



ŚWIĘTOKRZYSKI BOARD OF
AMELIORATION AND HYDRAULIC
STRUCTURES in Kielce



ODRA-VISTULA FLOOD MANAGEMENT PROJECT - 8524 PL

RAP – LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

SUB-COMPONENT 3B *Protection of Sandomierz and Tarnobrzeg*

Contract 3B.1

Flood protection Sandomierz



Źródło fot.: Grontmij

Version	Date	By	Signature	Client's Approval
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1 List of abbreviations used in the document

3B.1	Identification of Contract/Task - <i>Flood protection Sandomierz</i>
APC	Administrative Proceedings Code - Act of 14 June 1960 (consolidated text, Journal of Laws of 2016 item 23)
CC	The Act of 23rd April 1964 on Civil Code (consolidated text Journal of Laws of 2016, item 380, 585)
CEB	Council of Europe Development Bank
Constitution	Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws of 1997, No. 78, item 483, of 2001, No. 28, item 319, of 2006 No. 200, item 1471, of 2009, No. 114, item 946)
Contract/Task	Works Contract 3B.1 <i>Flood protection Sandomierz</i>
Contractor	Company/legal person realizing Contract 3B.1 <i>Flood protection Sandomierz</i>
EGIB	Land and Property Register
EA	Environmental Assessment
EIA Law	Act of 3 October 2008 on access to information on the environment and its protection, public participation in environment protection and environmental impact assessments (consolidated text, Journal of Laws of 2016, item 353 as amended)
Engineer / Consultant	A company/legal person that is employed by the Employer to perform services (among other described in this document)
FAG Law	The Act of 13th December 2013 on family allotment gardens (consolidated text, Journal of Laws of 2014, item 40 as amended)
GIS	Geographic Information System
IPIP	Investment project implementation permit
LARPF	Land Acquisition and Resettlement Policy Framework
NBP	National Bank of Poland (<i>Narodowy Bank Polski</i>)
NGO	Nongovernmental Organization
OP 4.12	The designation of the document containing the rules for involuntary resettlements required for co-funding of the Task with the World Bank's loan – Operational Policy 4.12 – Involuntary Resettlements.
PAP	Project Affected Person(s)
PCU	Project Coordination Unit
PIU	Project Implementation Unit – Świętokrzyski Board of Amelioration and

	Hydraulic Structures in Kielce
PIU/Employer	Świętokrzyski Board of Amelioration and Hydraulic Structures in Kielce
Project	<i>Odra-Vistula Flood Management Project</i>
RAP	Land Acquisition and Resettlement Action Plan
Regulation on evaluation	Regulation of the Council of Ministers of 21 September 2004 on the evaluation of properties and preparing an appraisal (consolidated text, Journal of Laws of 2011, item 985)
Regulation on the register of land and property	Regulation of the Minister of Regional Development and Construction of 29th March 2001 on register of land and property (consolidated text Journal of Laws of 2016, item 1034)
RPM Law	The Act of 21st August 1997 on real property management (consolidated text, Journal of Laws of 2015, item 1774, 1777, of 2016, item 65)
Special Flood Act	The Act of 8th July 2010 on special principles of preparation and execution of flood prevention constructions investments (consolidated text, Journal of Laws of 2015, item 966 as amended)
Structure	A material scope allocated in terms of functions, which constitutes a part of Task 3B.1 <i>Flood protection Sandomierz</i>
ŚZMiUW	Świętokrzyski Board of Amelioration and Hydraulic Structures in Kielce (<i>Świętokrzyski Zarząd Melioracji i Urządzeń Wodnych</i>)
TO	Permanent constrains in use
World Bank (WB)	International Bank for Reconstruction and Development

1.1 KEY DEFINITIONS

The following key definitions are used herein:

Cut-off date – date of completion of the survey of the property and of persons affected by the project. Persons who will occupy the area where the Project is implemented after the cut-off date are not entitled to compensation or any other form of resettlement assistance. Similarly, there will be no compensation for fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the survey or after mutually agreed on date.

Economic resettlement – loss of benefits, revenues or support means resulting from the repurchase or restricted access (to the land, water or forest), occurring as a consequence of the construction or operation of the designed structures or related installations.

Groups requiring the provision of special assistance – people who due to their: sex, ethnicity, age, mental or physical disability, difficult material situation or social position are more exposed to adverse resettlement effects than other groups and who may have a limited possibility of submitting their complaints or using assistance in resettlement or participating in the benefits connected with the Project.

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

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

Compensation – paid in money or in the form of a property which is a substitute for the properties acquired or affected by the Project. Such compensation is paid out at the time when respective property must be released by the owner to the Świętokrzyski Board of Amelioration and Hydraulic Structures in Kielce. Pursuant to Polish law, compensation can be paid out from the time when expropriation decisions (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 resettlements – Operational Policy outlining main principles and procedures, forming a basis of WB approach to involuntary resettlements connected with investments projects.

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

Entity - a natural person, a legal person and organisational unit without a legal personality, that may have rights and obligations.

Revenues – material gain obtained within the commercial activity or agricultural activity on property, including on sale of such a property.

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

A capital company – a legal form of commercial entities organisation, most often used to run big companies, as well as in internal organisation of capital groups.

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

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

Payment of compensation - a payment of the equivalent paid in cash or in the form of a replacement property for properties that were acquired or upon which the Project has impact.

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

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

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

2 Introduction

This document presents the Land Acquisition and Resettlement Action Plan (RAP) for Contract 3B.1 *Flood protection Sandomierz* implemented as part of the *Odra-Vistula Flood Management Project (OVFMP)* co-financed by the International Bank for Reconstruction and Development (the World Bank) (Loan Agreement of 10th September 2015), Council of Europe Development Bank (CEB) (Frame Loan Agreement of 24th May 2016) and State Budget. It must be underlined that this document is a “site-specific” document and it is dedicated only to Contract 3B.1 and not the entire OVFMP.

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

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

This RAP was developed after obtaining by the Employer the legal title to the properties. Currently, the situation of acquiring properties for the needs of the investment looks as follows (as of 16.12.2016):

	Total Hectares Required	Total Plots	Public Plots	%	Private Plots	%	Physical displacement	Economic displacement
Permanent Occupation	93,398	232	98	42,2	134	57,8	0	0
Permanent Occupation (compensation disbursed **) *	92,142	222	95	42,8	127	57,2	0	0
Permanent Occupation (compensation not disbursed)	1,256	10	3	30,0	7	70,0	0	0
Permanent constrains in use	2,600	161	75	46,6	86	53,4	0	0
Permanent constrains in use (compensation disbursed)	0	0	0	0	0	0	0	0

	Total Hectares Required	Total Plots	Public Plots	%	Private Plots	%	Physical displacement	Economic displacement
Permanent constrains in use (compensation not disbursed)***	0	0	0	0	0	0	0	0

* Acquiring properties prior to public disclosure of RAP was in accordance with the Operational Policy OP 4.12 and in accordance with the rules specified in LARPF. The public was informed with respecting the procedures of OP 4.12, which was described in detail in chapter 9 of this RAP. The property appraisals as prepared comply with the methodology accepted in OP 4.12 and this RAP.

** Compensations for the unpaid properties (being within the State Treasury resources) were classified as disbursed.

*** As of the day of drawing up the IPIP document the value of compensations related with permanent limitations had not been specified yet. The value of compensations shall be established in accordance with the procedure described in sec. 7.3

3 categories of PAPs entitled to get compensation were identified: owners (including co-owners), lessees of the properties and holders of land easements.

The aim of this RAP is to document that the process of acquiring properties for the needs of the Task's implementation was in accordance with the requirements specified in OP 4.12, but certainly ensuring the retroactive application of the OP 4.12 provisions.

2.1 TASK DESCRIPTION

The Task included in this RAP is carried out within the scope of the *Odra-Vistula Flood Management Project*. The works are included in the Component 3 – *Flood Protection of the Upper Vistula*, Sub-component 3B - *Protection of Sandomierz and Tarnobrzeg*.

Contract – 3B.1 – *Flood protection Sandomierz*.

Świętokrzyski Board of Amelioration and Hydraulic Structures in Kielce (ŚZMiUW), acting on behalf of Świętokrzyskie Province, is the Project Implementation Unit (PIU) of the Contract, performing the tasks related to government administration.

The Sandomierz Valley is a waterway node of the Vistula River and mouths of several important tributaries. The area of right bank part of Sandomierz is protected by floodbanks which condition and protective efficiency were verified by the flood of 2010 (the largest in the history of this region) causing flooding of a right-bank part and significant amount of damage. The flood protection system requires improving and adjusting to the flow of great waters. Under the Contract 3B.1, it is planned to conduct sectional modernization of the embankment system along with necessary modernization of the system of pumping stations protecting the areas on the land side of the embankment during the runoff of great waters.

Contract 3B.1 is to: improve the flood protection of the right bank Sandomierz by draining the area within the forks of the Vistula River and the Trześniówka River; secure the Housing

Estate and Glassworks against flooding from the Vistula River and Trześniówka River; secure the Koprzywianka valley against flood; improve the protection against flooding and decrease the flood risk in the following villages Zajeziarze, Szewce and Sońniczany as well as in the neighbouring areas.

The Contract 3B.1, *Flood protection Sandomierz* includes implementation of 6 structures:

- 1) **Flood protection within the mouth section of the Atramentówka River, construction of a new pumping station "Koćmierzów" and of a gravity-type dam lock in Koćmierzów (in the right embankment of the Vistula River) and of a channel draining water from the Atramentówka River to the pumping station,** which result in the following works:
 - construction of "Koćmierzów" pumping station with storage reservoir,
 - construction of a channel leading water from Atramentówka,
 - construction of a discharging channel to the Vistula River,
 - reconstruction of the existing embankment sluice in the embankment surrounding Pilkington Glassworks,
 - rearrangement of Atramentówka bed.

- 2) **Flood protection within the area of the Struga A watercourse together with an alteration and expansion of the pumping station "Nadbrzezie",** under which the works will be performed, including:
 - rebuilding of storage reservoir and an embankment sluice,
 - modernisation of "Nadbrzezie" pumping station, together with construction of a septic tank for sewage and reconstruction of a ditch discharging water from the pumping station to Trześniówka,
 - reconstruction of a drainage ditch Struga A, reconstruction of culverts and exits within the ditch route with insufficient capacity, reinforcement of the ditch bed.

- 3) **Expansion of the surrounding embankment protecting Glassworks and a Housing Estate against the flood waters in the town of Sandomierz together with an extension of the embankment of the Vistula River from the Lwowska Street to intersection of Koćmierzów embankment,** where works will be executed, including:
 - expansion of the existing embankment on the section of ca 2849 m along the Mostowa Street and Zarzecze in terms of its width and the height of its crown as well as its sealing along with the widening of embankment passage,
 - expansion of the existing embankment of the Vistula River on the section of 609 m in terms of its width and the height of its crown as well as its sealing,
 - construction of the anti-flooding gates on the canal along with the reconstruction of the entry to the port,
 - reconstruction, expansion and construction of embankment structures and ground utilities networks colliding with the embankment structure.

- 4) **Protection the embankments of Koprzywianka River – left embankment in km 0+000 ÷ 12+900, right embankment in km 0+000 ÷ 14+400**, in which the works will be performed, including:
- extension of the left and right flood embankment of the Koprzywianka River within the section of the total length of 27.39 km (left embankment of 12.992 km, right embankment of 14.398 km),
 - construction of service roads.

