the owner. Then, in accordance with the Polish Law, the compensation amount is transferred to a deposit account and is available to PAP after the court sentence or after identifying the owner.</p> <p>To minimize the risk of commencing the works before compensating for losses, the real property acquisition shall be planned and implemented in advance of the commencement of works</p>
<p>Compensation for the loss of assets is based on their market value plus any transaction costs (e.g. taxes, fees) and the objective is for the compensation to be sufficient to effectively restore the lost assets (replacement value).</p>	<p>Standards methods of valuation may lead to lowering the real property value as compared to prices of similar real properties on the local market.</p>	<p>The valuation of the real property shall be conducted by an independent and experienced expert. The expropriated party should be granted a proper amount of time to become familiar with the expert's opinion. Should there be any doubts regarding the sufficiency of the due amount of compensation, the value of the real property should be estimated by an independent expert in the proceedings before the Governor.</p> <p>In all cases, the valuation has to indicate the replacement value, without depreciation of assets.</p>
<p>It is required to prepare a socio-economic survey and a LA&RAP as well as to monitor compensation measures, resettlement and life quality level restoration measures and evaluate the efficiency of all the above measures.</p>	<p>Provisions of Polish law do not account for an obligation to prepare a socio-economic survey or a LA&RAP as such. There is no obligation to monitor or evaluate their implementation either.</p>	<p>Socio-economic surveys and the LA&RAP are being prepared based on the LARPF, OP 4.12 and good practices.</p>

4.5. Evaluation methods

The previous owner or perpetual user of properties or their parts necessary for implementation of the Contractor is entitled to compensation for transferring ownership of those properties to the State Treasury.

In all cases, compensation must meet the principle of **a replacement value** which means the amount needed to replace assets without depreciation of assets due to age, condition, or any other factor. This

tends to be based on market value of the property and related assets (e.g. crops or other elements) increased by a transaction cost required to replace it, such as taxes and other fees. Compensation is determined on the basis of a valuation by property valuer and another team of property valuers (e.g. agricultural property valuer) as required.

According to OP 4.12, with regard to real properties and facilities, "replacement value" is defined as follows: a) for agricultural lands, it is the pre-contract or pre-displacement (whichever is higher) market value corresponding to the market value of a land with a comparable productive potential or use located in the vicinity of the land acquired for the Contract, plus the cost of preparing the land for the functions similar to those of the land acquired for the Contract, plus transaction costs; b) for real properties in urban areas, it is the pre-displacement market value corresponding to the value of a land with a comparable size and use, with similar or improved access to public infrastructure facilities and services and located in the vicinity of the acquired real property, plus transaction costs; c) for houses and other facilities, it is the market value of the materials to be built in new houses and facilities replacing the project affected houses and facilities, with the amount and quality similar to or better than those of the expropriated or partially Project affected houses and facilities, plus: the costs of transporting the materials to the construction site, construction employee remunerations, transaction costs, fees and taxes related to the implementation of the new facilities.

In determining the replacement value, 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 Contract, deducted from the valuation of a contract affected asset. Where Polish law does not provide for the necessity of compensation at a replacement value, compensation is supplemented by additional measures so as to meet the replacement value standard, such as support after displacement throughout a transition period based on a reasonable estimate of the time necessary to restore the quality of life (including means of support), etc.

The compensation is vested in the amount agreed between the PGW WP RZGW and the former owner, perpetual user or a person, who has a limited real right to the property (or as established by the Governor, if the compensation amount would not be established during the negotiations), from the State Treasury. In all cases the compensation shall correspond at least with the replacement value of the property.

The amount of compensation is subject to indexation as of the payment date, according to the rules valid in case of returning the expropriated properties.

The compensation is established based upon a valuation done by a professional, independent valuer.

NOTE:

The valuation methods are defined by a legal act in the form of a regulation, i.e. the Regulation of the Council of Ministers of 09/21/2004 on real property valuation and appraisal study preparation. This act contains details concerning methods and techniques of estimating the amount of compensation.

4.5.1. Valuation of properties

The market value of real property is a basis for establishing the compensation value. While ascertaining the real property market value, the following factors in particular are taken into consideration: type, location, manner of use and purpose determined in the local spatial development plan, existing technical infrastructure, overall condition and current market prices. The real property market value is determined based on its current manner of use if the real property purpose compliant with the Contract objective does not increase the real property value. If the data from the local or regional real property market allow the valuer to ascertain the real property market value, they shall apply one of the market approaches, i.e. the sales comparison approach, the income capitalization approach or the combined approach. Should the real property purpose in accordance with the expropriation purpose increase the real property value, its market value shall be ascertained according to the alternative use resulting from that new purpose. If the data from the local or regional real property market do not allow the valuer to ascertain the real property market value, they shall ascertain the replacement value of the real property based on the cost approach.

If the previous owner or perpetual user of the property under IPIP would hand this property over or would hand the property over and empty the building and other rooms not later than 30 days from the day:

- of delivery of the notice of issuing of the IPIP decision,
- of delivery of the resolution of issuing of the IPIP decision with immediate enforceability status,
- the IPIP decision becomes final,

the amount of compensation shall be increased by the amount equal to 5% of the property value or value of perpetual usufruct right, based upon the rules under the Special Flood Act.

4.5.2. Valuation of plantings and crops

The valuation of tree stand or tree cover, if the tree stand includes usable resources, shall involve the valuation of timber in the tree stand. If the tree stand includes no usable resources or if the value of obtainable 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 date of expropriation.

Valuation of fields of perennial plants involves the estimation of the costs of establishing the field and its maintenance until the first yield as well as lost profit in the period from the date 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 date of expropriation.

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

4.5.3 Valuation method of buildings

For the purpose of determining the value of buildings forming a subject of ownership separated from the ground, one may apply cost approach, redevelopment cost method, indicator technique.

The cost approach includes determining the value of properties, while assuming that that value corresponds with their redevelopment (replacement) cost.

The amount equal to the cost of ground reinstatement or its replacement cost is assumed as the value of land components.

Specificity of the cost approach is assuming that the purchaser of properties shall not be willing to pay more for the properties than the cost of construction in the same technology or function in the same location.

A consequence of adopting such an assumption is distinction of two types of costs:

- redevelopment cost, and
- replacement cost.

In order to apply the replacement cost method it is necessary to have technical data for evaluated buildings, data on prices of materials and construction works.

The replacement cost means the cost of constructing object similar (exact copy) with the object being subject to valuation. At determining the value the valuer shall include the same design, equipment, quality of construction works, and shall include all failures, shortcomings, as well as unnecessary elements of equipment or structure or materials not to be used anymore in the cost calculation. The replacement cost also includes cost of developing accompanying facilities tightly associated with the evaluated object, preparation and clearance of the site, and cost of developing design documentation and provision of civil engineering supervision. At determining the cost of replacing the object one shall therefore provide costs of constructing a replica valid on the day of valuation. Only in case the materials applied for construction of the object are not available on the market today, at determining the value one shall adopt prices of materials, which are as close to the applied materials as possible.

4.6 Special procedures

4.6.1 Payment of compensation for permanent restriction and restrictions based upon Article 9 (8) letter e)

The properties necessary for implementation of the Contract shall be obtained based upon the IPIP decision issued based on the provisions of the Special Flood Act.

The IPIP decision may indicate properties remaining a part of the Contract necessary for its functioning, which do not become ownership of the State Treasury, but their use method is permanently restricted (hereinafter referred to as: PR), or properties applied for flood protection beyond the Contract area, which method of use was restricted, including areas of direct flood risk or areas of potential flood risk, or special flood risk, if they have been set out.

Such properties principally undergo constant modification of the development method and may be applied by the owner (perpetual user) just as before implementation of the contract, but – after implementation of the contract – with some functional restrictions.

Those restrictions and related inconveniences (e.g. development ban, tree planting ban, etc.) may adversely affect the market value of property, and then they need to be compensated with fair compensation. In an extreme case of the property's loss of usefulness for the owner (perpetual user) they can demand its redemption on civil law making the request in this regard (in accordance with Article 22 (2) of the Special Flood Act). Also in case of the properties applied for flood protection – the use of which was restricted – the owner or perpetual user may have a title to claim for their purchase, if further proper use of those properties in a previous way or in a way compliant with their previous purpose is impossible – i.e. if a civil court deems that a basis for such a claim may be Article 9 (8) letter f) of the Special Act and Article 30 of the Special Act due to Article 124 (5) of the Act on property management.

Regardless of the aforementioned claims the owner or perpetual user of the aforementioned properties should be able to receive compensation due to not restoring the property to its previous condition, including the following causes: excessive difficulties or costs. The compensation should correspond with the value of damage suffered. If as a result of those events the property value would get reduced, the compensation is increased by an amount corresponding with that reduction. A property law basis for the aforementioned compensation may be Article 9 (8) letter b) or Article 9 (8) letter f) and Article 30 of the Special Flood Act due to Article 128 (4) of the Act on property management. It shall be emphasized that units of public administration state that in case of the properties subject to permanent restriction in the use method, the owners or perpetual users of those properties may only claim for their purchase, as discussed under Article 22 (2) of the Special Flood Act.

Furthermore, entitlements determined under Article 22 (2) of the Special Flood Act (in the range of purchasing the properties with restricted use method) are not awarded to the owner of property, where public roads are located.

The Special Flood Act does neither define the permanent restriction in the use (PR) nor indicate the administrative authority competent in the subject matter of determining such compensation in administrative proceedings. Such condition, i.e. the lack of an explicit provision of law indicating the subject matter (competence) of an authority, is caused by an obvious legal loophole and authorizes one to apply in the administrative proceedings on the issuance of IPIP the premises of analogous act (Special Road Act – CIRD) and defined in the Judgement of the Supreme Administrative Court in Warsaw of November 9, 2012 (ref. no.: I OW 142/12). The Court states unambiguously that *“the competent authority to determine the compensation is the authority that issued the decision on consent for implementation of a road development (...)”*. It cannot be therefore assumed that the legislator separated the competence to determine the compensation for the results of the same decision depending on the subject of that compensation.

As a consequence, the Governor – who issued the IPIP – shall be competent to establish the compensation due to implementation of PR, and the compensation itself may be established based upon the rules determined under this LA&RAP.

In case of potential temporary acquisition beyond the Contract area, precise scale of which cannot be determined at the current progress of the Contract, it shall be implemented beyond the provisions of the Special Flood Act (occupation outside IPIP decision). The Contractor shall individually conclude voluntary agreements, as per the specimen provided as Appendix no. 10 to LA&RAP, with owners or perpetual users of the properties or with other entitled entities with a legal title to them (e.g. dependent holders of properties), which would determine rules for the temporary access to those properties for the purpose of Contract implementation. In each and every case owners or perpetual users of properties or other entitled entities with a legal title to them shall be efficiently informed about the planned Contract and about their entitlements.

4.6.2 Payment of compensation for liquidated structures and planting within the newly formed embanked area

Establishments and payment of compensation for structures and plantings within the newly formed embanked area shall be done based upon provisions of the Civil Code. A basis for actions of the Investor is indication given under item d) of the decision no. 01/2017 on the development consent for the contract titled: *Construction of the right embankment of the Biala River at local chainage km 0+000 – 0+695 (register chainage of the River Biala km 5+046 – 6+186) in the City of Tarnów, Municipality of Tarnów, City on District Rights – Tarnów*, ref. no.: WI-IX.7840.1.1.2017, as issued by the Małopolski Governor.