The designed parameters of embankments:

- embankment crown width 3.0 - 4.0 m,
- water-side slope inclination: 1:2 - 1:2.25,
- outer scarp inclination 1:2.0 - 1:2.25,
- average height ca. 4 - 5 m.

- 5) **Construction of the water pumping station in Szewce**, where works will be executed, including:
- cleaning, de-silting and widening the bottom of the discharging canal,
 - extension of the water reservoir,
 - demolition of the existing pumping station building and construction of a new one,
 - construction of a new outlet,
 - construction of a septic tank for sewage.
- 6) **Expansion of the water pumping station in Zajeziarze**, where works will be executed, including:
- extension of the storage reservoir,
 - rebuilding of the pumping station and installation of new pump units and replacement of pumped pipelines, reconstruction of the outlet and modernisation of a discharge bed,
 - rebuilding of the embankment sluice gate, rebuilding of the outlet and discharge bed,
 - rebuilding of the parking and access road to the pumping station,
 - construction of a septic tank for sewage.

2.2 AREA OF TASK 3B.1 IMPLEMENTATION

The use structure of the land where the structures within the Tasks are planned, mainly comprises of: agricultural areas (arable lands, orchards, permanent meadows, permanent pastures, land under ditches), waste lands and land under flowing ground waters.

In the works implementation area there are no residential or other types of buildings. Yet, there are the following infrastructural elements: parts of roads (entries, exits) and power lines. This identification may be not final since during the works implementation stage some additional infrastructural elements may be discovered, especially the underground infrastructure, which are not identified on the currently available maps.

In relation to the implementation of the Contract 3B.1 *Flood protection Sandomierz*, it shall be necessary to permanently occupy parts of the 232 properties with the total area of 93.40 ha, out of which 116 plots belong to natural persons, which constitutes about 6.32 ha i.e. only 7% of the necessary area. Natural person is a perpetual usufruct user of 1 plot (permanent occupancy constitutes about 0.41 ha). 8 plots are owned by legal persons (permanent occupancy constitutes about 1.09 ha, i.e. 1% of the necessary area), also legal persons are a perpetual usufruct user of 9 plots (permanent occupancy constitutes about 0.21 ha). Polskie Koleje Państwowe S.A.¹ (Polish National Railways) are a perpetual usufruct user of 1 plot (permanent occupancy of about 0.0141 ha). Other plots are within the Commune property resources or properties which Commune is the possessor of property (24 plots, permanent occupancy about 4.20 ha, i.e. 5% of the necessary area) or State Treasury (73 plots, permanent occupancy of about 81.15 ha, i.e. 87% of the necessary area).

In relation to the implementation of the Contract 3B.1 *Flood protection Sandomierz*, it shall be necessary to permanently constrains in use of 161 properties with the total area of 2.60 ha, out of which 85 plots belong to natural persons, which constitutes about 0.50 ha i.e. 19% of the area. 1 plot belong to legal person (permanent occupancy within 0.04 ha, 2% of the area). Other plots are within the Commune property resources (12 plots, permanent occupancy within 0.17 ha, i.e. 7% of the area), Świętokrzyskie Province (2 plots, permanent limitations within 0.22 ha, i.e. 8% of the area) or State Treasury (61 plots, permanent limitation within 1.67 ha, i.e. 64% of the area).

All properties are located within the Sandomierz, Koprzywnica and Samborzec Communes.

Six IPIP decisions were issued for the Contract 3B.1, out of which five decisions transferred the ownership right to properties not currently owned by the State Treasury, to the State Treasury. One IPIP decision (for the structure **Protection the embankments of Koprzywianka River – left embankment in km 0+000 ÷ 12+900, right embankment in km 0+000 ÷ 14+400**) transferred the ownership right to the properties to Świętokrzyskie Province. This decision was issued as the first one out of six, even before the amendment of the Act of 8th July 2010.

The properties shall remain within the property resources as it was specified in the issued decisions. Despite the fact that the particular properties are located within separate resources, from the point of view of ŚZMiUW, it does not change the conditions under which the compensations are/will be paid and the 3B.1 Contract will be implemented.

Contract 3B.1 covers six structures:

- 1) **Flood protection within the mouth section of the Atramentówka River, construction of a new pumping station "Koćmierzów" and of a gravity-type dam lock in Koćmierzów (in the right embankment of the Vistula River) and of a channel draining water from the Atramentówka River to the pumping station, as a whole is located within the area of Sandomierz town (right bank part of Sandomierz - Koćmierzów), Sandomierz Commune, Sandomierz District, Świętokrzyskie Province.**

¹ Polskie Koleje Państwowe S.A. (Polish National Railways) - sole-shareholder company of the State Treasury, whose sole shareholder is the State Treasury (currently represented by the Ministry of Infrastructure and Development)

- 2) **Flood protection within the area of the Struga A watercourse together with an alteration and expansion of the pumping station "Nadbrzezie"** - a structure located in the area of Sandomierz town, Sandomierz Commune, Sandomierz District, Świętokrzyskie Province.
- 3) **The extension of the surrounding embankment securing Glass Works and residential district in the city of Sandomierz against flood waters and extension of the flood embankment of the Vistula River from the Lwowska Street to intersection of Koćmierzów embankment** - the structure as a whole is located in Sandomierz commune. The structure shall be built in the south, right bank part of Sandomierz.
- 4) **Protection the embankments of Koprzywianka River – left embankment in km 0+000 ÷ 12+900, right embankment in km 0+000 ÷ 14+400** - the structure is located within Sandomierz Commune, Koprzywnica Commune and Samborzec Commune (all of them within Sandomierz District)
- 5) **Construction of the water pumping station in Szewce** - the structure as a whole is located within the area of Szewce, Samborzec Commune, Sandomierz District.
- 6) **Expansion of the water pumping station in Zajeziórze** - the structure is located within the area of Zajeziórze, Samborzec Commune, Sandomierz District.

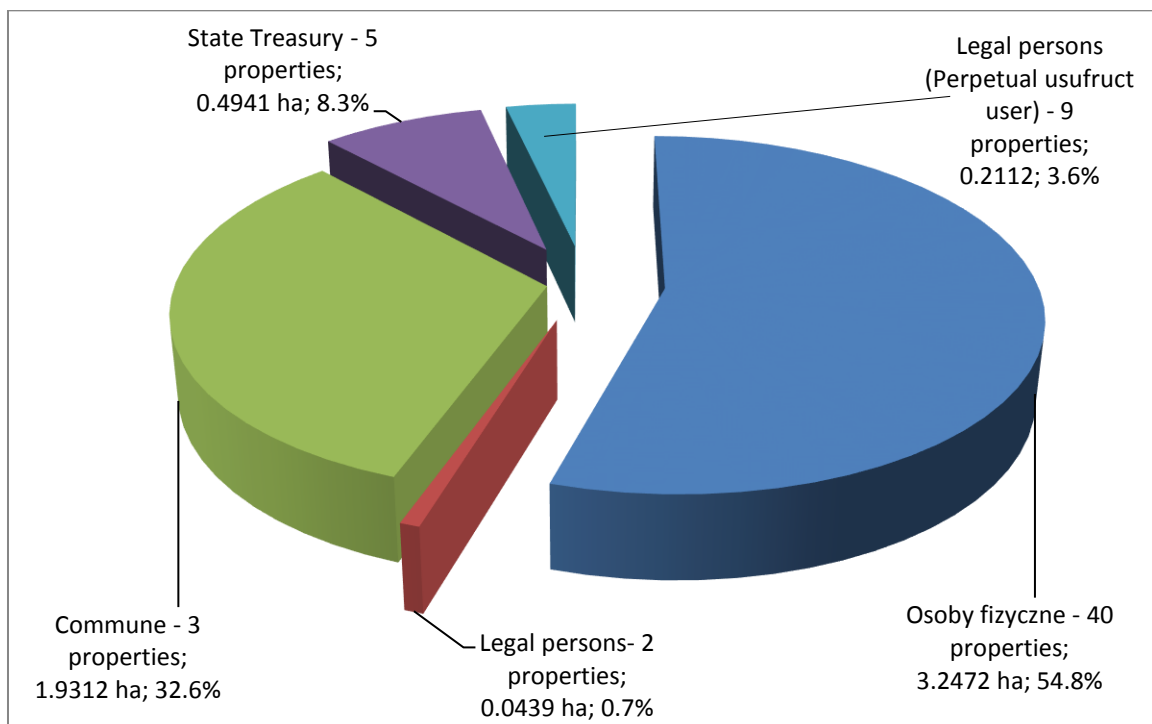


Figure 1 - The percentage and quantity split of plots for permanent occupancy for the structure: Flood protection within the mouth section of the Atramentówka River, construction of a new pumping station "Koćmierzów" and of a gravity-type dam lock in Koćmierzów (in the right embankment of the Vistula River) and of a channel draining water from the Atramentówka River to the pumping station

It is necessary for the planned structure **Flood protection within the mouth section of the Atramentówka River, construction of a new pumping station "Koćmierzów" and of a gravity-type dam lock in Koćmierzów (in the right embankment of the Vistula River) and of a channel draining water from the Atramentówka River to the pumping station**

to expropriate part of 54 properties with the total area of 5.43 ha. 40 properties planned for expropriation concern properties owned by natural persons, 2 properties of legal persons and 3 properties being within the Commune property resources. The perpetual usufruct user of 9 properties, constituting the property of the State Treasury, are legal persons. It is not necessary to expropriate part of 5 properties with the total area of 0.49 ha being within the State Treasury resources.

None of the properties planned for permanent occupation in relation with the implementation of the structure belongs to the Agricultural Property Agency.

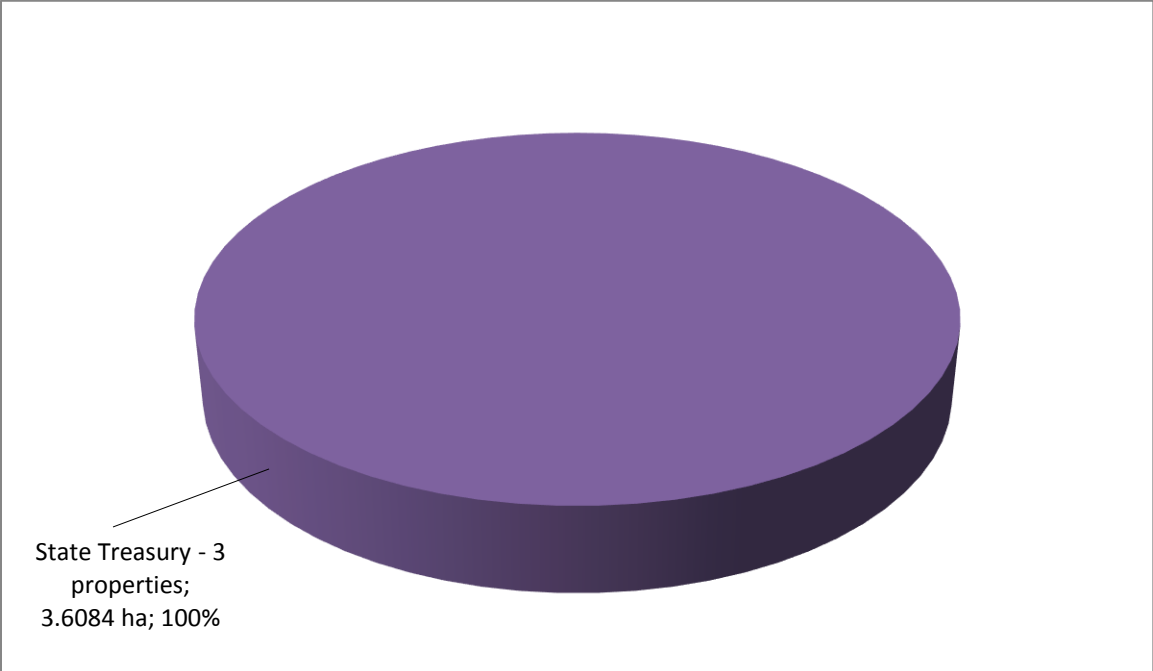


Figure 2 - The percentage and quantity split of plots for permanent occupancy for the structure: *Flood protection within the area of the Struga A watercourse together with an alteration and expansion of the pumping station "Nadbrzezie"*

It is not necessary for the planned structure **Flood protection within the area of the Struga A watercourse together with an alteration and expansion of the pumping station "Nadbrzezie"** to expropriate properties. It is not necessary to expropriate part of 3 properties with the total area of 3.61 ha being within the State Treasury resources.