The amount of due compensation shall be established by independent valuers (acting in the name of the Investor), who shall develop estimate studies based upon data collected during inventory of gardens. The cost of developing the estimates shall not be borne by users of the allotment gardens.

A Protocol of Establishments basing upon the estimate study shall be concluded between the Investor and the user. Payment of compensation shall be done based upon that Protocol. Payment of compensation shall be done by the Investor to the bank account indicated by the user of allotment garden in the subject Protocol.

In case the amount of proposed compensation would not be agreed, the user of allotment garden would be entitled to claim for a higher compensation amount in a civil proceeding.

4.6.3 Transfer of financial resources to the court account in case payment of due compensation would not be possible

Based upon Article 133 of the Act on property management PGW WP RZGW shall transfer the compensation amount to the court deposit:

- in accordance with the Governor's decision obliging PGW WP RZGW to transfer the compensation to the deposit (in case of allotment gardens removed from the area designated for construction of the embankment), or
- based upon the Investor's statement, in case of lack of person authorized to receive compensation for allotment gardens removed from the embanked area,

what would mean meeting the obligation. It takes place in the following two cases only, i.e.: when the authorized person refuses to accept the compensation or its payment faces difficult obstacles (e.g. lack of abilities to undertake legal activities by the creditor, its longer absence in the country with no proxy established, natural disasters, martial law), and when the compensation for expropriation refers to properties without legal status settled (Sentence of the Regional Administrative Court in Lublin of 02/25/2005, ref. no.: II SA/Lu 884/04).

Transfer to the court deposit has the same effects as the payment and, in accordance with OP 4.12, the project affected person does not bear any cost in that range.

4.7 Family Allotment Gardens

The Act of July 8, 2010 on particular conditions for preparing flood management contracts for implementation contains the following legal provisions referring to Family Allotment gardens (FAG).

Article 18. In case of the properties forming family allotment gardens and determined in a decision on investment project implementation permit, provisions of Articles 18-24 of the Act of December 13, 2013 on family allotment gardens (OJ of 2017, item 2176) do not apply.

Article 21 (10):

“10. In case the decision on investment project implementation permit refers to family allotment gardens established in accordance with the Act of December 13, 2013 on family allotment gardens, the entity, in the interest of which family allotment gardens or their part shall be removed, is obliged to:

- 1) pay compensation to gardeners for their plantings, facilities and objects located within allotment gardens;
- 2) pay compensation to garden association for its facilities, buildings and structures within family allotment gardens assigned for common use by persons using allotment gardens, and applied for assuring proper operations of allotment gardens;
- 3) provide replacement properties to redevelop family allotment gardens.”

The currently valid act on family allotment gardens states that FAG are established on land owned by the State Treasury, units of local authorities, and garden associations (Article 7). Land owned by the State Treasury or units of local authorities may be – based upon an agreement – sold, handed over for use free of charge or at a fee for undetermined period of time or for perpetual use to garden associations for the purpose of establishing and managing FAG – in the mode defined under the act on properties management. Land assigned for newly formed and redeveloped FAG should be reinstated and reclaimed by the land owner. The commune is obliged to provide access roads, electric power, and water to FAG, and to include the needs of FAG in organizing public communication. Obligation stated above may be transferred to the garden association based upon an agreement between the commune and the garden association. In that case the agreement determines the mode of mutual settlements (Article 10 (1) of FAG Law).

Additionally, upon a request of the garden association the commune council may – through a resolution – form FAG on land owned by the commune. The resolution discussed above especially determines criteria and method of selecting the garden association, with which the agreement discussed in Article 9 would be concluded. Those regulations are relevantly applicable in case of forming FAG on land owned by district authorities or by voivodship authorities. In case of land owned by the State Treasury, except for properties managed by a minister proper for State Treasury issues based upon separate provisions, competences of the commune council are executed by a relevant starost through ordinance, after obtaining a governor's consent. Provisions under paragraph 2 are applicable relevantly.

It shall simultaneously be indicated that the legislator did not determine what should be understood by “provision of replacement properties” – is it indication of those properties and related obtainment of one of legal titles to the properties or conclusion by the entity, in the interest of which the liquidation is done, of one of the agreements discussed under Article 9 of FAG Law. The phrase “to assure” commonly means “to make something happen or to make someone get something” (Polish Dictionary, PWN).

Furthermore, in case it would not be possible to redevelop FAG due to various circumstances, it may also be considered to pay compensation, which should remain an equivalent of the lost rights, provided that such a right existed on the day of issuing the special decision. Problem with establishing the compensation and with the obligation to provide replacement properties or payment of the relevant compensation may emerge in case of FAGs, which do not have any legal title to the properties, but they still remain FAG in the meaning of the valid act (Article 66 of the FAG Law).

5. SOCIO-ECONOMIC SURVEY

The basic source of information on the development and use of the real properties to be acquired is the analysis of GIS data and written extracts from the land and building register (EGiB), mortgage register data, as well as verification on the Contract implementation site. Owners, perpetual users and users of acquired properties were identified based upon the land and building register and mortgage register or document set, as well as upon direct contacts with the Management Board for FAG "Semafor" and with the users of allotment gardens. Presence of infrastructure and management method were identified while analyzing maps for design purposes and verifying the Contract implementation site.

In case of social impact the basic data source was data obtained based upon direct discussions with PAP, upon visits on Contract implementation site, at PAP address or finally – if PAP has not been present at any of those two location – upon telephone conversation.

The survey was done in June and in July 2019. The survey was initiated with a meeting of 06/15/2019 (Saturday) in the area of FAG "Semafor", and all interested representatives of FAG "Semafor" Management Board and users of allotment gardens were invited. The participants were informed during the meeting about the planned Works Contract, they were provided with questionnaires and leaflets informing the compensation payment procedure. The purpose of the survey has also been clarified. The respondents submitted the questionnaires directly to the Consultant's office in Cracow or left them in the office of FAG "Semafor", from where the Consultant subsequently took the completed questionnaires over. The next stage of socio-economic survey were site visits in the area of allotment gardens, as well as at addresses of garden users. In single cases interviews with the respondents were done by phone, using contact data provided by a representative of ROD "Semafor" Management Board, if the pollsters were not able to meet the respondent in any of the aforementioned locations.

The Consultant – acting in the name and on behalf of the Investor – questioned the PAPs about legitimacy of Works Contract 3D.2/1, status of households of people using allotment gardens in terms of the number of people forming the household, their age, employment, education, presence of elderly people, disabled people, chronic illness in the family, method of using allotment gardens and the present management. An attempt was undertaken to verify impact of the Project on their life quality and economic situation (impact on income). The target group for the survey were users of allotment gardens within FAG "Semafor" – which are to be liquidated – located within the area of permanent acquisition, as well as within the future embanked area.

Full socio-economic survey was provided due to the fact that the allotment gardens shall be removed. It shall however be emphasized that in none of the cases there are the following circumstances: none of the users of allotment gardens uses the plot as permanent living place; they do not lose their entire productive property through liquidation of allotment garden or its significant part – forming a basis for existence; as well as in case they would be forced to physically economically resettle due to the removal of allotment garden.

Results of the survey were described in details in a separate study titled "Socio-Economic Study for Works Contract 3D.2/1" (the study is not available due to protection of personal data in accordance with EU regulation). Conclusions of that paper are provided below.

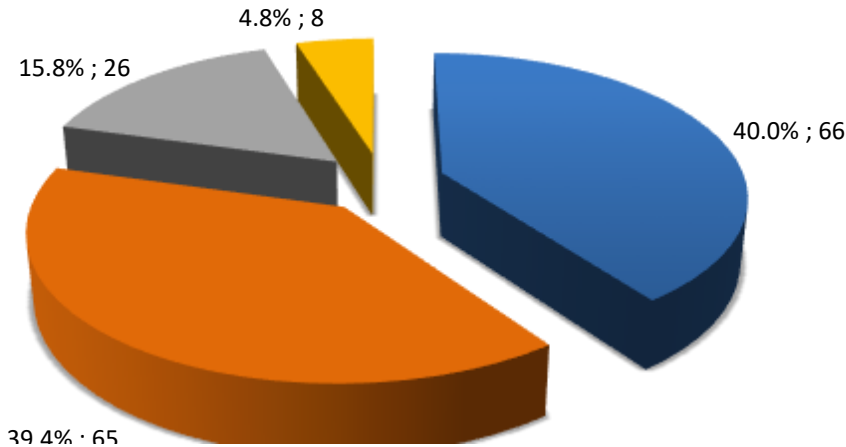
Attempts were made to reach users of 188 allotment gardens, i.e. of all allotment gardens used and intended for liquidation. Interviews were done in 170 cases, in 2 cases the users refused to answer any question, and 16 users were not reached. Efficiency of the survey was 90%.

Practically the same number of users of allotment gardens supported the contract (40.0%) as well as was against it (39.4%). Some adversaries emphasized that it only is construction of a part of the embankment, while development of much longer embankments on both banks of the River Biała is necessary to provide complex protection. 20.6% of respondents did not provide a related opinion.

It shall be indicated that most of garden users live beyond the River Biała's flood reach, and therefore they consider the Contract as bereaving them of their leisure and resting sites, and not as protection of their lives and assets against effects of floods. It would be different if the survey would be done among inhabitants of two estates, which would be protected against flood by the planned right

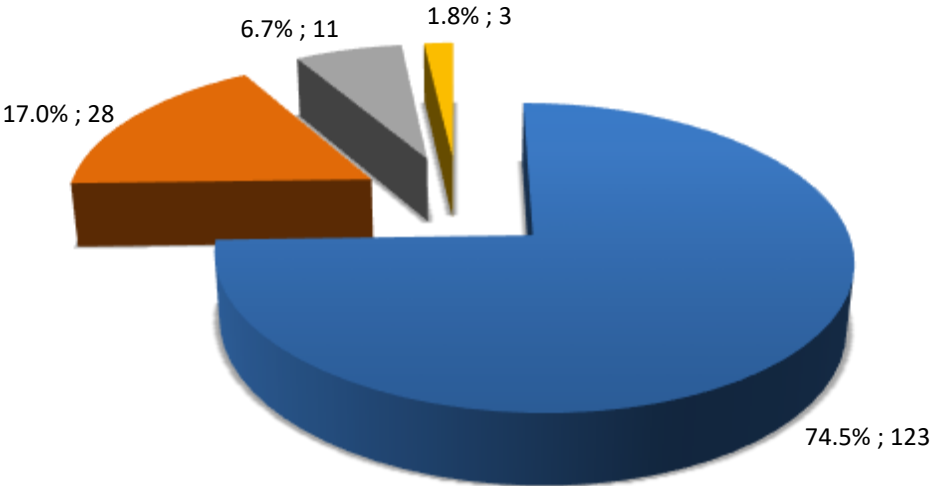
embankment of the River Biała. Statistically, the area protected by the planned embankment, i.e. 15 ha, is inhabited by about 300 people and it shall be assumed that very likely every one of them is a Contract supporter.

Are you satisfied with the fact of providing flood protection due t implementation of Works Contract 3D.2/1?