None of the properties planned for permanent occupancy in relation with the implementation of the structure belongs to the Agricultural Property Agency.

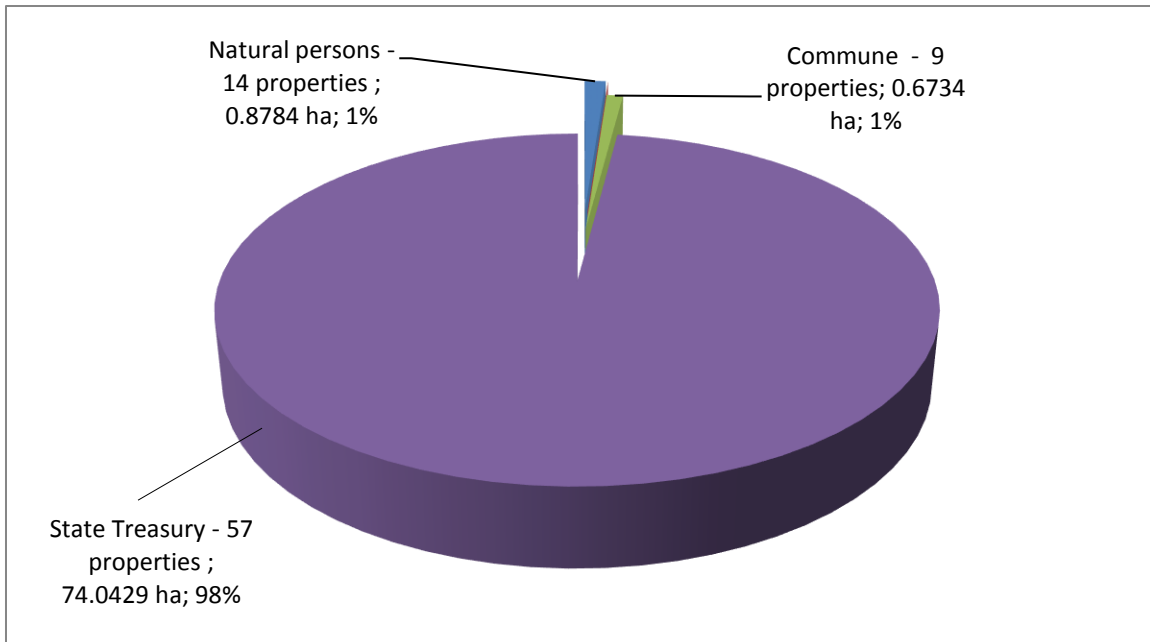


Figure 3 - The percentage and quantity split of plots for permanent occupancy for the structure: *Protection the embankments of Koprzywianka River – left embankment in km 0+000 ÷ 12+900, right embankment in km 0+000 ÷ 14+400*

It is necessary for the planned structure **Protection the embankments of Koprzywianka River – left embankment in km 0+000 ÷ 12+900, right embankment in km 0+000 ÷ 14+400** to expropriate part of 23 properties with the total area of 1.55 ha. Among the parts of properties planned for expropriation, 14 being owned by natural persons and 9 being within the Commune property resources or properties which Commune is the possessor of property (8 properties). It is not necessary to expropriate part of 57 properties with the total area of 74.04 ha being within the State Treasury property resources.

For those structure there are no properties managed by Agricultural Property Agency.

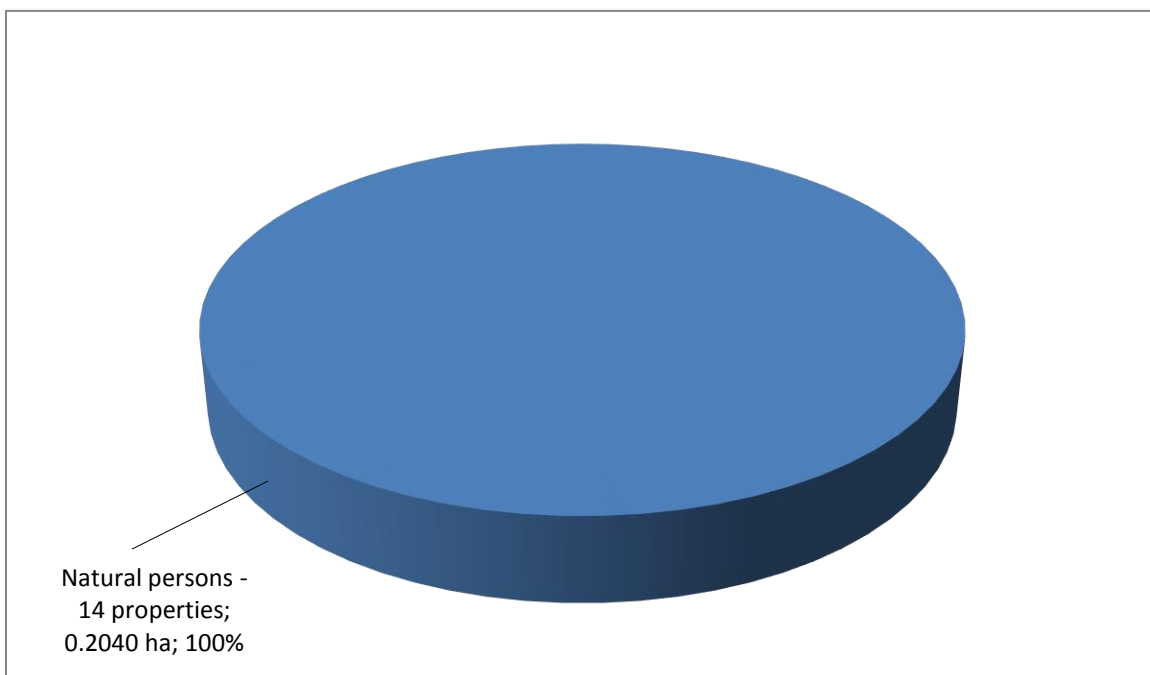


Figure 4 - The percentage and quantity split of plots for permanent occupancy for the structure: *Construction of the water pumping station in Szewce*

It is necessary for the planned structure **Construction of the water pumping station in Szewce** to expropriate part of 14 properties with the total area of 0.20 ha belonging to natural persons. For this structure there are no plots being within the State Treasury property resources.

For those structure there are no properties managed by Agricultural Property Agency.

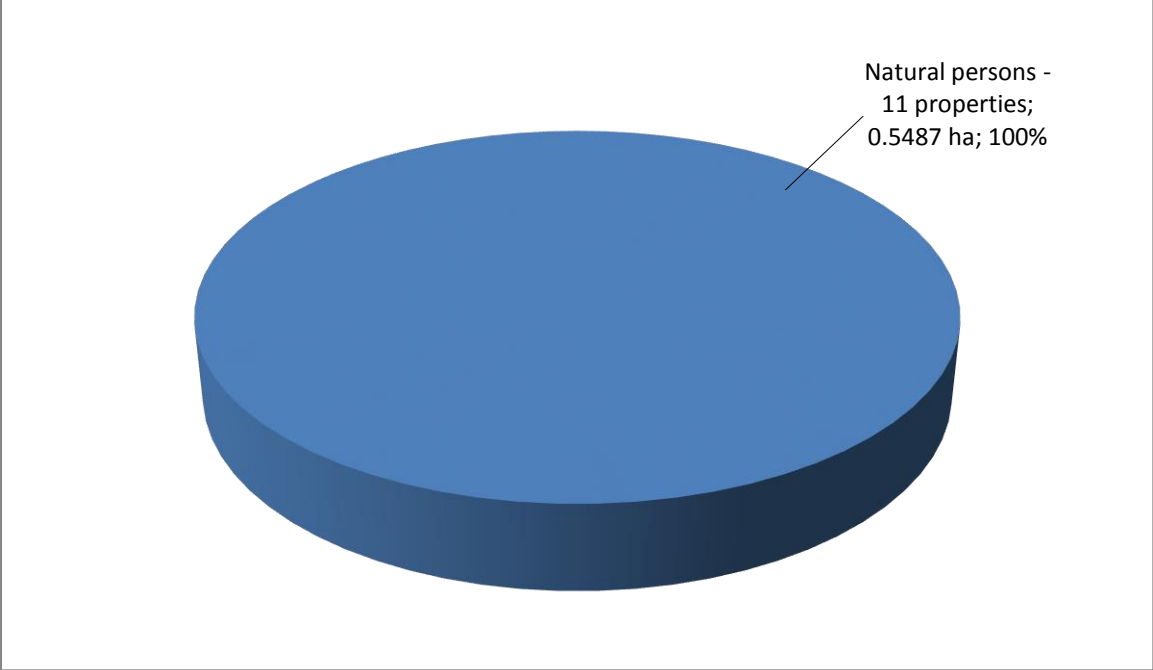


Figure 5 - The percentage and quantity split of plots for permanent occupancy for the structure: *Expansion of the water pumping station in Zajeziorko*

It is necessary for the planned structure **Expansion of the water pumping station in Zajeziorko** to expropriate part of 11 properties with the total area of 0.55 ha belonging to natural persons. For this structure there are plots being within the State Treasury property resources.

For the structure there are no properties managed by Agricultural Property Agency.