Even more negative approach of the respondents is presented in case of a question asking: “Do you think that the planned works contract has an adverse impact on your life quality?” In that case the fact of removing the allotment gardens was determined as negative for their life by 74.5% of users, and only 17.0% declared that there shall be no impact of that kind. Remaining 8.5% of interviewees did not provide an answer to that question or informed that they do not have an opinion.

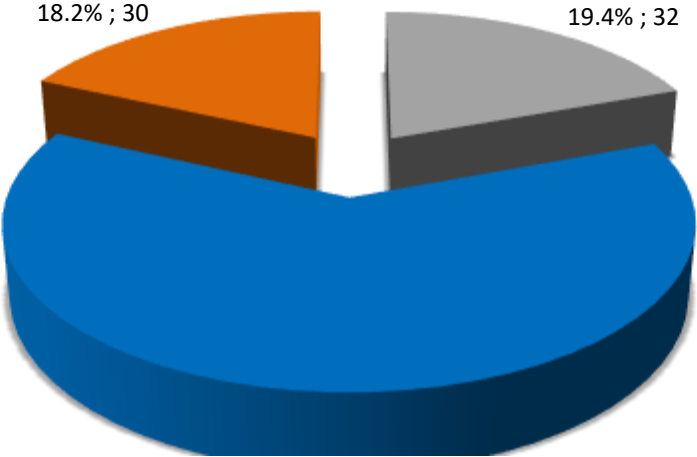
Does the contract affect the standard of life adversely?



The survey also contained questions about a will to use allotment gardens in the future or stopping that action after payment of compensation for structures and planting. In that case 91 users of allotment gardens declared that they would like to continue their way of spending free time at a replacement garden. 62 respondents informed the pollsters that after removing the allotment gardens at FAG “Semafor” and after paying compensation they shall stop activities of that type. It often results from age and health of such a person or lack of time in case of younger or professionally active

people. 12 interviewees did not answer that question, although they answered other questions, in 2 cases the users refused to answer any question, and 16 users were not reached.

Does to garden to be removed provide income for the household



An important issue, which was considered during the socio-economic survey, is the impact the removal of allotment gardens would have for the income of households of allotment garden users. The question caused commotion among the respondents as it was considered as interfering in personal issues, but after clarifying that the answer is voluntary and it may be general 135 respondents answered it. 103 respondents (62.4%) indicated that the removal of allotment gardens shall not affect their income as the use of garden is not its source – the allotments are mainly applied for leisure, whereas 30 respondents (18.2%) did not provide any information in that range (thus, they shall be likely qualified to the group described before). In case of remaining 32 respondents (19.4%) a positive answer was provided. Fruit and vegetables have some share in their budget (income of from 1% to 50%). Fruit and vegetables are used for own needs during the vegetation season and to prepare preserves for fall and winter. Only 2 people indicated that crop (in one case flowers, and in the other – nuts and grapes) is sold on a local market providing income for the home budget. Those are not huge amounts, but in case of financial situation of those people they are important.

Therefore, the Investor simultaneously performs actions to obtain a replacement property from the Municipality of Tarnów, where it would be possible to restore allotment gardens (unfortunately, the proposed property was not accepted by those interested) and cash compensation will be paid finally. An alternative action is discussion with the Polish Association of Gardeners Division of Małopolska in Cracow to obtain allotment gardens, which are not used and currently managed by the PGAA. There are 16 complexes of Family Allotment gardens in Tarnów (with the total area of about 150 ha) and not all of the allotments are used at the moment, and PAP informed in the polls that it is possible to change the location of allotment garden, they would be able to manage. An InfoBase was created in collaboration with the Małopolski Regional Allotment Federation about available allotment gardens, which is regularly updated.

However, in case of that Contract it is hard to discuss its significant impact on operations of a wider society, and the total socio-economic cost borne by the local society in the contract area shall be deemed as compensable. The final satisfaction with implementation of the Contract shall be a derivative of compensation paid or application of other compensation measures satisfying the PAP – provision of replacement allotment gardens in that case.

Low socio-economic cost of that Contract is also a consequence of the fact that there are no public utility institutions in its area, i.e. such as: schools, offices, workplaces, churches or offices of other confessional associations.

At assessing the socio-economic cost of the contract one shall also consider inconveniences coming from the Contract for other allotment gardens not to be liquidated. Those located within the embankment area and closest to the development site for the new embankment shall face such nuisance associated with performance of construction works as noise, traffic of vehicles and machines of the Contractor. Due to applying mitigation measures described in the EMP for Works Contract 3D.2/1 the nuisance shall be significantly minimized.

Data on managing the allotment gardens

295 allotment gardens shall be removed due to implementation of Works Contract 3D.2/1. In accordance with information provided by the FAG “Semafor” Management Board, 107 allotment gardens (36%) are not used and they formally have no users, what was confirmed by a site visit done by the Consultant. The remaining 188 allotment gardens (64%) have users, but not all of them are cultivated. In those cases evaluation of properties in conformity with the rules described in this LA&RAP shall be an important issue.

The used allotment gardens have water-supply infrastructure and – in single cases – power network, each garden contains some structure – sheds or buildings for garden tools⁶, and those often are brick structures with basements. Each of the plots contains a composting unit and other elements of small architecture. Boundaries of the allotment gardens are stabilized with concrete edges, and internal paths are paved or laid with concrete slabs. The allotment gardens are also individually fenced.

In case of the owners it needs to be stated that the embanked area – after development of flood defenses – shall not provide previous economic functions. Owners of those properties shall be released from annual payment of property tax after provision of a relevant motion.

Day of completing the socio-economic survey for Works Contract 3D.2/1 was adopted as the cut-off date for the survey, i.e. 07/26/2019.

Need to updated the socio-economic survey

Such data as the structure of households, use method for the land or number and type of properties located therein provide small dynamics of changes. It may therefore be expected that the collected data shall remain valid long time after completing the survey. However, as the population is small and the analysis has a qualitative character, deeming the data as valid after some time shall require additional verification.

⁶ The IPIP decision indicated 175 free-standing structures, whereas the inventory and the evaluation refer to all structures within the area of FAG to be removed. Payment shall be paid for all of the inventoried structures.

6. GENDER EQUALITY

Discrimination is legally banned in Poland, and it is determined in the Constitution of 1997. Article 32 states that no one shall be discriminated against in political, social or economic life for any reason whatsoever. Discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women of 1979).

While willing to become a member of the European Union, Poland needed to adapt its law to valid EU regulations, also in the scope of gender equality. It mainly resulted in adjustments to the labour codex, but also in modification of politicians' and public administration's attitude.

In accordance with the Human Development Index (HDI) of the United Nations Development Programme (UNDP) for 2012 Poland is amongst the countries with a very high social development index. It is on 39 place in the ranking of 187 countries, i.e. above the average of countries in EBOR action area, and on a similar level to the average for countries of Central Europe and Baltic States. The Human Development Index covers three elements: health, education, and standard of living. In terms of UNDP Gender Inequality Index (GII) Poland is even higher – it is 24 in the world ranking. The Gender Inequality Index is a rate, which reflects the loss of development possibilities within the area of a given country due to unequal treatment of sex, and it covers three elements under appraisal, i.e.: reproductive health, empowerment, and labor market participation.

In case of participation of women in public life, the share of women in make-up of public units formed as a result of elections is small. In those terms the following are indicated, e.g.: low percentage of women present in the Sejm and in the Senate. Similar negative trends are characterizing other units formed as a result of elections, e.g.: commune councils, district councils, or provincial seyms (women are about ¼ of all councilors). It shall be emphasized that a minor percentage of women is for many years noticeable amongst village mayors, city managers, or mayors. However, an increasing number of women holding the position of village administrators draws attention, and that function is one of the most important ones in the context of civilian activities and development of social capital. Experience also indicates that women are equal participants of public hearings, and their engagement in local activities often results in their leading role in consultations. Finally, it shall be stated that for the purpose of promoting women and increasing their representation in decision-making and managing groups in business, numerous civil actions, declarations of political parties, and popularization of other countries' examples are implemented, and the European Commission undertakes its own initiatives *ex officio*, etc., which should result in the enhancement of equality of women and men in participation in the labour market or in decision-making groups. The analysis of survey results for last 10 years proves the progress in that field.

7. ELIGIBILITY AND QUALIFICATION MATRIX

Considering the size and scale of the Contract – construction of new embankments in a short reach of 695 m – it is not expected that implementation of the Contract would cause significant adverse social impact.

Nonetheless, a priority aim for all institutions engaged in the construction and the future use of the embankment should be obtainment of consensus with the public.

Achieving that aim is possible through:

- implementation of consultation and dialogue policy for Project Affected Persons,
- detailed identification and inventory of problems, which may emerge during the extension and the use of the embankment.

Based upon analyzes done one may identify social groups and problems resulting from placement of the properties in vicinity of the embankments.

Project Affected Persons (PAP) identified within the implementation site for Works Contract 3D.2/1 and qualified for compensation of impact resulting from its implementation are as follows:

- owners of the properties covered with the Contract (Municipality of Tarnów in that case),
- perpetual users (PKP S.A. in that case),
- unit having limited property rights to the properties developed by family allotment gardens, (Polish Allotment Federation in that case),
- users of allotment gardens to be removed, who own plants and structures (regardless of the fact whether those are allotment gardens located within the properties to which the PAF has use rights or not).

PAP shall be entitled to compensation for the following categories of impact/losses:

- compensation for lost ownership right to properties under permanent acquisition – payment of compensation in cash is expected – replacement amount for the expropriated property. This refers to 8 plots of the Municipality of Tarnów and it is not expected to compensate the lost ownership rights to properties through “land-for-land” compensation due to the fact that the Municipality of Tarnów did not express such a will.
- compensation for lost rights (e.g. perpetual usufruct, use, etc.) to the property under permanent acquisitions.
- compensation for buildings and non-residential structures – 188 PAP not being owners, but having a legal title to the property (e.g. leaseholders, tenants) shall receive compensation for buildings and non-residential structures owned by them. PAP shall receive compensation in cash for permanent loss of such an element of infrastructure in an amount resulting from an estimate developed by an independent valuer.
- compensation for lost plant components (planting, trees, etc.) – 188 PAP. The loss of planting shall be compensated in cash at inclusion of cost of starting and maintaining the plants, as well as of the value of lost benefit from the day of expropriation until the end of full crop yield, and – in case of trees – based upon estimation of value of timber, which may be obtained. Persons having legal title to the properties, as well as autonomous possessors of properties are entitled to compensation for those land components. Those elements shall be evaluated in estimate studies to be developed by independent valuers.
- compensation for permanent restriction in the use of properties (2 public entities and a capital company of PKP S.A.). The compensation shall be paid based upon a decision of the Governor basing upon an estimate study developed by a valuer in the amount, which would compensate the established restriction;
- compensation for temporary restriction in the use of properties associated with necessary redevelopment of the existing facilities, which collide with the new embankment to be developed (1

PAP⁷, 2 public entities and a capital company of PKP S.A.). The compensation shall be paid based upon a decision of the Governor basing upon an estimate study developed by a valuer in the amount, which would compensate the established restriction;

- compensation for temporary acquisition beyond the IPIP decision and the field of operations of PGW WP RZGW in Cracow (it shall be provided by the Contractor), but – as indicated above – it is in accordance with provisions under the LA&RAP. Nonetheless, PGW WP RZGW shall be liable for assuring that the Contractor observes those regulations.

No vulnerable groups requiring special support from PGW WP RZGW in Cracow were identified, no properties were also identified covered by EU subsidies.

Additional entitlements informing social group and mitigation measures and proposed support were described in table 1.

Table 1. Social groups (PAP), impact resulting from implementation of the Contract, and compensation/proposed support.

Impact / Loss	PAP identification	Compensation ⁸
Permanent loss of properties	Owners, perpetual users, autonomous possessors	<ul style="list-style-type: none"> • cash compensation, • coverage of all transactional cost
	Users of properties	<ul style="list-style-type: none"> • cash compensation for lost rights to properties, • support in taking the property over for use.
	Leaseholders, tenants	<ul style="list-style-type: none"> • cash compensation for losses caused by termination of agreement, • coverage of all transactional cost
	Illegal possessors	<ul style="list-style-type: none"> • no compensation for loss of property • support in obtaining relevant institutional support, if the loss of property causes loss of income (necessary additional diagnosis and monitoring of such cases)
	Illegal easement holders (if identified)	<ul style="list-style-type: none"> • for illegal land easement holders – support in finding a solution allowing for using the property in question
Permanent restriction in the use of properties	Owners	<ul style="list-style-type: none"> • cash compensation for losses caused by restriction in the use of properties, • coverage of all transactional cost
Temporary restriction in the use of properties (in reference to network redevelopment)	Owners	<ul style="list-style-type: none"> • cash compensation for losses associated with temporary restriction in the use of properties.

⁷ Co-owner of the property owned by him, as a natural person and the State Treasury.

⁸ Any compensation shall be based upon replacement cost without depreciation for the assets, addressing age, condition or any other factor.

Impact / Loss	PAP identification	Compensation ⁸
Buildings and non-residential structures (outbuildings, fences, technical infrastructure, etc.)	Owners, perpetual users, autonomous possessors of buildings and structures	<ul style="list-style-type: none"> • cash compensation in the replacement amount for lost assets, • relocation or reconstruction of lost assets.
	Users	<ul style="list-style-type: none"> • cash compensation in the replacement amount for lost assets, • relocation or reconstruction of lost assets.
	Illegal possessors of buildings and structures (if identified)	<ul style="list-style-type: none"> • cash compensation in the replacement amount for lost assets, • relocation or reconstruction of lost assets
Loss of plants	Owners, perpetual users, autonomous possessors of properties	<ul style="list-style-type: none"> • cash compensation including cost of starting and maintaining the plants plus lost benefits, • allowing for collection of crop
	Users	<ul style="list-style-type: none"> • cash compensation including cost of starting and maintaining the plants plus lost benefits, • allowing for collection of crop
	Leaseholders, tenants	<ul style="list-style-type: none"> • cash compensation including cost of starting and maintaining the plants plus lost benefits, • allowing for collection of crop
	Illegal possessors of properties (if identified)	<ul style="list-style-type: none"> • allowing for collection of crop
Loss of trees	Owners, perpetual users, autonomous possessors of properties	<ul style="list-style-type: none"> • cash compensation including, if necessary, cost of starting and maintaining the trees plus lost trees and benefits
	Users	<ul style="list-style-type: none"> • cash compensation including, if necessary, cost of starting and maintaining the trees plus lost trees and benefits
	Leaseholders, tenants	<ul style="list-style-type: none"> • cash compensation including, if necessary, cost of starting and maintaining the trees plus lost trees and benefits
	Illegal possessors of properties (if identified)	<ul style="list-style-type: none"> • allowing for logging and collection of timber
Loss or limitation of access to social infrastructure (if any)	All PAP living in the area of Contract implementation effects	<ul style="list-style-type: none"> • redevelopment of social infrastructure in another area, • if redevelopment of the facilities in another area is impossible or unjustified, provide access to the existing social infrastructure.
		<ul style="list-style-type: none"> • Temporary assurance of recreation sites
Municipal assets	Municipality	<ul style="list-style-type: none"> • Redevelopment or replacement of damaged objects – after consulting that with the municipality
Temporary	Owners, perpetual	<ul style="list-style-type: none"> • Cash compensation or other form agreed with the entitled person,

Impact / Loss	PAP identification	Compensation ⁸
acquisition of properties (actions to be done by the Contractor)	users, autonomous possessors of properties	<ul style="list-style-type: none"> Restoring the property to its previous condition.
	Illegal holders of properties	<ul style="list-style-type: none"> Restoring the property to its previous condition
	Leaseholders, users of properties	<ul style="list-style-type: none"> Cash compensation or other form agreed with the entitled person, Restoring the property to its previous condition.

Table 2. Heritage and cultural assets and archaeological stands – issues and preventive measures.

Heritage and cultural assets / archaeological stands	Issues resulting from implementation of the Contract	Potential effects of Contract implementation	Preventive measures
Heritage and cultural assets	Hazard of damaging a railway gatehouse at the River Biala in Tarnów, 5. Stanisława Kassali Street (heritage register no. A01415/M of 08/28/2014), at performing construction and assembly works related to the disassembly of the existing power connection – overhead – and assembly of a new connection in the same spot, on the building's wall.	Damaging wall of the railway gatehouse	Supervision over works of the Power Works Manager by the Contractor and by the Engineer's supervising inspector.
Identified archaeological stands	Hazard of damaging at performance of construction and assembly works	Destruction	Archaeological supervision during the performance, with special consideration of past archaeological stands.
Archaeological stands (discovering unknown or archaeological stands unrecognized so far)	Hazard of damaging at performance of construction and assembly works	Destruction	In case of discovering a stand it shall be necessary to immediately stop the works, notify the PIO and relevant state authorities, and subsequently provide recovery archaeological survey, while observing Bank's policy on physical cultural resources.

A detailed list of people covered with impact of the Contract has been reproduced under Appendix no. 4 to this LA&RAP (personal data have been anonymized).

8. SOCIAL CONSULTATIONS

In relation to obtaining a loan from the World Bank's funds and the necessity of implementing the resettlement process principles stemming from the requirements of OP 4.12, the Investor has taken actions aiming at engaging the society in LA&RAP development and implementation. Society engagement is treated as a continuous process, correct implementation of which is anticipated to enable mitigation of risks related to a potential social conflict for the Contract.

So far, the local commune was informed about the planned Contract by notices, posted on the website of the: Regional Director for Environmental Protection in Cracow (on the stage of issuing the ED), Marshal Office in Cracow (on the stage of using the Water-law Permit); as well as individually at marking the land splitting boundaries on site, and – as it is customary – on publicly available bulletin boards in towns where the Contract will be implemented.

The local commune was informed about commencing of the proceeding by the Małopolski Governor on submission of an application by the Investor on the issuance of a decision on investment project implementation permit (IPIP), and subsequently about the course of that proceeding, and the issuance of and a possibility of claiming against the IPIP decision. The Municipality of Tarnów has been informed on the issuance of IPIP decision by the authority issuing the decision in question, i.e. by the Małopolski Governor, by register mail; whereas the remaining parties were informed about the issued decision in an announcement placed on a noticeboard of the Małopolski Provincial Office and the City Office of Tarnów, and through publication of the decision in an IT publication (Public Information Bulletin) for the aforementioned institution.

A meeting with all interested users and representatives of FAG "Semafor" Management Board was held on 06/15/2019 in the Gardener's House at the FAG "Semafor". The participants were informed during the meeting about the scope of planned Works Contract, they were provided with questionnaires and leaflets informing the compensation payment procedure. It was informed that a survey shall be done and the purpose of that survey has also been clarified. Information on Works Contract 3D.2/1 were distributed among PAP during the socio-economic survey at their living places. Some discussions were done by phone, if the pollsters were not able to meet the respondent in any of the aforementioned locations.

Another meeting with users of allotment gardens took place in the area of FAG "Semafor" on September 3, 2019. Additionally, due to questions of attendees, the issues associated with the properties have also been discussed during public consultations for the Draft Environmental Management Plan, which took place on August 21, 2019 in the City Office of Tarnów (Mirror Hall).

Individual meetings with willing users of allotment gardens were held on November 6, 14, 21, 22, 29 (from 8.00 am to 7.00 pm), where establishment protocols on the compensation amount were signed based upon estimates developed by independent valuers. During those meetings all doubts of the PAPs were clarified and questions were answered. A lawyer attended each of those meetings and provided answers to questions referring to legal issues.

Table 3. Initial identification of stakeholders participating in public consultations, units affecting the development and implementation of LA&RAP.

External stakeholder	Type of impact on LA&RAP
Minister competent for Construction	<ol style="list-style-type: none"> 1. Consideration of the appeal against IPIP 2. Consideration of the appeal against the decision establishing compensation amount
Małopolski Governor	<ol style="list-style-type: none"> 1. Issuance of IPIP 2. Issuance of the decision establishing compensation amounts
Regional Director for Environmental Protection in Cracow	<ol style="list-style-type: none"> 1. Issuance of the ED
Marshal of Małopolskie Province	<ol style="list-style-type: none"> 1. Issuance of the water-law permit
Mayor of Tarnów	<ol style="list-style-type: none"> 1. Support in identification of local society's needs 2. Direct participation in public consultations
City Council of Tarnów	<ol style="list-style-type: none"> 1. Representation of the Municipality as a unit to be expropriated 2. Informing PAPs on public consultations 3. Direct participation in public consultations
Units to be expropriated /under restriction in the use	<ol style="list-style-type: none"> 1. Determination of needs and of damage suffered due to the planned expropriation 2. Selection of indemnity and compensation forms 3. Direct participation in public consultations 4. Participation in an inventory
Regional PAF Management Board, FAG "Semafor" Management Board	<ol style="list-style-type: none"> 1. Determination of needs and of damage suffered due to the planned removal of allotment gardens 2. Selection of indemnity and compensation forms 3. Direct participation in public consultations 4. Participation in an inventory
Users of allotment gardens	<ol style="list-style-type: none"> 1. Determination of needs and of damage suffered due to the planned removal of allotment gardens 2. Selection of indemnity and compensation forms 3. Direct participation in public consultations 4. Participation in an inventory
Citizens of Tarnów	<ol style="list-style-type: none"> 1. Direct participation in public consultations

Public consultations on the Draft LA&RAP

After completing the works on the Draft LA&RAP and after obtaining – upon its basis – the World Bank's acceptance for commencing a publication procedure, the documents underwent public consultations in accordance with requirements under the World Bank's operational policy (OP 4.12), which was to allow natural persons, institutions, and any party interested in contents of that document for acknowledging the document and for assuring the possibility of filing remarks, enquiries and motions referring to its contents.

In conformity with operational policy OP 4.12, publication of the Draft Land Acquisition and Resettlement Action Plan commenced on January 15, 2020 at publishing of the announcement in TEMI Galicyjski Tygodnik Informacyjny [Informational Weekly Magazine of Galicia] (local magazine). The announcement invited natural persons, authorities, and interested institutions to review the Draft LA&RAP for Contract 3D.2/1.