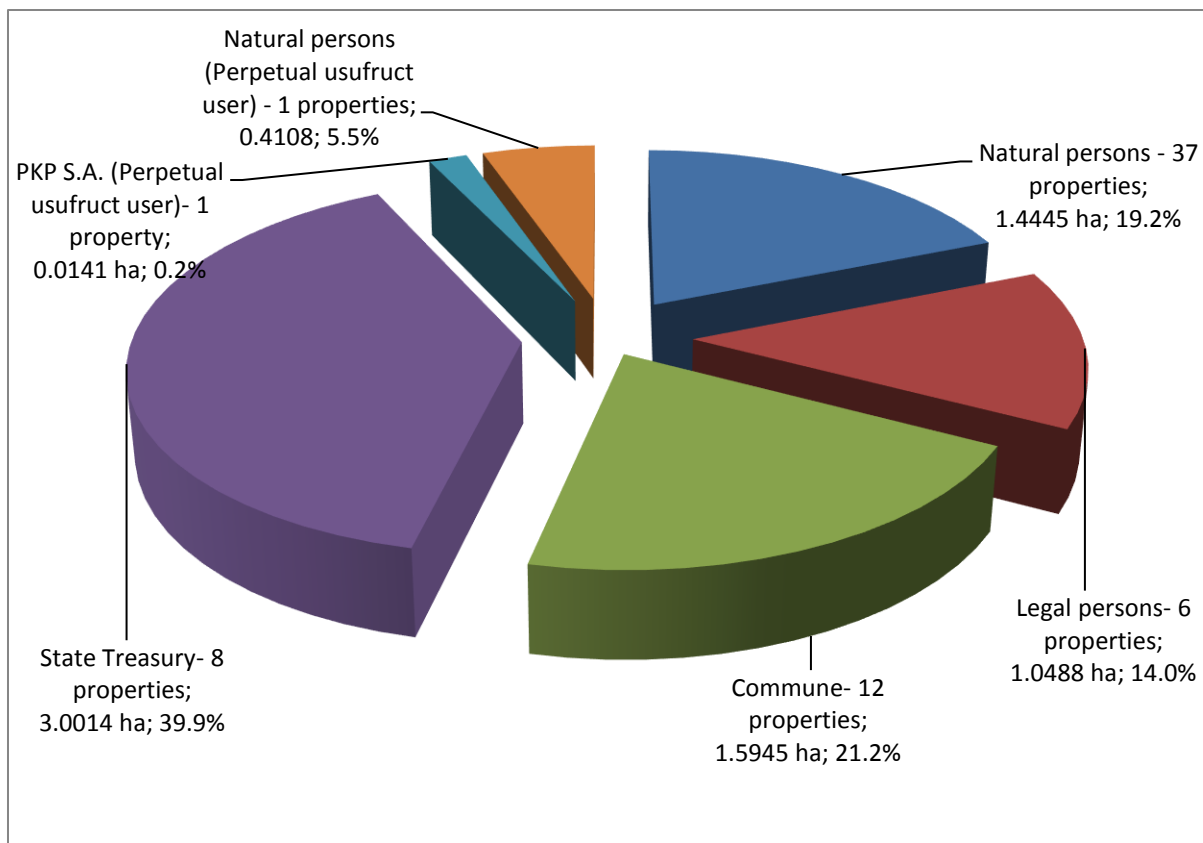


Figure 6 - The percentage and quantity split of plots for permanent occupancy for the structure: Expansion of the surrounding embankment protecting Glassworks and a Housing Estate against the flood waters in the town of Sandomierz together with an extension of the embankment of the Vistula River from the Lwowska Street to intersection of Koćmierzów embankment

It is necessary for the planned structure **Expansion of the surrounding embankment protecting Glassworks and a Housing Estate against the flood waters in the town of Sandomierz together with an extension of the embankment of the Vistula River from the Lwowska Street to intersection of Koćmierzów embankment** to expropriate part of 57 properties with the total area of 4.51 ha; 37 properties planned for expropriation concern properties being owned by natural persons, 6 properties being owned by legal persons and 12 properties being within the Commune property resources or properties which Commune is the possessor of property (6 properties). The perpetual usufruct user of 1 property, constituting the property of the State Treasury, is natural person. The perpetual usufruct user of 1 property, constituting the property of the State Treasury, are Polskie Koleje Państwowe S.A. (Polish National Railways); (capital company). The compensation for perpetual usufruct use was paid to Polskie Koleje Państwowe on 13th April 2016. It is not necessary to expropriate part of 8 properties with the total area of 3.00 ha being within the State Treasury resources.

For the structure there are no properties managed by Agricultural Property Agency.

A detailed list of properties (as of 16.12.2016) which must be expropriated for the purpose of permanent occupation and permanent constrains in use, including their land development specification, are presented in the table which constitutes Appendix No 1² to this RAP.

² Attachment is not to be made public due to protection of personal data.

As of 16.12.2016 the situation of property (which are subject to permanent occupation) acquisition within the Task implementation area looks as follows:

- for the structure Flood protection within the mouth section of the Atramentówka River, construction of a new pumping station "Koćmierzów" and of a gravity-type dam lock in Koćmierzów (in the right embankment of the Vistula River) and of a channel draining water from the Atramentówka River to the pumping station 100 % (which is clear from the IPIP decisions) of properties were acquired and the advancement of compensations payment is 85% of the total compensation,
- for the structure Flood protection within the area of the Struga A watercourse together with an alteration and expansion of the pumping station "Nadbrzezie" – in case of this structure there are no permanent occupations,
- for the structure The extension of the surrounding embankment securing Glass Works and residential district in the city of Sandomierz against flood waters and extension of the flood embankment of the Vistula River from the Lwowska Street to intersection of Koćmierzów embankment 100 % (which is clear from the IPIP decisions) of properties were acquired and the advancement of compensations payment is 86% of the total compensation,
- for the structure Protection the embankments of Koprzywianka River – left embankment in km 0+000 ÷ 12+900, right embankment in km 0+000 ÷ 14+400 100 % (which is clear from the IPIP decisions) of properties were acquired and the advancement of compensations payment is 99,9 % of the total compensation,
- for the structure Construction of the water pumping station in Szewce 100 % (which is clear from the IPIP decisions) of properties were acquired and the advancement of compensations payment is 100% of the total compensation,
- for the structure Expansion of the water pumping station in Zajeziorko 100 % (which is clear from the IPIP decisions) of properties were acquired and the advancement of compensations payment is 100% of the total compensation,

Potential compensation payments have been identified for 98³ properties with a total area of 0.71 ha (owned by natural or legal persons or resources of the Commune) for which permanent constrains in use has been imposed. The details have been described in this section above. Permanent constrains in use is caused by:

- ✓ construction of a culvert within the course of a discharging channel and construction of public exit routes (1 plot);
- ✓ construction of MV power connection (2 plots);
- ✓ construction of water supply system connection for the controls building including a hydrant (3 plots);
- ✓ construction of a water supply pipeline (2 plots);
- ✓ construction of a sewage system (1 plot);
- ✓ construction of MV power supply (1 plot);
- ✓ construction of an exit route and inclusion to the internal access road to the pumping station (1 plot);
- ✓ construction of an exit route from the public road (1 plot);

³ 161 properties mentioned above, also include the ones that are within the property resources of the State Treasury.

- ✓ de-silting and construction works connected with regaining the capacity the bed of Struga A water course (60 plots);
- ✓ de-silting the ditch and construction works consisting in reconstructing damaged reinforcement at the outlet from the discharge chamber of the pumping station and repair of the discharge chamber (1 plot);
- ✓ reconstruction of the power network (1 plot);
- ✓ works connected with dismantling of fence (2 plots);
- ✓ development of the bank passage (13 plots);
- ✓ development of the bank passage and the power lines (1 plot);
- ✓ development of the power lines (4 plots);
- ✓ development of teletechnical lines (4 plots).

For part of the 159⁴ properties where permanent occupation shall be required for the implementation of the Contract, (properties being owned by natural or legal persons or being within the Commune property resources, properties which Commune is the possessor of property or properties whose perpetual usufruct user are natural persons, legal persons or Polskie Koleje Państwowe S.A. (Polish National Railways)) on the basis of EGIB, an analysis was conducted in the scope of use and it revealed that among the said properties:

- 81 properties are qualified as arable lands; whereas, on some plots there are permanent meadows or waste lands. The total area of occupation for this type of property is 6.10 ha,
- 18 properties are qualified as roads. The total area of occupation for this type of property is 2.15 ha,
- 19 properties are lands with trees, shrubs and orchards, with some parts of the plots covered by arable lands, permanent meadows, land under ditches and waste grounds. The aggregate occupation area for this type of property is 1.25 ha,
- 10 properties are qualified as waste grounds. The total area of occupation for this type of property is 0.22 ha,
- 4 properties are qualified as developed arable lands and other developed lands. The total area of occupation for this type of real property is 0.20 ha. As a result of the Task implementation there will not be any encroachment on the residential development area or any reduction of the area on the said properties, which would prevent the usufruct of such properties according to their purpose.
- 23 properties are qualified as permanent meadows and permanent pastures, partly unused. The total area of occupation for this type of property is 1.30 ha,
- 4 properties are qualified as industrial lands, railway lands and other lands. The total area of occupation for this type of property is 1.02 ha.

14 properties, for which Commune is not the owner, but the possessor of property, (8 properties for the structure **Protection the embankments of Koprzywianka River – left embankment in km 0+000 ÷ 12+900, right embankment in km 0+000 ÷ 14+400** and 6 properties for the structure **Expansion of the surrounding embankment protecting Glassworks and a Housing Estate against the flood waters in the town of Sandomierz together with an extension of the embankment of the Vistula River from the Lwowska Street to intersection of Koćmierzów embankment**) have unresolved legal status and

⁴ 232 properties mentioned above, also include the ones that are within the property resources of the Świętokrzyskie Province or State Treasury.

payment of compensation for these properties will be determined under rules for the properties with unresolved legal status, according to the provisions of the Special Flood Act and RPM Law as well as rules specified in this RAP. In other cases, if properties have unresolved legal status proceedings are conducted in the same manner as described above, including the use of a special procedure referred to in point. 6.2.2.

Properties where the Task will be implemented do not include any properties which have allotment gardens. At the current stage of the RAP works, there is no full information whether the properties where the Task will be implemented were subject to any lease agreement.

For 3 plots (2 plots for the structure **Construction of the water pumping station in Szewce** and 1 plot for the structure **Expansion of the water pumping station in Zajeździe**) being owned by natural persons, there is identified limited property law (land easements). In case of 9 plots owned by the State Treasury, the perpetual usufruct in favour of legal persons and natural person in case of 1 plot. In case of one plot owned by the State Treasury, the perpetual usufruct in favour of Polskie Koleje Państwowe S.A. (Polish National Railways) was identified.

Within the Task implementation area there are no cultural assets or historical monuments with the exception of the facility: **Protection the embankments of Koprzywianka River – left embankment in km 0+000 ÷ 12+900, right embankment in km 0+000 ÷ 14+400**, implementation of which shall take place partially in the urban, architectural and landscape conservator's protection zone in Sandomierz. The works performed shall not generate any immediate threat to the objects under conservator's protection. There are no water intake points or other elements of technical and social infrastructure which would be of importance for the local community and which could require compensation under this RAP.

The Task will be implemented only in a short section within the Natura 2000 area. It applies to a section of the ditch draining water from the land side of the embankment directly after the occurrence of high water levels. The construction of section of the ditch within the inter-embankment zone of the Vistula River within the scope of the structure **Flood protection within the area of the Struga A watercourse together with an alteration and expansion of the pumping station "Nadbrzezie"** does not cause interference with the natural habitats and habitats of protected species in the area of the Tarnobrzeg Vistula River Valley PLH180049.

3 Basic rules accepted in RAP⁵

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

1. Land acquisition and involuntary resettlement will be minimized or avoided where possible. Where resettlement is unavoidable, the procedures and requirements outlined in the RAP for the OVMP will be followed to prepare site-specific Land Acquisition and Resettlement Policy Framework (LARPF) to mitigate adverse impacts of expropriation (see. http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf).
2. The land acquisition procedures will ensure that the livelihood and living conditions of project-affected people are improved, or at least restored, to pre-project levels.
3. All project affected persons (PAPs) will be meaningfully consulted and be active participants in the negotiated settlements and will have access to adequate and accessible grievance redress mechanisms. Consultations will consider all social issues (also gender) and take into account the needs of stakeholders who may be considered vulnerable.
4. Implementation of effective grievance redress procedures for PAPs and provision of access to legal, fair and accessible proceedings of their appeal to independent authority or court without intentional delay shall be ensured.
5. All cases of land acquisitions and resettlement, either permanent or temporary⁶, will undergo procedures based on local regulations and WB OP 4.12 as per this LARPF and to be detailed for each site in the respective RAP. The RAPs must be consistent with the LARPF.
6. It also concerns cases of permanent or temporary restriction of access to the property resulting in the loss of business revenues (permanent or temporary) or worse standards of living.
7. The implementation of the RAP will be monitored and reported, and in the end evaluated.
8. The process of social participation, protective and mitigation measures will be carried out in accordance with fair treatment regardless of age, sex or disability of affected people. Particular attention will be paid to the households of vulnerable groups.
9. Resettlement plan and land acquisition are designed and completed within the Project. All costs connected with implementation of compensation actions will be included in the budget as well as the advantage of the project.
10. Compensation for land acquisition /loss of business income should be paid prior to commencement of construction works on expropriation that affected land.
11. A priority is given to the compensation in the form of allocation of alternative land

⁵ The wording of the chapter is compliant with RAP

⁶ Temporary occupation understood as rent and return in good condition.

of equivalent productive potential. Cash compensation will be used in the cases where land acquisition has no impact on the use of land for its former purposes as well as in cases where affected person expresses their will in cash compensation.

12. Temporary occupation of the property for the purpose of Task implementation is possible only upon voluntary consent of the property owner and under terms and conditions specified in a consent declaration.
13. In case of temporary occupation of the assets, on completion of the works they will be returned in the same condition as beforehand to enable the owners or users the business activities on the same level as before the Project implementation.
14. All PAPs, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix include in LARPF. Lack of legal title should not be a barrier to compensation and/or rehabilitation. A detailed procedures of land acquisition, social participation and protective, preventive, compensatory and mitigation measures are established in this RAP.

If required, the Land Acquisition and Resettlement Action Plan shall be updated during the process of the design works or appearance of new real and legal circumstances.

A flood gate still remains to be designed within structure **Expansion of the surrounding embankment protecting Glassworks and a Housing Estate against the flood waters in the town of Sandomierz together with an extension of the embankment of the Vistula River from the Lwowska Street to intersection of Koćmierzów embankment**, however it shall not be needed to acquire more properties as they were entered into the IPIP decision of 17th December 2015 for the structure mentioned above.

A key objective of this RAP is to acquire properties required for the implementation of the Contract in compliance with Polish legislature and the World Bank Policy OP 4.12, in such a way as to minimise negative impact on the PAP and improve or at least reinstate their life conditions or ensure the long-term and sustainable use of natural resources within this area.

The objective of RAP is also to collect basic social and economic data concerning Project Affected People, to identify impacts, to determine mitigating measures and compensating measures for prospective negative impacts, to assess whether the conditions within the scope of further management of properties covered by the Project have been reinstated (it applies both to properties owned by private persons or legal persons, company with limited liability and public entities, i.e. State Treasury, Sandomierz Commune and Samborzec Commune). RAP contains also the procedures, budget and deadlines for achieving the above objectives.

RAP document will be continuously monitored, on the basis of established indicators, as well as periodically updated by a team of Engineer - Consultant 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, to provide relevant information to people affected by the Project, early risk identification and implementing the methods that allow for the risk minimization or elimination. Monitoring results will be presented in the monthly and quarterly reports.

The ex-post evaluation will be conducted six months after the RAP is fully implemented and its objectives will be assessed and documented.

4 Minimising the impact

4.1 SOCIAL IMPACT

In the light of OP 4.12 all direct losses, economic and social ones resulting from expropriation of properties, permanent restriction of current use or access to property is considered to be social impact related to expropriation. Therefore, in order to assess social impact, the percentage ratio of the whole property and its expropriated part is considered to be a basic criterion. The data obtained during the social and economic research shall also be taken into account.

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

- minor impacts – less than 10% of the production area of the farm and assets is subject to a loss, and no physical relocation. In case of other properties minor impact shall be considered when loss of land includes less than 20% of the production area of the farm and assets, and no physical relocation.

- severe impacts –more than 10 % of the production area of the farm and assets is subject to a loss, property dividing line runs in such way, that the farming/orchard activities on the property are not possible.

For the purpose of distinction between the severe and minor impact according to the Operational Policy of the World Bank, 10 % value was adopted, as for the part of the residents who farm, loss of 10 % and more of the production area of the farm and assets will result in certain reduction of the revenues from the agricultural crops, however it will not have the essential influence on the earnings performance of the agricultural farm, because of the aerial structure of this farms. In cases where expropriation covers waste lands, the impact was considered as minor because occupying such lands shall not have an impact on the source of income of a given household.

4.1.1 Occurrence of the severe impacts

In the event of areas being within the property resources of the local government agencies and the State Treasury, impacts are determined as minor since the acquisition of a property from such entities does not affect significantly its situation and its functioning. Due to the nature of the Task, usually only small parts of properties are subject to expropriation and they constitute an external part of the said properties (the properties are not cut “in half”). It also influences the severity of impacts.

In terms of the Task, there are no impacts related to the necessity of physical relocation of households and agricultural farms, or economic resettlements, arising from a loss of a possibility of using such plots under recent terms and conditions.

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

4.2 MITIGATION MEASURES

1. All design works are conducted in a manner minimizing the area of land necessary for acquisition.
2. Amounts of compensations for the lost properties was determined or will be determined on the basis of the estimate calculations made on basis of OP 4.12 criteria by the qualified property appraiser or decision of the Świętokrzyski Province Governor (on a basis of appraisal reports performed by property appraisers appointed by the Governor). The price estimation for calculations of the compensation amount will be honest, objective and independent in such way that the existing owner will receive compensation for property reflecting the real loss and therefore, the negative influence of the loss of real property on their financial situation shall be minimised. The establishment of the amount of compensation between PAP and the Employer took place or shall take place in accordance with the procedure described in section 6.2.1.
3. As part of compensation measures, priority will be given to compensation according to a "land for land" rule through providing a property of a similar production potential. Cash compensation will be used when the occupation of property or its part has no influence on the possibility of using the property for hitherto purposes, as well as when PAP affected economically expresses their consent to compensation in cash. Currently, proceedings related to granting compensation have not been completed.
4. All costs related to the protective measures was included in the compensation packet. Currently, no protective measures are planned, however it may change during the Project implementation.
5. Property release shall take place after harvesting of crops, for plots where agricultural activity is carried out in a given vegetative year for a given cultivation. If crops have not been harvested, an equivalent in cash shall be paid out.
6. Each person under expropriation will be entitled to free of charge use of the land for current purpose until the payment of the compensation or (in case, when the agreement regarding value of the compensation will not be reached) its undisputed part.
7. PAP will be informed in writing (registered letter with acknowledgment of receipt) by the Consultant about the commencement of the works within the time period that will allow to cease all activities performed on the property, but not less than 90 days.
8. During the performance of construction works, a required distance from overhead power lines will be maintained. It ensures the minimisation of population impacts arising from the Task influence on the power infrastructure (interruptions in power supply).
9. Near the existing underground infrastructure development, all the works will be carried out manually in order to avoid any damage. It will ensure the minimisation of population impacts arising from damaging the underground utilities (problems with

water supply and sewage collection, problems with gas supply, interruptions in telecommunication services).

10. For the time of conducting works, the owner supervision of infrastructure network will be ensured. The owners of such networks will be notified in advance of the date of commencing the works.
11. Properties under temporary occupation, upon completing the works, shall be reinstated to their initial condition and returned in good condition. Acquiring property for the purpose of temporary occupation shall be guided by the rules provided herein, applying the rule of voluntary release of the property.
12. Prior to the commencement of works, the Employer will conduct a wide-spread information campaign concerning the planned implementation of the Task and to open an information centre for Project Affected Persons, where they will be able to file their motions and comments to the conducted construction works and planned occupations. An information brochure will be prepared and sent to all PAPs, advising on a possibility of submitting complaints (in accordance with the provisions of RAP) and providing contact details.
13. As part of the information campaign, PAPs will be informed on a possibility of submitting an application for purchasing the remaining parts of the property so called remnants if after property subdivision and occupation of its part for the Task, there is a part left which is not suitable for further usage for current purpose (pursuant to Article 23.2 of Special Flood Act).
14. In relation with the implementation of the Contract it will be necessary to temporarily occupy the properties required for the implementation (occupation for the site facilities and storing soil masses and other construction materials). The scope and target location of temporary occupation shall be specified after appointment of the Contractor. The Contractor, while negotiating the conditions of temporary occupation, shall follow the rules specified in this RAP (this process shall be performed on voluntary basis).

The remaining minimising measures are described in the Environmental Management Plan.

5 Social-economic survey

5.1 SOURCES AND METHODOLOGY

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

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

As far as social impact is concerned, a basic information source was data obtained on the basis of available registers (e.g. register of economic activity, National Court Register) as well as data obtained on the basis of on-site inspection. Also GUS (Central Statistical Office) data was used and materials posted on the Internet (information from Office websites, Internet forums, local press releases, etc.). The data collected was used in social profiling, i.e. classifying PAP to a respective group of the authorised on the grounds of property expropriation.

A cut-off date for a social-economic survey shall be a day of obtaining IPIP (IPIP for the structure **Flood protection within the mouth section of the Atramentówka River, construction of a new pumping station "Koćmierzów" and of a gravity-type dam lock in Koćmierzów (in the right embankment of the Vistula River) and of a channel draining water from the Atramentówka River to the pumping station**, of 22.12.2014; IPIP for the structure **Flood protection within the area of the Struga A watercourse together with an alteration and expansion of the pumping station "Nadbrzezie"**, of 11.02.2015; IPIP for the structure **Expansion of the surrounding embankment protecting Glassworks and a Housing Estate against the flood waters in the town of Sandomierz together with an extension of the embankment of the Vistula River from the Lwowska Street to intersection of Koćmierzów embankment**; of 17.12.2015; IPIP for the structure **Protection the embankments of Koprzywianka River – left embankment in km 0+ 000 ÷ 12+900, right embankment in km 0+000 ÷ 14+400**, of 07.05.2014; IPIP for the structure **Construction of the water pumping station in Szewce**, of 17.12.2015; IPIP for the structure **Expansion of the water pumping station in Zajeziorko**, of 15.09.2015) for the Task.

On the basis of the analysed information sources it has been determined that it is not necessary to conduct detailed social-economic survey with the use of questionnaires dedicated for specific people. The initial survey demonstrated that due to the nature and location of the planned Task as well as planned extent of property occupation, in the event of the Task under consideration there will be no significant impacts.

5.2 GENERAL SOCIAL-ECONOMIC DATA

In Sandomierz Commune there are 24326 residents, including 12882 women. A birth rate and a net migration rate for the Commune is negative. In Samborzec Commune there are 8634 residents, including 4345 women. A birth rate and a net migration rate in the Commune is positive. In Koprzywnica Commune there are 6853 residents, including 3479 women. A birth rate and a net migration rate for the Commune is negative.

As far as an at-risk-of-poverty-rate is concerned, Sandomierz District is one of the most pauperised Districts in the entire Province. Sandomierz Commune residents are the richest in the Province; whereas Samborzec Commune residents are the poorest ones. The above results primarily from a poor urbanisation rate in Samborzec Commune. Nevertheless, within the scale of the entire District of Sandomierz Commune, Samborzec Commune and Koprzywnica Commune, these are communes with the lowest unemployment rate. According to GUS (Central Statistical Office), in 2014 an unemployment rate amounted to 8% in Sandomierz, 6.5% in Samborzec and 9.1% in Koprzywnica. This contradiction arises from the fact that residents having small farmlands obtain revenues entitling them to social benefits, and being registered at KRUS (Agricultural Social Insurance Fund) they are not unemployed and therefore, it is not possible to compare the analysed data directly.