Every interested party was able to acknowledge the Draft LA&RAP (hard copy) **from January 15, 2020 to February 5, 2020** (inclusive) available in offices of the following:

1. State Water Holding Polish Waters, Regional Water management Authority in Cracow (PGW WP RZGW in Cracow), 22. Marsz. J. Piłsudskiego Street, 31-109 Cracow, on working days from 9:00 am to 2:00 pm,
2. Water Inspectorate in Tarnów, 5. Ostrogskich Street, 33-100 Tarnów, on working days from 7:30 am to 3:30 pm,
3. OVFM Project Office, AECOM Polska Sp. z o.o., 1. Pokoju Alley (building K1 – 4th floor), 31-548 Cracow, on working days from 7:30 am to 3:30 pm;

or a digital document published on publicly available websites:

1. PGW WP RZGW in Cracow at - www.krakow.wody.gov.pl,
2. City Office of Tarnów at – www.tarnow.pl,
3. Polish Allotment Federation, Branch of Małopolskie in Cracow at – www.malopolski.pzd.pl,
4. Project Coordination Unit at – www.odrapcu.pl.

Every interested party was able to file remarks and motions referring to the Draft LA&RAP in writing and in an oral form to the protocol in the aforementioned offices or via e-mail to: jrp.krakow@wody.gov.pl on working days from 01/15/2020 to 02/05/2020 (inclusive). An institution responsible for consideration of remarks and motions was the PGW WP RZGW in Cracow, and the contact person was: Mr. Rafał Sionko, tel. +48 12 62 84 209.

Detailed information on the possibility of reviewing the document and on the possibility of filing motions and remarks (including provision of detailed contact data: telephone numbers, e-mails, snail-mail addresses where the draft document may be reviewed, office hours) were published in the Announcement placed at the following locations:

1. At websites of PGW WP RZGW in Cracow at - www.krakow.wody.gov.pl, PAF Branch of Małopolskie in Cracow at - www.malopolski.pzd.pl; PCU at - www.odrapcu.pl, City Office of Tarnów at – www.tarnow.pl;
2. In local press – TEMI Galicyjski Tygodnik Informacyjny;
3. On noticeboards in the offices of: PGW WP RZGW in Cracow, City Office of Tarnów, and Polish Allotment Federation, Branch of Małopolskie in Cracow;
4. As well as on noticeboards in locations visited by the local society, e.g. in the area of Family Allotment Gardens SEMAFOR, noticeboards of other Family Allotment Gardens, e.g. FAG Jaskółka, and local noticeboards.

The aforementioned announcement also included information on the possibility of participating in an open meeting and in a discussion for all of the interested persons, organizations, and institutions, and it was planned for February 6, 2020 (including provision of a venue, day and hour of the meeting).

That information was additionally submitted (individually, or invitations were submitted to Councils) to the following public institutions interested in implementation of the Project:

1. City Office of Tarnów,
2. City Council of Tarnów,
3. PAF Branch Management in Cracow,
4. FAG SEMAFOR Management Board,
5. Council of Estate no. 7 “Krakowska”,
6. Management Board of TARNOVIA Shopping Mall.

Publication of the Draft LA&RAP – officially commenced on **January 15, 2020** – ended after 21 days, on **February 5, 2020**. In the period of publishing the Draft Land Acquisition and Resettlement Action Plan the PGW WP RZGW in Cracow, the Water Inspectorate in Cracow, and the Consultant’s Project Office did not receive any enquiries or motions – neither by e-mail nor by phone, and they were not

handed over personally. Some interest in the document available electronically was however noted. Downloads of files from the websites informed in the announcement were observed.

The open meeting for the public – referring to public consultations on the Draft Land Acquisition and Resettlement Action Plan for Contract 3D.2/1 Construction of the right embankment of the Biala River in the City of Tarnów, implemented under the Odra-Vistula Flood Management Project, was held in a venue located close to domiciles of project affected persons, in the Mirror Hall of the City Office of Tarnów, 10. Wałowa Street, 33-100 Tarnów, on February 6, 2020, at 3:00 pm.

20 people attended the meeting, and the attendees were representatives of the City Office of Tarnów, PAF Branch Management Board, FAG Semafor Management Board. Representatives of entities directly engaged in implementation of the OVFMP also participated in the meeting, i.e.: Project Implementation Office of PGW WP RZGW in Cracow, Project Coordination Unit, and the Consultant Engineer's Team (including the: Project Manager, Designer, and the Properties Management Team). The meeting was opened by the Manager of the Project Implementation Office of PGW WP RZGW in Cracow, who welcomed the attendees and gave the floor to the Project Manager from the Consultant Engineer's Team. The Manager welcomed the attendees and briefly presented the purpose of the meeting and thanked the local authorities of Tarnów, representatives of the PAF Branch Management Board and of the FAG Semafor for their engagement and assistance in actions associated with obtainment of properties. She subsequently gave the floor to the Consultant Engineer's Senior Supporting Expert for properties and technical assistance to the Client. The Consultant's Representative shown a multimedia presentation:

1. Purpose and financing for the OVFMP were briefly discussed.
2. It was explained why the Draft LA&RAP was developed and how did its publication procedure look like.
3. Information on Contract 3D.2/1 (scope of works, area protected against flooding due to implementation of the Contract in question) were provided.
4. The greatest attention was paid to: legal regulations on payment of compensation in the area of newly formed embanked area and the area underneath the embankment, procedure of their establishment, provision of appeals, and claim and complaint provision mechanism.
5. The progress of compensation establishment and payment process for planned liquidation of allotment gardens located within the embanked area was discussed.
6. An exceptional attention was paid to the issue of changing the Investor, i.e. to the liquidation of the Małopolski Board of Amelioration and Water Structures in Cracow on 12/31/2017, and to forming of a new entity – State Water Holding Polish Waters – which took over rights and liabilities of the liquidated unit. Coincidence between those events and the date of issuing the IPIP decision for the Contract in question and the day it became final was discussed. The speaker apologized for not taking actions back then to establish the compensation, and informed that on 02/05/2020 an application on establishing the amount of compensation for allotment gardens located underneath the embankment, which shall be liquidated, was submitted to the Małopolski Governor. Further steps associated with the compensation payment were also discussed.
7. The attendees were informed about the possibility of receiving the undisputable part of the compensation despite a potential appeal against the decision of the Governor establishing the compensation amount.
8. The attendees were informed about the purpose and contents of the developed Draft LA&RAP, Operational Policy OP 4.12 was discussed. At presenting the issues of the Draft LA&RAP Mrs. Marta Rak drew special attention to measures mitigating social impact and to liabilities of the Contractor related to the rules of obtaining properties for temporary acquisition, which shall be its obligation and refer to the scope of acquisition greater than the one indicated under the IPIP decision. The final area of temporary acquisition shall be determined by the Contractor, which would be selected by the Investor in a public bidding proceeding. Its representatives shall contact the owners/holders of land in vicinity of the

embankments to establish the acquisition conditions. The process shall be implemented on a voluntary basis and based upon the rules determined under the agreement concluded between the property owner and the Contractor. It shall be monitored by the Investor and the Consultant acting in its name (a framework agreement template for temporary acquisition, which would need to be applied by the Contractor for Works Contract 3D.2/1, is given in the Draft LA&RAP).

After completing the presentation the floor was given to the attendees.

During the public discussion at the meeting (open for anyone interested in implementation of the Project) every attendee was able to provide oral and written comments/remarks on the Draft LA&RAP to the report. Additional questions were asked and remarks were raised during the meeting, answers to which required additional time and verification of information.

The questions asked during the meeting referred to issues described in details in the LA&RAP, and the Consultant attempted to answer them and clarify the doubts during the meeting, and they do not require updating the Draft LA&RAP. Some questions referred to the scope and the field beyond ones described in that document; thus – in accordance with a will of one PAP – a Question Form was submitted by e-mail, so the person would be able to receive related answers. Those questions were answered in writing and by e-mail.

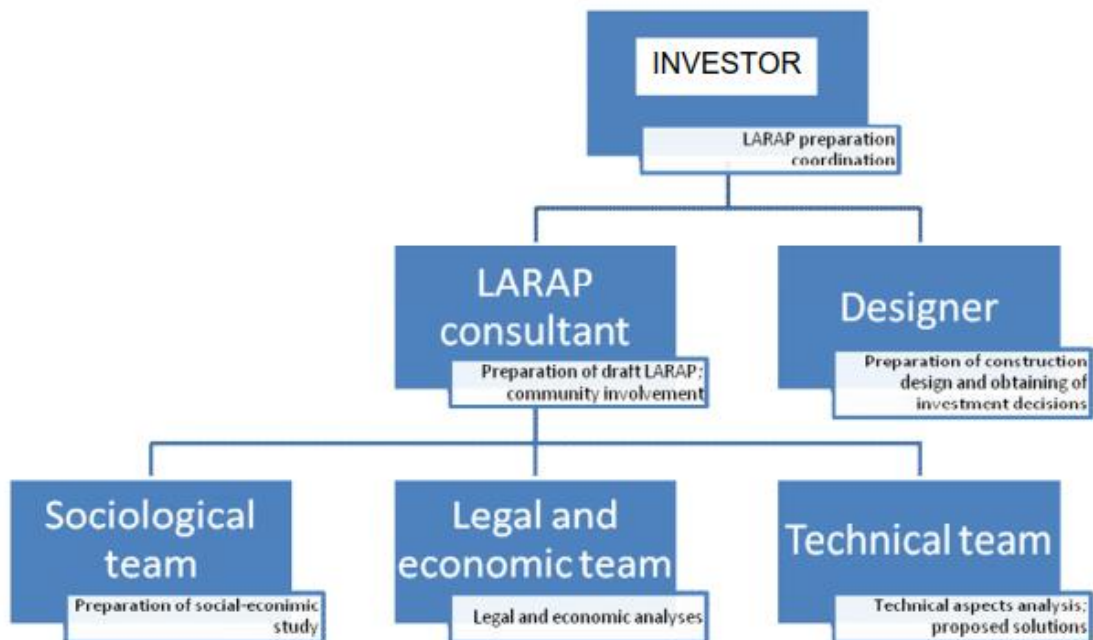
Some remarks submitted by the PAP have been included in the final LA&RAP. Additionally, the LA&RAP underwent autocorrection in the range of data given in table on page 19.

A meeting report was developed and it was submitted to the World Bank. The report forms Appendix no. 11 to the LA&RAP.

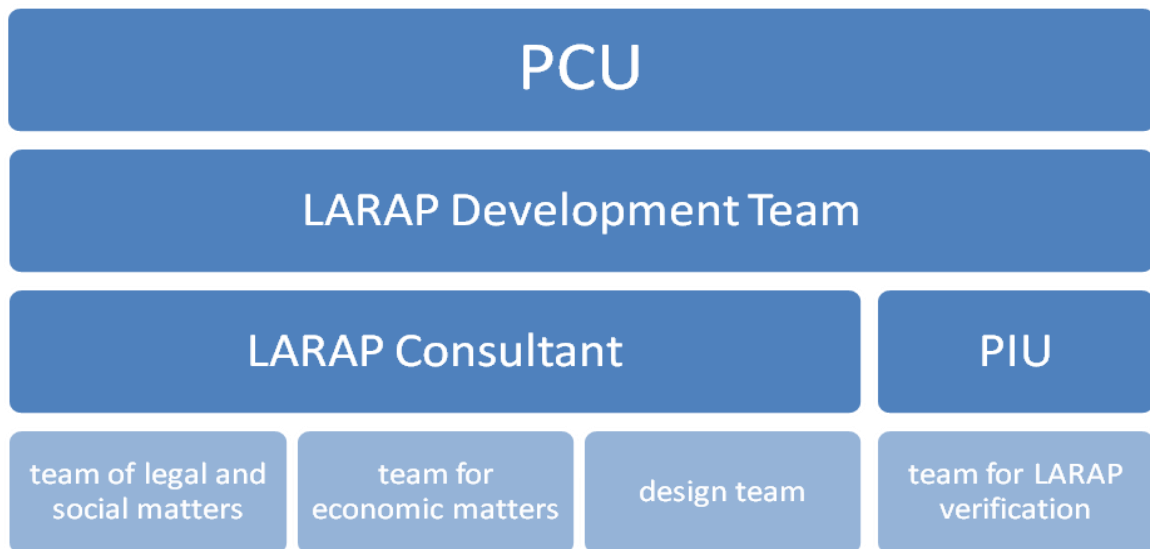
After obtaining WB's "no objection" clause the final LA&RAP shall be made available to the interested parties, i.e. published at a website and left there until the completion of Contract implementation. Any updates of the LA&RAP shall also be made available to the interested parties on websites of the PIU and the PCU.

9. INSTITUTIONAL STRUCTURE AND IMPLEMENTATION TEAM

The institutional structure of the LA&RAP developing team is presented in the following diagram:



Scheme 1. Institutional structure for the development of LA&RAP.



Scheme 2. Institutional structure for the development of LA&RAP showing location of the OVFM PCU in the structure.

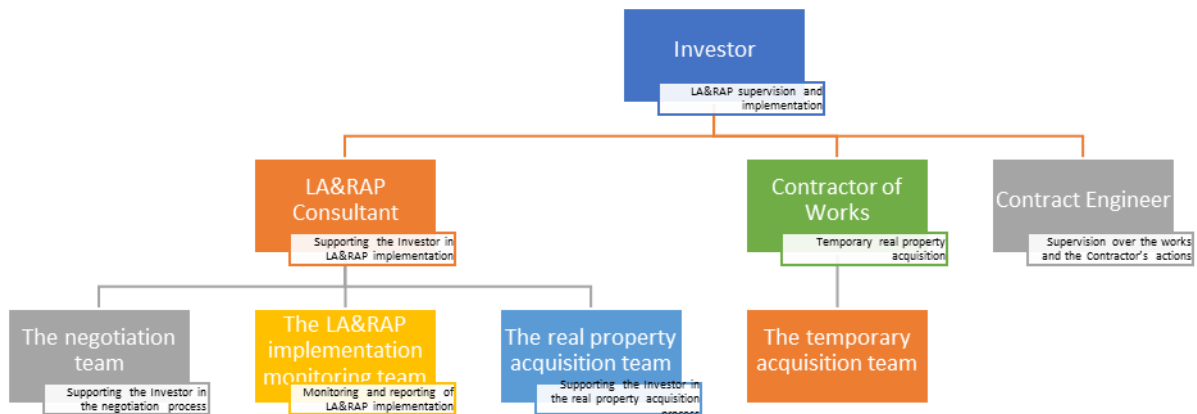
The LA&RAP Consultant for the preparation of this LA&RAP is AECOM Polska Sp. z o. o.

The scope of competence of the LA&RAP developing team is as follows:

1. PGW WP RZGW – LA&RAP preparation coordination:
 - a. facilitation supervision over LA&RAP preparation,
 - b. monitoring the LA&RAP preparation process.

2. Consultant – LA&RAP draft preparation:
 - a. conducting the socio-economic survey and preparation of a socio-economic study;
 - b. collection and analysis of the data on real property management and use;
 - c. planning of society engagement plan and public consultations, coordination of the social consultation process;
 - d. preparation of impact mitigation proposals and their technical analysis; submission of proposed changes to the construction design to the Investor;
 - e. eligibility analyses;
 - f. preparation of compensation packages;
 - g. LA&RAP draft preparation;
 - h. public hearings;
 - i. development of the final LA&RAP.
3. Designer:
 - a. preparation of a construction design,
 - b. a technical analysis of the proposed changes to the Construction Design which are presented by the Consultant.
4. Project Coordination Unit:
 - a. assuring support and essential help for the PIO in reference to application of World Bank's requirements and procedures, also during preparatory works for the LA&RAP.

The scope of competence of the LA&RAP implementation team is as follows:



Scheme 3. Institutional structure for implementation of the LA&RAP during Contract implementation.

Institutional structure for implementation of the LA&RAP showing position of the PCU in that structure is the same as in case of scheme 2.

The scope of competence of the LA&RAP implementation team is as follows:

- a) PGW WP RZGW
 - a. facilitation supervision over LA&RAP implementation;
 - b. concluding the compensation agreements;
 - c. compensation payment;
 - d. acquisition of properties at support of the Engineer Consultant;
 - e. ensuring absence of impact on properties, which have not been purchase and compensated yet as properties to be applied for the works to be performed.

- b) Consultant (key expert in the Engineer Consultant's team)
 - a. negotiation planning and participation in the negotiations (if necessary);
 - b. preparation of opinions and valuations by expert valuers for the purposes of negotiations with the PAP;
 - c. monitoring of LA&RAP implementation by the Contractor and the Engineer;
 - d. proposals of mitigation actions in case of problematic situations;
 - e. support for the Investor in acquisition of properties.
- c) Engineer
 - a. supervision over the commencement and implementation of works;
 - b. supervision over meeting the obligations by the Contractor.
- d) Contractor
 - a. real property obtainment for temporary acquisition;
 - b. payment of compensation for real properties acquired for temporary acquisition;
 - c. implementation of works on permanently acquired real properties;
 - d. restoration of real properties acquired for temporary acquisition to their pre-Contract state or to the condition agreed in the agreement on temporary acquisition of properties.
- e) OVFM PCU
 - a. Coordination of actions undertaken by the PIO for implementation of the Contract, also in reference to implementation of provision under the LA&RAP.

10. COMPLAINT AND MOTION MANAGEMENT MECHANISM

This LA&RAP adopts a rule that the Project Implementation Unit (PIU) shall undertake any measures to resolve complaints emerging during implementation of the Contract amicably.

10.1. General rules for complaint and motion management

The general complaint and motion mechanism shall be applied for the following complaints and motions:

- a) Filed during public consultation on draft of this LA&RAP,
- b) Submitted directly to the Investor during implementation of a procedure for decision establishing compensation amount,
- c) Filed after issuance of a decision establishing compensation amount for expropriated property,
- d) Submitted directly to the: PIO, PCU, PGW WP, or to another unit acting in the name of PAP.

Concerning this mechanism, the primary principle adopted by the PIU is giving everyone the right to submit a complaint or motion concerning the Contract regardless of the fact if their real property, rights or assets are situated in the area intended for Contract implementation or not.

Submitting complaints or motions is not subject to fees. Furthermore, the person filing a complaint or motion may not be exposed to any damage or allegation on account of such submission.

Complaints and motions may be submitted in written, electronic and oral form to the minutes. They may be submitted directly to the headquarters of the Investor - PGW WP RZGW in Cracow, mailed to the address: 22. Marsz. Józefa Piłsudskiego Street, 31-109 Cracow or via e-mail to: krakow@wody.gov.pl.

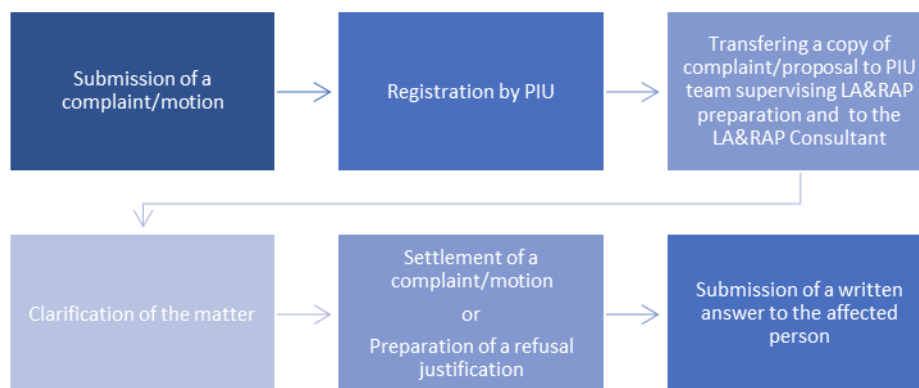
Complaints and motions shall be archived in a relevant register, with the dates of their submission, dates of providing answers and the method of resolving.

Complaints and motions shall be addressed immediately, what means an obligation of providing the party with an official notification on the method of solving the complaint or the motion without delay. Such a notification should contain determination of an issuing unit, indication of the method the claim was addressed, and a signature with provision of a name, a surname, and a position of the person authorized to address the complaint or the motion.

In particularly complex cases as well as in cases where the examination of the complaint or motion requires introducing changes to the LA&RAP, the term allowed for answering a complaint or motion shall be extended to 30 days. If this term is too short, the party shall be notified of the cause for not receiving a subject matter answer to the party's complaint/motion on time; the term of providing such an answer shall also be stated.

In the case of a refusal to settle a complaint, the person submitting the complaint or motion shall be informed in an exhaustive manner about the causes for the refusal.

A diagram of the general complaint and motion management mechanism is presented below:



Scheme 4 - Scheme of general mechanism for management of complaints and proposals.

10.2. Detailed establishments on the compensation complaint and decision mechanism

Special complaint and motion management mechanisms are directly connected with the proceedings establishing compensation for the lost right to the real property and related assets (e.g. civil profits, appurtenance or devices and machines unfit for use in a different location). They shall be applied during negotiations on compensation after the issuance of IPIP, in a proceeding on the issuance of a decision establishing the compensation amount by the Małopolski Governor and in appealing and court proceeding on the compensation amount.

The party is entitled to compensation for legally expropriated property. The amount of that compensation shall be established during negotiations between PGW WP RZGW and the previous owner or perpetual user or a person who has limited property rights. The amount of that compensation shall be established by certified valuers. The agreement is made in writing under pain of becoming null and void.

If within 2 months from the day the decision on investment project implementation permit became final, the compensation amount would not be agreed, the amount of that compensation shall be established by the Małopolski Governor in an administrative decision.

Decision establishing the compensation amount may be appealed against by a party through submission of an appeal to the higher level authorities, i.e. to the Minister competent for Construction (hereinafter referred to as the Minister).

Submission of an appeal against that decision is however not an obstacle to pay the compensation to entitled persons – in accordance with Article 21 (11) of the Special Flood Act, the party filing the appeal may file a motion on payment of compensation determined in the compensation decision, and the State Treasury is obliged to pay that amount despite the filed appeal. Payment of compensation amount does not affect the appeal proceeding in progress.