The biggest group of the unemployed are young people, often with no professional experience. Among the unemployed, there are mostly people whose recent employment was at companies conducting a business activity in the field of wholesale and retail trading, repair of motor vehicles and industrial processing.

As far as population density is concerned, Sandomierz Commune, which is an urban commune, has a population density rate at the level of 899 people per 1 km². In the rural commune of Samborzec, a population density rate is lower and it amounts to 106 people per 1 km². In the urban-rural commune of Koprzywnica, a population density amounts to 99 people per 1 km².

Both communes have a relatively good social infrastructure, which guarantees a wide access to pre-schools and schools and to health care. Water supply, gas and telephone networks are developed well (the exception is the gas network in Koprzywnica Commune). A housing stock is also relatively good. What is problematic here, is the existence of an enclave outside Sandomierz, especially on rural areas, with limited communication and Internet access, and a poor technical condition of roads. One of the basic social problems in both communes is incomplete flood protection.

The largest employers in the communes where the Task will be implemented, are Pilkington Polska Sp. z o.o. and Pilkington Automotive Poland Sp. z o.o. in Sandomierz, Fruit and Vegetable Processing Plant "Sambor" in Samborzec and bakery of Gminna Spółdzielnia "SCh" in Koprzywnica (Commune Cooperative).

As far as entrepreneurs are concerned, a prevailing legal form is an individual business activity. In total, within Sandomierz Commune, at the end of 2014 there were 3345 entrepreneurs registered, including 12 in the agricultural sector, 199 in the industrial sector and 264 in the building sector. In Samborzec Commune, there are 520 entrepreneurs, including 9 in the agricultural sector, 30 in the industrial sector and 36 in the building sector. In Koprzywnica Commune, there are 331 entrepreneurs, including 4 in the agricultural sector, 18 in the industrial sector and 37 in the building sector.

5.3 DATA CONCERNING PROPERTIES

The Task will be implemented partially in municipal areas and partially in rural areas. In these rural areas, most properties under expropriation as part of the Task are arable lands (including pastures). Therefore, for some of the residents holding farmlands, the loss of 10% and more of the production area of the farm may result in certain limitation in the revenues on cultivation. Nevertheless, it will not affect the economic profitability of farming due to a small area of these farmlands. And even though a respective property has been qualified as an arable land, only a small portion of the land actually in use for agricultural purposes is subject to expropriation. In consequence, for some city residents, obtaining compensation in cash will be more beneficial in economic terms than land farming.

Within the Project implementation, 232 properties are subject to permanent occupancy and for 74 of them the area subject to permanent occupancy exceeded 10% of the initial plot area. The owners of the properties were provided in May- June 2016 questionnaires in order to examine the impact of the Project on the quality of life and economic situation (impact on revenue level).

5.4 CONCLUSIONS

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

83 people covered by the Project (owners of 62 properties), out of 93 people (owners of 74 properties), to whom the questionnaire were delivered, answered the questions asked in the questionnaire. All people who answered the questions included in the questionnaires, expressed their satisfaction about the fact of the 3B.1 Task implementation and support for this Contract.

The Report from the public discussion will be attached to RAP in form of an Appendix.

Relatively low social and economic costs of the Contract also result from the fact that on the planned area there are no public utility institutions, such as schools, offices, work establishments, churches or seats of other religious associations, which means that the expropriation procedure shall to a small extend affect people not being the owners, perpetual usufruct users or owner-like uses of properties covered by the said procedure.

6 Gender equality

In Poland there is a legal ban to discriminate and it is expressed in the Polish Constitution of 1997. The Article 32 says that nobody may be discriminated in political, social or economic life due to any reason. Women discrimination means any differentiation, exclusion or limitation due to gender and which causes or aims at diminishing or making it impossible for women, regardless of their marital status, granting, implementation or use, equally with men, human rights, basic freedoms in the scope of political, economic, social, cultural, citizen life and others (Art. 1 of the Convention on liquidating any forms of women discrimination of 1979).

When Poland wanted to be a member of the European Union, it had to adjust its legislation to the regulations binding in the EU, also in the scope of gender equality. It resulted mainly in the changes in the Labour Code but also in a change of attitude of politicians and public administration in this subject.

In accordance with Human Development Index (HDI) of the United Nations Development Programme (UNDP) for 2012, Poland is among the countries with a very high social development index. It is ranked as 39th among 187 countries i.e. above the average of the countries from the region of EBOR's operations and on a similar level to the average for the countries of Middle Europe and Baltic States. Human Development Index covers three elements: health, education and standard of living. In terms of the Gender Inequality Index (GII) of UNDP Poland ranks even higher and is placed on 24th position in the world's ranking. Gender Inequality Index is a measurement that reflects loss of development possibilities within the area of a given country caused by unequal treatment of genders and covers three elements subject to evaluation: reproduction health, increase of entitlements and participation in the labour market.

As far as women's participation in public life is concerned, the participation of women in the composition of public bodies is little. Among others, the low percentage of women being Members of Parliament (Sejm) as well as Members of Senate is indicated here. Similarly, negative trends characterise other elective bodies: commune councils, county councils or voivodeship assembly (women constitute about 1/4 of all councillors). It is also worthwhile to emphasize a noticeably small percentage of women among heads of communes, mayors of towns and cities. Whereas the attention is drawn to the progressing demasculinization of the function of a village head (sołtys) which is one of the most significant function in the context of civil activity and building social capital. Experiences also show that women are equal participants of public consultations and frequently their local involvement and activity cause that they play a leading role in such consultations. Finally, it shall be indicated that in order to promote women and increase their representation in decision making bodies and management in business, numerous civil initiatives are initiated, declarations of political parties are made, the examples set by other countries are popularised, the European Commission undertakes their own initiatives ex officio etc. which shall translate into the improvement of gender equality of women and men in the fields of participation in the labour marker or decision making bodies. The analysis of the research results for the last 10 years anyway shows a gradual progress in this field.

7 Binding law regulations and evaluation methodology

This RAP for the Contract 3B.1 *Flood protection Sandomierz* is based on Polish law regulations, as well as, due to co-financing from the funds of the World Bank, has to comply with the OP 4.12 Involuntary Resettlements criteria.

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

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

7.1 OBLIGATIONS ARISING FROM POLICY OP 4.12⁷

OP 4.12 is applied whenever the implementation of the Investment requires:

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

The following obligations result from OP 4.12:

- Involuntary resettlement should be avoided where feasible exploring all viable alternative project design, and if it is not feasible to avoid resettlement, its range and impact should be minimized
- Resettlement process should be planned and implemented as development activity providing means and assets allowing PAP to participate in benefits resulting from implementation of the Project. Support should be offered to social groups affected by resettlements in order to improve their economic status, revenues and livelihood, or at least restore their status to the situation prior to the Project implementation;
- The resettled should receive compensation at replacement value, assistance in relocation and support in the transition period;
- Lack of legal title to the ground should not be a barrier for compensation;
- Particular attention should be paid to vulnerable social groups and individuals (e.g. single mothers, the handicapped, the poor);
- The communities should be given opportunity to participate in planning, implementation and monitoring of the resettlement process;
- The resettled should be assisted in integration with the host community;
- Process of resettlements should be closely linked to the schedule of the Task so that the resettled people receive compensation before the construction or other activities covered by the Project begin;
- Monitoring of resettlement is required as well as evaluation of its efficiency;
- As regards rural or farming lands, even when it is possible to apply financial compensation, land-for-land compensation is recommended, if economically feasible; Farms that lost their fixed assets entirely and became entirely unprofitable should receive compensation in the amount equal to the value of the entire farm;

⁷ The chapter is compliant with LARPF

- For losses that are hard to compensate for financially, such as access to public services, access to clients or suppliers, fishery areas, access to pastures and forest areas, an attempt should be made to grant access to equivalent and culturally relevant assets and revenues opportunities.

7.2 POLISH LEGAL CONDITIONINGS

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

- The Constitution of the Republic of Poland of 2nd April 1997 (Journal of Laws of 1997 No. 78, item 483, of 2001 No. 28, item 319, of 2006 No. 200, item 1471, of 2009 No. 114, item 946);
- Civil Code Act of 23rd April 1964 (consolidated text, Journal of Laws of 2016, item 380, 585), hereinafter referred to as the Civil Code (CC);
- The Act of 8th July 2010 on special principles of preparation and execution of flood prevention constructions investments (consolidated text, Journal of Laws of 2015, item 966 as amended), hereinafter referred to as Special Flood Act;
- The real property management act of 21st August 1997. (consolidated text, Journal of Laws of 2015, item 1774, 1777, of 2016, item 65), hereinafter referred to as the RPM Act;
- Regulation of the Council of Ministers of 21st September 2004 on real property appraisal and preparation of an appraisal report (consolidated text, Journal of Laws of 2011, item 985).

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

On 8th July 2010 the Polish Sejm (Lower Chamber of Parliament) passed a Special Flood Act aim of which is to simplify and accelerate procedures related to flood management investments. The provision of the Act concern, among other issues related with acquiring properties in favour of the State Treasury, Provinces, Districts and Communes.

In accordance with the provisions of the Act, a competent administrative body shall issue one integrated decision concerning the whole flood management investment i.e. Investment project implementation permit.

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

7.2.1 Obtaining real properties based on Special Flood Act

In accordance with the Special Flood Act, expropriation of property or its parts, as well as temporary or permanent constrains in use, or its part,takes place in the IPIP issued in the

form of an administrative decision by the Prince Governor. The expropriation takes place at the moment when IPIP decision becomes final.

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

After issue of the IPIP decisions, PAP are able to submit an application for purchasing the remaining parts of the property (i.e. remnants) if as a result of subdivision of the property and occupation of its part for the Project, there is a part left which is not suitable for further usage for current purpose (pursuant to Article 23.2 of Special Flood Act).

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

The amount of compensation is determined separately for each property by individual negotiations of the Employer with present owner or holder of perpetual usufruct rights. The negotiations are based on the independent and objective valuation prepared by an appraiser with relevant qualifications.

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

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

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

The decision issued by the Province Governor may be appealed by the party to the competent Minister, currently it is the Minister of Infrastructure and Construction.