The complaint and motion mechanism applied during the proceeding on the issuance of a decision establishing the compensation amount by the Małopolski Governor and during appeal proceeding before the Minister and before the administrative court – related to the compensation established by the Governor and to potential complaints associated with those issues:

A) free-of-charge procedure for settling the compensation amount

If during negotiations between PGW WP RZGW and the previous owner or perpetual user or a person with limited property rights the compensation amount would not be agreed, the amount of that compensation shall be established by the Małopolski Governor in an administrative decision. In case

of dissatisfaction with the decision of the Małopolski Governor, relevant parties have a right to file an appeal to the Minister.

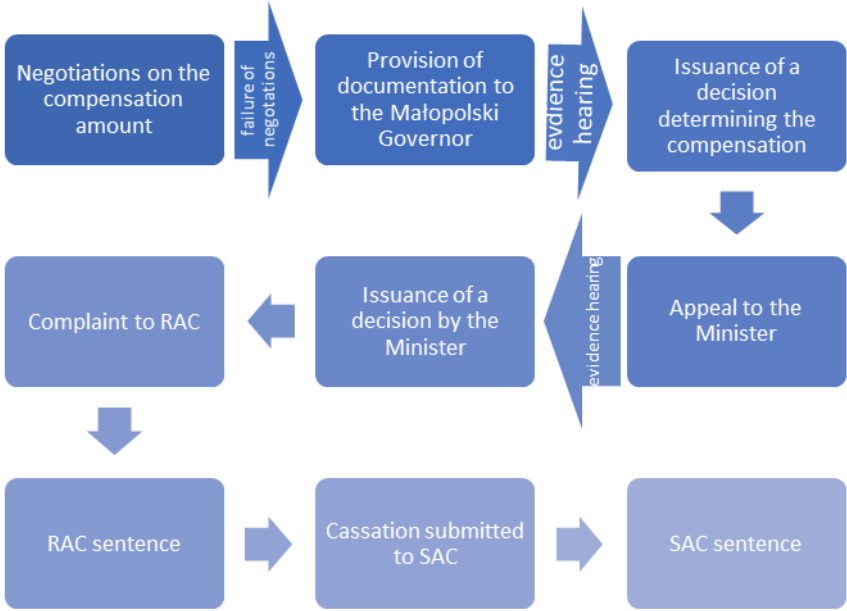
B) procedure for settling legitimacy of units' proceedings (subject to administrative fees, from which the authorities may resign off based upon application of the complaining party)

If the party would not be satisfied with settlements of the Minister, it may file a claim to the Regional Administrative Court within 30 days from receiving the decision. The court shall verify, if the Minister properly and reliably implemented the proceeding, including remarks, motions and evidence provided by the proceeding parties. In conformity with valid regulations the complaint is subject to a court fee. Furthermore, the losing party is obliged to pay the court proceeding cost to the other party.

In case the RAC decision would not satisfy the party, it has a right to submit a cassation appeal to the Supreme Administrative Court. That court shall verify not only the properness and legitimacy of the proceeding completed by the Governor and by the Minister, but also the RAC sentence. The cassation appeal is subject to fee. Furthermore, the losing party is obliged to pay the court proceeding cost to the other party.

Fees:

1. Complaint to the RAC on the decision establishing the compensation amount is subject to proportional fee, which depends on the cash due under the claimed decision, and it amounts to:
 - ✓ up to PLN 10,000 – 4% of the complaint subject value, but no less than PLN 100;
 - ✓ over PLN 10,000 up to PLN 50,000 – 3% of the complaint subject value, but no less than PLN 400;
 - ✓ over PLN 50,000 up to PLN 100,000 – 2 % of the complaint subject value, but no less than PLN 1.500;
 - ✓ over PLN 100,000 – 1% of the complaint subject value, but no less than PLN 2,000 and no more than PLN 100,000.
2. Cassation appeal fee for the SAC is the half of fee for the RAC, but no less than PLN 100.



Scheme 5. The complaint management mechanism at the stage of issuing a decision determining the compensation amount and after issuance of IPIP and its final status.

10.3 Complaint and motion submission mechanisms in reference to implementation of the Works Contract

The mechanism of submitting complaints and motions concerning the construction and assembly works conducted by the Contractor shall be implemented at the beginning of the whole process and shall be binding throughout the entire period of implementation, functioning and closure of the Contract.

10.3.1. Places where complaints and motions may be submitted

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

1. Directly in the main Project office, which shall fulfil the function of a consultation point:
AECOM Polska Sp. z o.o., Odra-Vistula Flood Management Project Office, 1. Pokoju Alley, Building K1, Cracow 31-548,
Mrs. Marta Rak, tel. +48 601 824 298 (Senior Supporting Expert for Properties and Technical Assistance for the Client, AECOM Polska Sp. z o.o.),
Mr. Tomasz Jankowski, tel. +48 505 028 137 (Properties Specialist, AECOM Polska Sp. z o.o.).
2. Directly in the Employer's office:
PGW WP RZGW in Cracow
22. Marsz. Józefa Piłsudskiego Street
31-109 Cracow
+48 12 62 84 209 (Ms. Aleksandra Macek PGW WP RZGW in Cracow Chief Specialist, Mr. Rafał Sionko PGW WP RZGW in Cracow Specialist).
3. Directly in the office on the construction site (the address of this office will be announced on the website of the Works Contract within 1 month before starting work).

In addition, complaints and motions may be submitted:

- via mail to the addresses, as above, or
- via internet:

Website: <http://www.krakow.rzgw.gov.pl>;

e-mail: krakow@wody.gov.pl

10.3.2. Terms of considering complaints and motions

Terms of considering complaints and motions:

- Proposed resolution: immediately, up to 30 days from receiving the motion.

The principles referenced in Chapter 10.1 concerning the consideration of complaints and motions are also binding upon that type of complaints.

The complaint consideration mechanism is presented on Scheme 4.

The proposed complaint registration form is presented in Chapter 14.1.

10.3.3. Persons responsible for consideration of complaints and motions

Responsibility for reviewing complaints and motions lies with PIO personnel indicated by the PIO Manager.

10.3.4. Audits and independent appeal mechanism

It is assumed that internal audits of the “complaint and motion mechanism operation” shall be conducted periodically (once in a half year) in order to assess the efficiency of the implemented system.

10.4 Personal data protection policy for the Contract

The purpose of the rules below, applied for implementation of this Contract, is to ensure transparency, protection and safety of collection of personal data of Project Affected Persons (PAP).

WHO IS THE PERSONAL DATA ADMINISTRATOR

In accordance with Article 13 (1) and (2) of the general regulation on the personal data protection dated April 27, 2016, the personal data is administered by the State Water Holding Polish Waters with its registered office in Warsaw 00-844, 80/82. Grzybowska Street. It is responsible for using the data safely and in accordance with the valid law - especially in accordance with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.

CONTACT DETAILS FOR THE PERSONAL DATA INSPECTOR

If you have any questions about the manner and scope of processing your personal data regarding the work of the PGW WP, as well as your rights, you can contact the Personal Data Protection Inspector at PGW WP using the address: iod@wody.gov.pl

LEGAL BASIS FOR PROCESSING

The legal basis for the processing of personal data is Article 6 (1) letter e) of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC in connection with Article 3 of the Law of July 8, 2010 on particular conditions for preparing flood management contracts for implementation.

WHAT PERSONAL DATA MAY BE COLLECTED AND FOR WHAT PURPOSE

Personal data is any information of personal character, allowing to identify a particular person. **PGW WP RZGW in Cracow** collects only such data as necessary for execution of the Contract carried out by **PGW WP RZGW in Cracow** (in this case it relates to execution of the Works Contract 3D.2/1 - *Construction of the right embankment of the Biala River in the City of Tarnów*). Such data is processed solely to the extent provided for by PAPs, with their voluntary consent expressed with a relevant form and may include:

- a) data determining identity: full name and surname and date of birth,
- b) contact details: telephone number, address of registration and/or residence, e-mail address,
- c) data connected with payment of compensation for permanent occupation of property, restrictions in use: PESEL or NIP number or VAT number, series and number of the identity document, parents' names, bank account number.

The consent to store and process personal data is voluntary, lack thereof may however prevent payment of compensations or provision of information to PAPs about commencement of works and their progress.

PGW WP RZGW in Cracow stores current personal data of PAPs only, and should inform RZGW in Cracow of any changes to PAP data.

WHAT PERSONAL DATA WERE OBTAINED IN A WAY DIFFERENT THAN FROM A PERSON BEING ITS SUBJECT AND FROM WHICH SOURCE / SOURCES

In order to identify owners / perpetual users / holders of properties that will be subject to permanent acquisition or restriction of use of **PGW WP RZGW in Cracow**, it obtained personal data from the Register of Lands and Buildings and the electronic system of Land and Mortgage Registers. The obtained data is:

- a) data specifying the identity: full name and surname and parents' names (in those cases where they were indicated in the EGiB), PESEL number (in those cases where it was indicated in the Mortgage Register),
- b) contact details: registered address (in those cases where they were indicated in the EGiB).

TO WHOM PERSONAL DATA MAY BE MADE AVAILABLE

PAPs' personal data may only be disclosed to:

- a) entitled public entities for the purpose of procedures they conduct, when **PGW WP RZGW in Cracow** is so obliged under relevant regulations and documents (e.g. a court summons, injunction order or another legal procedure),
- b) the agencies involved in execution of the Works Contract 3D.2/1 *Construction of the right embankment of the Biala River in the City of Tarnów*, only as far as necessary for performance of particular activities.
- c) postal operators, in order to inform PAPs,
- d) representatives of the Consultant and lawyers in order to support the implementation of the Works Contract and compensation payments.

Personal data will not be transferred to third countries or to international organizations.

RIGHTS OF THE PERSON TO WHOM DATA APPLIES

Each PAP has the right to:

- a) access his/her personal data and to update and correct it,
- b) delete his/her personal data ("right to be forgotten") or to move it to another data manager,
- c) limit the processing of one's personal data - some data may be marked as limited to processing in certain cases only,
- d) bring a complaint concerning the processing of his/her data by **PGW WP RZGW in Cracow** to a relevant body supervising personal data processing, when PAP considers, that the processing of personal data infringes on the provisions of the general Regulation on the protection of personal data of April 27, 2016 (indicated above),
- e) withdraw consent, at any time, to process his/her personal data by **PGW WP RZGW in Cracow**.

PAP data will not be subject to automated decision-making processes (profiling).

CONTACT TO THE SUPERVISING AUTHORITIES CONSIDERING COMPLAINTS

President of the Office for Personal Data Protection

2. Stawki Street

00-193 Warsaw

phone +48 22 531 03 00

fax +48 22 531 03 01

Office opening hours: 8.00 am – 4.00 pm

Hotline: 606-950-000 open on working days from: 10.00 am - 1.00 pm

CONTACT PERSON AT PGW WP RZGW IN CRACOW FOR DATA PROTECTION POLICY

Data Protection Inspector in PGW WP tel.: +48 22 37 20 213 e-mail: iod@wody.gov.pl

In RZGW in Cracow:

Tel.: +48 12 62-84-150 (Mrs. Katarzyna Szczepanek)

E-mail: poczta@krakow.rzgw.gov.pl

TIME OF KEEPING THE PERSONAL DATA

Personal data will be kept until the day of limitation of PAPs' compensation claims.