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

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

7.2.2 Special procedures

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

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

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

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

7.3 ASSUMED MECHANISMS OF ACQUIRING RIGHTS TO PROPERTY⁸

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

OP 4.12	Polish law	Corrective instruments
<p>Lack of legal title to the land ought not to be an obstacle in compensation/payment for damages. Those not having a legal title receive compensation.</p>	<p>Polish legal system does not provide for the right to damages in the event of owners/users of land without legal title (except for those whose legal title is lost or who acquired the right to property as a result of acquisitive prescription, i.e. acquiring property through uninterrupted possessing of property for the period indicated in the CC Act)</p>	<p>In the event of those not holding a legal title to property under the effects of the Project implementation, each such case ought to be considered individually in terms of a possibility of applying general mechanisms under Civil Code for the achievement of goals OP 4.12.</p> <p>According to OP 4.12, project affected persons not holding a legal title to property are not entitled to obtain cash compensation for the property. Nevertheless, they are entitled to receive compensation for all the structures, growing and improvements of the property made prior to the final date and to appropriate solutions in the cases in which they will be forced to be resettled physically or economically. In such cases relevant mitigating measures will also be applied.</p>
<p>WB Policy requires compensation for the income⁹ loss (e.g. from economic activity, agricultural activity, etc.) in connection with property occupation for the needs of the planned Task implementation</p>	<p>The provisions of Polish law do not provide for compensation for income loss as a result of Task implementation.</p>	<p>Those who lost their income or employment will receive support (health insurance, vocational training, etc.) from Labour Offices.</p> <p>In the case of entrepreneurs, it is possible to use general mechanisms under the Civil Code (covering the damage incurred and lost profit).</p>
<p>Particular attention must be paid to the needs of vulnerable social groups, including poor people, elder people, single mothers, children, ethnic minorities</p>	<p>Polish law does not require to plan particular measures for the purpose of additional support to vulnerable social groups (elder people, the disabled, poor people and other with special needs).</p>	<p>Dispossessed people will be granted any necessary help in obtaining support of offices and institutions offered to residents.</p> <p>Additional activities will also be undertaken to ensure the achievement of goals specified in OP 4.12.</p>

⁸ The table provided herein is compliant with LARPF

⁹ Here understood as revenues.

OP 4.12	Polish law	Corrective instruments
<p>WB policy requires additional compensation for expenditures incurred by PAP in connection to physical movement (e.g. transport of materials) and granting support related to the resettlement.</p>	<p>Support for covering costs of moving and other related costs arising from the need for re-locating to a new place by residents and companies is not anticipated.</p>	<p>In order to cover costs of moving and other related costs it is possible to apply general mechanisms under Civil Code for the achievement of goals specified in OP 4.12.</p>
<p>Disbursement of compensation ought to take place prior to the physical occupation of the area for the needs of Task implementation</p>	<p>Flood Act provides for a possibility of occupying the area and commencing works prior to the damages disbursement.</p>	<p>In all the cases a condition for commencing works is the reception of confirmation that PAP was notified in advance of the commencement of works, compensation was disbursed and permit was obtained for entering the area.</p> <p>The exceptions are situations with appeal proceedings due to the failure of negotiations, absence of owners and impossibility of determining such owners.</p> <p>The only exceptions are cases where the process is taken to the courts because negotiations fail or other reason or cases were absentee owners cannot be found. In these cases, as per Polish regulations, the compensation amount will be put into an escrow account and the money will be available to affected people once the court makes a decision or the owner is located.</p> <p>In order to minimize a risk of commencing works prior to the compensation of losses, property occupation should be planned and carried out prior to the commencement of works.</p>
<p>Compensation for assets loss is based on their market value plus all transaction costs (e.g. taxes, fees) and it should be sufficient for the effective reconstruction of lost assets (reconstruction value)</p>	<p>Valuation methods used may result in lowering of the value of property compared to market prices.</p>	<p>Property valuation will be entrusted to an independent and experienced expert¹⁰. Such an opinion should be verified by PIU. The person dispossessed ought to be granted with sufficient time to become familiar with the expert's¹¹ opinion. In case of any doubts concerning the amount of damages, such valuation must be carried out by an independent expert before the Voivode.</p> <p>In all the cases the valuation must indicate a reconstruction value.</p>

¹⁰ In this case it is understood as property appraiser

¹¹ The expropriated person shall have enough time to get familiarised with the extract from the appraisal report prepared by the property appraiser

OP 4.12	Polish law	Corrective instruments
<p>It is necessary to prepare a social-economic study, Real Property Acquisition and Resettlement Plan, monitoring of compensatory measures, resettlements, measures aimed at the reconstruction of life status as well as evaluation of the effectiveness of all such measures.</p>	<p>The provisions of Polish law do not provide for an obligation to prepare a social-economic study, Real Property Acquisition and Resettlement Plan. There is no obligation of monitoring and evaluation of their implementation.</p>	<p>Social-economic studies, Land Acquisition and Resettlement Action Plan are prepared according to LARPF, OP 4.12 and good practices.</p>

Properties required for the implementation of the Tasks were acquired under IPIP issued in compliance with the provisions of the Special Flood Act.

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

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

The Special Flood Act does not define the use manner Permanent constrains in use (TO) and does not indicate an administrative body, competent in terms of the subject matter, to establish compensation in administrative proceedings. Such a state, i.e. lack of clear legal provision indicating content-related competence of a body is caused by an obvious legal loophole and it authorises to apply in the administrative proceedings an iuris analogy (road special act - ZRID) referred to the Decision of the Supreme Administrative Court in Warsaw of 9 November 2012 (I OW 142/12).

The Court, indicating a Province Governor as a competent body, unambiguously decides that [cited] A body competent for establishing compensation is a body which issued a Road Investment Project Implementation Permit (RIPIP). It is not possible to accept that a legislator distributed competences for establishing compensation for the effects of the same decision depending on the object of compensation.

Properties which the use manner is permanently constrains in use was specified in the issued IPIP by the Province Governor.

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

Due to the fact that the developing of RAP started after the completion (or in case of some structures during the process) of the process of issuing IPIP decision, the procedure related with acquiring properties and payment of compensation was realised in accordance with the conditions specified in the Special Flood Act. In cases not regulated under the Flood Special

Act, in accordance with the Art. 30, relevant provisions of the Property Management Act (RPM) were followed. It concerns the issues of permanent constraints in use of properties.

As far as permanent limitation of property management (hereinafter referred to as TO) is concerned, the Employer shall aim at agreements with the owners or perpetual usufruct users, and the amount of compensation shall also be established on the basis of the opinion of an independent property appraiser.

In case when as a result of TO (permanent limitation of property management) no damage to the property is created, it shall also be stated on the basis of an opinion of an independent and objective property appraiser and documented by an agreement concluded with an owner or a perpetual usufruct user of the property.

In cases when the final amount of compensation due to TO is not possible to be established prior to works commencement (e.g. due to lack of knowledge as to the works technology accepted by the Contractor), prior to physical occupancy of the land, PAP shall receive compensation in the amount possible to be established prior to such occupancy by a property appraiser. At the same time the commission appointed by the Consultant, on behalf of Employer, composed of property appraisers, shall prepare inventory of the condition of the property as of the day of releasing the property to Contractor. The inventory taking shall take place with the participation of PAP except for the situations in which PAP clearly resigns from such a participation. The inventory of the property shall also be conducted after the completion of works, as of the day of handing over the property into the possession of PAP. It shall allow to have an objective and positive evaluation of the compensation due to PAP.

In case when the Employer and PAP fail to reach the agreement as to the amount of compensation on the basis of TO, the amount of compensation due to PAP shall be established by the Świetokrzyski Voivode by way of a decision. The decision shall be issued on the basis of an objective appraisal prepared by an independent proper appraiser.

As far as prospective temporary occupation is considered, whose exact range cannot be defined at the current stage of the Project progress, the Contractor will enter with the owners or holders of perpetual usufruct rights into voluntary agreements where the rules of temporary occupation will be outlined for the needs of the Task implementation. The properties subject to temporary occupancy shall be restored to the previous condition and returned in a good condition.

In any case the owners of the properties subject to permanent occupancy shall be effectively informed on the planned Contract and on the rights they enjoy. In the scope of temporary occupancy, the Contractor shall be obliged to hand over information to the property owners on the commencement of the Contract.

The Employer held negotiations (by means of correspondence) with the owners of real properties or holders of perpetual usufruct rights concerning the amount of compensation for the real properties under expropriation. PAPs were informed that in case of failure to establish the compensation amount, the cases will be sent by the Employer to the Province Governor. In such cases the amount of compensation shall be established by way of decision by the Province Governor.

In terms of prospective temporary occupation, it is not possible to specify in detail any range at this stage of the Project implementation, the Contractor shall enter into voluntary agreements in the form of adequate civil law contracts as part of which it will disburse compensation.

7.4 VALUATION PRINCIPLES¹²

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

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

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

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

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

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

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

¹² The content of the chapter is compliant with LARPF

In case when IPIP concerns it area of allotment gardens established in accordance with the provisions on family allotment gardens FAG, an entity in the interest of which there shall be a liquidation of a family allotment garden or its part is obliged to:

- pay to allotment holders compensation for plantings, devices and objects placed on the allotment and constituting their ownership;
- pay to garden association compensation for devices, buildings and building structures of the family allotment garden owned by them and aimed at common use by allotment holders and used for ensuring the functioning of the garden;
- ensure unpaid swap properties for the restoration of family garden allotment.

The compensation amount determined on the day of issuing IPIP (Investment Project Implementation Permit) shall be subject to indexation as of the disbursement day according to the rules applicable in the case of returning the real properties under expropriation.

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

NOTE:

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

7.4.1 Real property valuation¹³

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

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

¹³ The content of the chapter is compliant with LARPF

usufruct. When such a decision refers to a land with a residential building, the amount of compensation shall be increased by the amount of PLN 10 000.

7.4.2 Valuation of plants and crops¹⁴

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

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

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

¹⁴ The content of the chapter is compliant with LARPF

8 Eligibility criteria and catalogue of beneficiaries

8.1 ELIGIBILITY CRITERIA¹⁵

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

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

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

Therefore, the lack of legal title to the real property should not constitute an obstacle for receiving compensation or other support offered in connection with the forced real property occupation.

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

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

8.2 A LIST OF ENTITLED PEOPLE¹⁶

Compensation and support eligibility shall be determined according to the following rules:

- PAP which has a legal possession of property in the Project area receive compensation in its full amount, with priority of “land for land” rule,

¹⁵ The content of the chapter is compliant with LARPF

¹⁶ The chapter is compliant with LARPF

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

Details concerning the possession of properties have been put together in Appendix 1 to RAP.

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

- **Permanent loss of property** – if possible, and when PAP expresses their willingness, will be compensated in the form of “land for land” through granting property of a similar value, location and functions as the dispossessed property. If it is impossible to find property satisfying the requirements for adequate compensation, PAP fails to express their willingness to receive compensation in the form of “land for land” or only a small part of the plot is occupied, compensation will be disbursed in cash and it will correspond to the market value of disposed real property or its part. In addition, for immediate release of property it will be possible to increase compensation with the amount of 5% of the value of dispossessed real property according to the rules specified in the Special Flood Act. PAP which are not owners of perpetual usufructs, yet having legal title to the property (e.g. using a third party’s item, i.e. tenants, lessees) will receive compensation correspondent to the value of the dispossessed rights. Upon PAP request, the Employer possibly will overtake the property in whole and will compensate the takeover of this property according to the foregoing rules. Any transaction costs, including taxes connected with granting compensation for expropriation will be incurred by the Employer. PAP which have property on the Project area without legal title (illegally), granting compensation for property expropriation will not be feasible. Nevertheless, such persons will receive compensation for plants, crops and structures owned by them and, if necessary, a package of protective activities aimed at the reconstruction or improvement of a life quality;
- **Permanent constrains in use (TO)** shall entitle the owner/perpetual usufructuary to apply for the buy-out of the property to the benefit of the State Treasury pursuant to

the provisions of the Special Flood Act. Depending on the situation, specially selected protective activities will be also offered.