11. MONITORING AND EVALUATION

LA&RAP implementation monitoring is an integral part of the Contract monitoring and management system. Therefore, the tools used for Contract implementation monitoring shall be used for the purposes of LA&RAP implementation monitoring. Its task is reporting to financing institutions and providing current information about problems, random incidents and irregularities. LA&RAP is an integral part of the investment process that allows immediate response in the event of problems or irregularities. Ensuring appropriate cooperation between the Consultant and the PIU is also of fundamental importance.

Schematic flow of information within the framework of the monitoring is shown in the chart below.



Scheme 6. Information flow in the framework of implemented monitoring.

The main indexes to be monitored in relation to the Contract implemented by PGW WP RZGW are shown in the table below.

Table 4. Monitoring indexes applied at implementation of the Contract by PGW WP RZGW⁹.

Index	Source of information	Frequency of monitoring	Progress indicator
Assumed parameters			
Number of persons threatened by flooding	Data from model tests	One-off at the Works Contract preparation stage	Number
Number of hectares of land threatened by flooding	Data from model tests	One-off at the Works Contract preparation stage	Quantity (ha)
The number of real properties subject to expropriation	IPIP decision	Once, after issuing the decision	Number (items)
The number of real properties subject to permanent restriction in the use of properties	IPIP decision	Once, after issuing the decision	Number (items)
The number of real properties subject to restriction in the use of properties: a) permanent b) due to network redevelopment	IPIP decision	Once, after issuing the decision	Number (items)
Number of Project Affected Persons (PAP): - owners - perpetual users - autonomous possessors - others (if any)	Land and mortgage registers, written extracts from land registers, IPIP decision	Once, after issuing the decision Continuous updating during the period of agreeing on and paying the compensations	Number
The sum of all expenses of the resettlement, including compensations (planned)	Registers of RZGW / Consultant	Monthly/Quarterly	PLN
The number of acquired real properties	Registers of RZGW / Consultant	Monthly/Quarterly	Number (items)
Achieved parameters			
Number of persons protected against flooding	Registers of RZGW / Consultant's records	One-off, after completion of Contract	Number
Number of hectares of land protected against flooding	Registers of RZGW / Consultant's records	One-off, after completion of Contract	Quantity (ha)
The sum of all expenses of the compensations (expenses)	Financial registers of RZGW	Monthly/Quarterly	PLN
The number of acquired real properties	Registers of RZGW / Consultant	Monthly/Quarterly	Number (items)
Efficiency indicators			
The number of complaints	Registers of RZGW / Consultant	Monthly/Quarterly	Number (items)
The number of addressed claims	Registers of RZGW in Cracow / the Consultant	Monthly / Quarterly	Number (items)
Paid compensations, other	Financial registers of RZGW	Monthly/Quarterly	PLN

⁹ Since there are no physical and economic resettlements, PAP will remain in their households and impact on level of income is not anticipated.

The monitoring results will be presented in the monthly reports and in the quarterly reports.
The ex-post evaluation will be conducted six months after the LA&RAP is fully implemented and its objectives will be assessed and documented.

12. COSTS AND FINANCING SOURCES

No.	Item	Unit	Unit price	Quantity	Total, PLN
1	Permanently acquired land, including: crop, planting, and facilities	Hectare	No data***	1.8384 ha	No data ***
2	Temporary restriction in the use of properties associated with network redevelopment	Hectare	No data ***	0.0936 ha	No data ***
3	Permanent restriction in the use of properties	Hectare/number	No data ***	0.1486 ha	No data ***
4	Compensation for users of allotment gardens for structures and planting owned by them	Hectare/number	No data ***	189 allotment gardens (188 PAP + PAF for unused gardens)	No data ***
5	Court fees	Not applicable	Not applicable	No data	No data
6	LA&RAP implementation cost**	Not applicable	Not applicable	Not applicable	PLN 35 000
7	Unexpected cost (+20% to item no.: 1)	PLN	Not applicable	Not applicable	No data
8	Protective measures (5% to item no.: 1)	PLN	Not applicable	Not applicable	No data
	TOTAL				PLN 35 000

** cost of information campaign (correspondence with PAP), cost of postal order in case of paying the compensation to people not having bank accounts, etc.

*** amounts shall be established by an independent valuer.

Information on the amount of compensation for permanent acquisition, permanent restriction in the use of properties, and for plots where obligation to redevelop the existing land utilities shall be imposed, as well as on the amount of compensation for structures and planting owned by owners of allotment gardens shall be supplemented after developing an evaluation by a valuer.

The compensation is paid by the Investor, i.e. by PGW WP RZGW in Cracow. The funds are guaranteed by the State Treasury and transferred via the Ministry of Finance and the Ministry of Maritime Economy and Inland Navigation to Polish Waters.

PAP receive compensation from the bank account of PGW WP RZGW in Cracow to an indicated bank account or, if PAP does not have a bank account, the payment will be made by postal order.

13. LA&RAP IMPLEMENTATION SCHEDULE

The individual steps necessary for the preparation and implementation of LA&RAP, according to LARPF, are shown in the table below. A detailed schedule in this regard is contained in Appendix no. 3 to this document. There shall be no impact on assets or on PAP until compensation is paid.

LA&RAP DEVELOPMENT			
Steps	Action	Responsibility	Verification of performed actions
1	Preliminary social impact estimation for the Contract	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP verification team
2	Determination of the final scope of expropriation and development of a construction design	Designer/Consultant	PGW WP RZGW – LA&RAP verification team
3	Determination of coordination framework for LA&RAP implementation with relevant government administration authorities	Consultant	PGW WP RZGW – LA&RAP verification team
4	Collection of written and graphic extracts from EGIB and from spatial management plans	Consultant	PGW WP RZGW – LA&RAP verification team
5	Social impact estimation for the Contract	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP verification team
6	Verification and update of collected materials, impact analyses and economic analyses	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP verification team
7	LA&RAP draft development	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP verification team
8	LA&RAP public consultations after obtaining acceptance from the Bank	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP verification team
9	In the scope resulting from taking into consideration comments and motions to the LA&RAP – verification and update of collected materials, impact analyses and economic analyses	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP verification team
10	In the scope resulting from taking into consideration comments and motions to the LA&RAP – introduction of changes into the LA&RAP	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP verification team
11	Submission of the LA&RAP to the World Bank	PIO, PGW WP RZGW	PCU
12	No remarks from the World Bank	WB	-
13	LA&RAP publishing	PIO, PGW WP RZGW	-

LA&RAP IMPLEMENTATION

Steps	Action	Responsibility	Verification of performed actions
1	Determination of a detailed LA&RAP implementation schedule	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP monitoring and implementation team
2	Submission of motions for the IPIP	Designer	PGW WP RZGW – LA&RAP monitoring and implementation team
3	Obtaining the IPIP	Designer	PGW WP RZGW – LA&RAP monitoring and implementation team
4	Informing the PAP about obtaining the IPIP, its effects and the Investor's further planned actions	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP monitoring and implementation team
5	Valuation of real property by valuers, in line with the law in force, and valuation verification	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP monitoring and implementation team
6	Delivery of the appraisal studies to the expropriated persons and conducting negotiations	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP monitoring and implementation team
7	Should negotiations fail – obtaining a decision from the Governor on the amount of compensation	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP monitoring and implementation team
8	Payment of compensation or handover of replacement real properties, commencement of other compensation and protective measures stipulated in the LA&RAP	PIO, PGW WP RZGW / Consultant	PGW WP RZGW – LA&RAP monitoring and implementation team
9	Physical acquisition of expropriated real properties and commencement of works based upon a property acquisition protocol	PGW WP RZGW at support of the Consultant Engineer	PGW WP RZGW – LA&RAP monitoring and implementation team
10	LA&RAP implementation evaluation	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP monitoring and implementation team
11	Obtainment of real properties by the Contractor for the purpose of temporary acquisition	Contractor	Contractor / PIO

CYCLIC TASKS

Step	Action	Responsibility	
1	Internal permanent monitoring of LA&RAP implementation	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP monitoring and implementation team
2	Reporting to the World Bank	PGW WP RZGW – LA&RAP monitoring and implementation team	PCU
3	Permanent coordination with the government and local government administration authorities	PGW WP RZGW – LA&RAP monitoring and implementation team	PCU
4	Permanent communication with the PAP	Consultant - team for legal and social issues	PGW WP RZGW – LA&RAP monitoring and implementation team

POST-IMPLEMENTATION TASKS

Step	Action	Responsibility	
1	LA&RAP implementation evaluation	Independent external auditor	

14.3. Real Property acquisition schedule

Appendix no. 3 – Schedule attached in an electronic version.

14.4 Summary of Real Properties

Appendix no. 4 – Table attached in an electronic version.

14.5 Real Property Acquisition Progress

Appendix no. 5 - Table attached in an electronic version.

14.6 Property Acquisition Monitoring – temporary acquisition

Appendix no. 6 - Table attached in an electronic version.

14.7 Map with Designed Plots Division

Appendix no. 7 - Map attached in an electronic version.

14.8 Socio-Economic Study

Appendix no. 8 – Socio-Economic Study attached in an electronic version. The paper is not published due to protection of personal data in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.

14.9 Maps showing properties and allotment gardens, which would be located within the embanked area

Appendix no. 9 – Maps attached in an electronic version.

14.10 Temporary Acquisition Agreement

Appendix no. 10 – Draft agreement for provision of properties for the purpose of temporary acquisition, which shall be applied by the Contractor, attached in an electronic version.

14.11 Report on public consultation for the draft LA&RAP

Appendix no. 11 – Attached in an electronic version.

14.12 Information Leaflet

Appendix no. 12 – Attached in an electronic version.

15. LIST OF APPLIED DOCUMENTS

1. WB Policy on Disclosure of Information, Section III, Paragraph 34; and Operational Policy 4.12: Involuntary Resettlement (December 2001)
(<http://www1.worldbank.org/operations/disclosure/policyIII.html>;
<http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/CA2D01A4D1BDF58085256B19008197F6?OpenDocument>) July 2 2005.
2. CONSTRUCTION DESIGN titled: "Construction of the right embankment of the Biala River at local chainage 0+000 – 0+695 (register chainage km 5+046 – 6+186 of the River Biala) in the City of Tarnów, Municipality of Tarnów, City on District Rights - Tarnów, Małopolskie Province".
3. Environmental Management Plan for Works Contract 3D.2/1 Construction of the right embankment of the Biala River in the City of Tarnów (draft).
4. Handbook for Preparing a Resettlement Action Plan, INTERNATIONAL FINANCE CORPORATION A Member of the World Bank Group, 2001.
5. GUIDELINES FOR THE PREPARATION OF A Resettlement Action Plan, MINISTRY OF LANDS June 2003.
6. ANALYSIS OF TECHNICAL SOLUTIONS AND ECONOMIC ANALYSIS FOR THE DESIGN OF EMBANKMENT DEVELOPMENT.
7. IPIP decision no. 01/2017 issued by the Małopolski Governor on 08/31/2017 for the Contract titled: "Construction of the right embankment of the Biala River at local chainage 0+000 – 0+695 (register chainage km 5+046 – 6+186 of the River Biala) in the City of Tarnów, Municipality of Tarnów, City on District Rights - Tarnów, Małopolskie Province" within the framework of Contract titled "Expansion of flood embankments and construction of the right embankment of the Biala River in the Commune of Tuchów, Tarnów, City of Tarnow".