Upon the motion of PAP, a property where permanent constrains in use is to take place, shall be yet expropriated (the right to demand the purchase of the property is not enjoyed by an owner on whose property there are public roads), and PAP shall get compensation in accordance with the rules specified for the permanent loss of property (in this case in the amount resulting from the appraisal report drawn up by a property appraiser);

- **Residential buildings** – compensation will be the same as for permanent loss of real property. Furthermore, dispossessed PAP will receive additional payment in the amount of PLN 10 000. Depending on the situation, the Employer will ensure to such persons alternative residential premises. Squatters are not entitled to receive compensation; however, in some cases the Employer is obliged to ensure for them alternative residential premises. Such persons will be also offered a protective package, covering assistance in finding a place of dwelling. If these are unemployed persons or addicted, supporting activities will be offered concerning their job market position and they will receive a treatment proposal;
- **Residential facilities and structures (stables, fencing, technical infrastructure, etc.)** – owners and users of such facilities and structures will receive compensation as for permanent loss of real property. As part of protective activities, the Employer will offer the rebuilding of infrastructure network and, where applicable, facilities and structures at the Employer's cost. In addition, in the event of territorial governments bodies which implemented or are implementing such facilities and structures with the use of the EU funds or other foreign sources – cash compensation will be increased with an amount of financial means from funding subject to reimbursement including due interest rates;
- **Loss of plants** – will be compensated to legal owners of property in cash, with consideration of the costs of seeding and caring for plants, as well as the value of lost proceeds in the period from the expropriation day to the final day of full cropping;
- **Loss of tree stand** – analogical to the loss of plants. Depending on a particular case, compensation may also take place according to the estimate value of timber which may be obtained;
- **Impact on entrepreneurs and employment** - will be compensated in cash through compensating losses actually incurred through entrepreneurs and profit¹⁷ lost by them as a result of the Project implementation. A basis for determining such values should be accounting and settlement documents or tax declarations of entrepreneurs. In the event of job loss by workers they will receive the unemployment benefit. Both employees and workers under civil law contracts, in the event of the loss of earning possibility will receive free of charge health insurance, help in finding a job and possibly support in the form of vocational training enabling their re-qualification for the purpose of finding a job'
- **Loss or restriction of access to social infrastructure** (e.g. parks) – will be, as far as possible, compensated through reconstructing such an infrastructure in a new and properly located place. In the event of impossibility or lack of need for reconstructing such an infrastructure in a new place, PAP will be granted access to the existing social infrastructure;

¹⁷ In this case understood as revenues

- **Costs of the resettlement of households** – for the purpose of covering the costs of the resettlement of households, PAP will receive the amount of PLN 10 000 (Art. 21 section 8 of the Special Flood Act). They will be also offered a special package of protective activities, including, if necessary, assistance in finding a transport company and covering transport costs exceeding the amount of PLN 10 000 (Art. 21 section 8 of the Special Flood Act);
- **Vulnerable groups** – they will receive a specially selected protective package (activity implementation schedule within this scope will be determined individually). For school children and youth, it will be the assistance in finding location enabling their education in the present schools; similarly for pre-kindergarten and kindergarten children. Elder people will be resettled to places without architectural barriers hindering moving around and with the same of easier access to health care centers, with a possibility of preserving hitherto habits and lifestyle. Poor people will be offered with assistance in obtaining additional institutional support from government agencies, local governments and respective non-government organizations.
- **Temporary property occupation** – will be compensated in cash through monthly payments correspondent with the market places for leasing or renting property. If PAP will incur a loss due to the temporary property occupation, it will be compensated separately according to the foregoing rules. Upon the completion of construction activities, all the properties will be recovered to their original conditions;
- **Damage within houses, buildings and structures connected with construction works (e.g. vibrations, accidents, etc.)** – will be compensated depending on their nature in order to enable full reconstruction of the affected object or purchase of a new one. Appropriate rules for the disbursement of compensation will be applied for the above mentioned impacts.

As part of the structures under this RAP, PAPs qualified for compensation must be categorized as the owners of real properties, lessees of the properties and holders of land easements.. At the moment of completing works on this RAP the Task covered by its scope was at various degrees of the advancement of the compensation payment process. A part of entitled owners has already received compensations whose amount was established on the basis of appraisal reports drawn up in accordance with the OP 4.12 criteria.

8.3 ELIGIBILITY MATRIX¹⁸

Impact/loss	PAP specification	Compensation
Permanent loss of property	Owners, perpetual usufructuaries, property owner-like possessors	<ul style="list-style-type: none"> • „land for land” compensation • Cash compensation if the above is impossible or unwanted • Covering of all transaction costs
	Social vulnerable groups	<ul style="list-style-type: none"> • Covering movement costs • Support in moving out
		<ul style="list-style-type: none"> • Resettlement to the localization with the same or better access to medical care as in the case of dispossessed household, possibly support in finding a dwelling place with such an access • Resettlement to the place without architectural barriers, possibly assistance in finding an appropriate house • Support in obtaining appropriate institutional assistance for the purpose of improving life quality
	Property usufructuaries	<ul style="list-style-type: none"> • Compensation in cash for the loss of rights, • Help in starting usufruct of a similar real property.
	Lessees, tenants	<ul style="list-style-type: none"> • Compensation in cash for the losses incurred in connection with the contract expiration, • Covering transaction costs
	Property illegal possessors	<ul style="list-style-type: none"> • No compensation for the loss of real property
	Holders of easement, mortgage, lien upon properties	<ul style="list-style-type: none"> • Compensation in cash for the loss of rights, • Holders of land easement – help in finding a solution enabling the use of real property belonging to them (possessor of dispossessed real property), e.g. in the form of a different road necessary for the real property, • Covering transaction costs.
	Illegal holders of easement	<ul style="list-style-type: none"> • help in finding a solution enabling the use of real property belonging to them (possessor of dispossessed real property),

¹⁸ The chapter is compliant with LARPF

Impact/loss	PAP specification	Compensation
Permanent constrains in use	Owners, perpetual usufructuaries, property owner-like possessors	<ul style="list-style-type: none"> • compensation in cash for the losses connected with the restrictions in real property usufruct, • covering transaction costs, • proposing an institutional support and advising on the possibility of other use of real property
	Real property usufructuaries	<ul style="list-style-type: none"> • compensation in cash for the loss of rights due to restrictions
	Illegal possessors of property	<ul style="list-style-type: none"> • proposing an institutional support and advising in the scope of possibilities of other use for properties
	Lessees	<ul style="list-style-type: none"> • compensation in cash for the losses connected with the restrictions, • covering transaction costs, • proposing an institutional support and advising on the possibility of other use of real property
	Holders of easement	<ul style="list-style-type: none"> • help in finding a solution enabling the use of real property belonging to them (possessor of dispossessed real property), • compensation in cash for damage connected with the restriction of the possibility of using easement, • covering transaction costs.
	Illegal holders of easement	<ul style="list-style-type: none"> • help in finding a solution enabling the use of real property belonging to them (possessor of dispossessed real property).
Residential buildings	Owners	<ul style="list-style-type: none"> • „land for land” compensation, • Cash compensation for lost real property, if the above is impossible or unwanted, • Covering of all transaction costs¹⁹, • Covering costs connected with the resettlement process, • Support in finding a dwelling place or ensuring residential premises by the Investor²⁰, • Institutional and social support for the resettled people.

¹⁹ In the case of property with residential building, compensation increased by the amount of 10 000 PLN

²⁰ In this case understood as Employer.

Impact/loss	PAP specification	Compensation
	Possessors without legal title	<ul style="list-style-type: none"> • Support in legalizing the possession for the purpose of obtaining compensation according to the rule applicable to owners and legal possessors, • Covering costs connected with the resettlement process, • Support in finding a dwelling place or ensuring residential premises by the Investor, • Institutional and social support for the resettled people
	Lessees, property usufructuaries	<ul style="list-style-type: none"> • Compensation in cash for the losses connected with the contract expiry, • Covering transaction costs, • Covering costs connected with the resettlement process, • Support in finding a dwelling place or ensuring residential premises by the Investor, • Institutional and social support for the resettled people
	Illegal squatters	<ul style="list-style-type: none"> • Support in legalizing the possession for the purpose of obtaining compensation according to the rule applicable to owners and legal possessors, • Covering costs connected with the resettlement process, • Support in finding a dwelling place or ensuring residential premises by the Investor, • Institutional and social support for the resettled people.
	Holders of easement, mortgage, lien upon properties	<ul style="list-style-type: none"> • Compensation in cash for the loss of rights, • Covering transaction costs, • Holders of flat easement: <ul style="list-style-type: none"> - Covering costs connected with the resettlement process, - Support in finding a dwelling place or ensuring residential premises by the Investor, - Institutional and social support for the resettled people
Non-residential facilities and structures (stables, fencing, technical infrastructure etc.)	Owners, perpetual usufructuaries, owner-like possessors of facilities and structures	<ul style="list-style-type: none"> • Compensation in cash in the amount of the reconstruction value for the lost assets, • Transfer or reconstruction of lost assets.
	Usufructuaries	<ul style="list-style-type: none"> • Compensation in cash in the amount of the reconstruction value for the lost assets, • Transfer or reconstruction of lost assets.
	Illegal possessors of facilities and structures	<ul style="list-style-type: none"> • Compensation in cash in the amount of the reconstruction value for the lost assets, • Transfer or reconstruction of lost assets.
	Lessees of facilities or structures	<ul style="list-style-type: none"> • Compensation in cash in the amount of the reconstruction value for the lost assets, • Transfer or reconstruction of lost assets.

Impact/loss	PAP specification	Compensation
Loss of plants	Owners, perpetual usufructuaries, owner-like possessors of property	<ul style="list-style-type: none"> • Compensation in cash, including the costs of seeding and caring for the plants as well as lost crops, • Enabling harvesting
	Usufructuaries	<ul style="list-style-type: none"> • Compensation in cash, including the costs of seeding and caring for the plants as well as lost crops, • Enabling harvesting
	Lessees	<ul style="list-style-type: none"> • Compensation in cash, including the costs of seeding and caring for the plants as well as lost crops, • Enabling harvesting
	Real property illegal possessor	<ul style="list-style-type: none"> • Enabling harvesting
Loss of trees	Owners, perpetual usufructuaries, owner-like possessors of property	<ul style="list-style-type: none"> • Compensation in cash, if necessary, including the costs of seeding and caring for the tree stand as well as lost crops
	Usufructuaries	<ul style="list-style-type: none"> • Compensation in cash, if necessary, including the costs of seeding and caring for the tree stand as well as lost crops
	Lessees	<ul style="list-style-type: none"> • Compensation in cash, if necessary, including the costs of seeding and caring for the tree stand as well as lost crops
	Real property illegal possessors	<ul style="list-style-type: none"> • Enabling harvesting
Impact on entrepreneurs and employment in connection with property occupation	Individual business activity	<ul style="list-style-type: none"> • Compensation in cash for the profit lost in the transient period, • Institutional support for people liquidating their business activity, • Granting “land for land” compensation on the conditions enabling the continuation of agricultural/orchard activity or cash compensation, • Compensation in cash enabling starting an agricultural/orchard activity on a new real property.
	Non-government organization	<ul style="list-style-type: none"> • Granting “land for land” or cash compensation, • Compensation in cash enabling starting a business activity on a new real property

Impact/loss	PAP specification	Compensation
	Micro-entrepreneurs (employing to 10 workers)	<ul style="list-style-type: none"> • Granting “land for land” or cash compensation allowing for the continuation of a business activity, • Compensation in cash enabling starting a business activity on a new real property
		<ul style="list-style-type: none"> • Cash compensation, • Institutional support for people liquidating their business activity.
		<ul style="list-style-type: none"> • Granting “land for land” allowing for the continuation of agricultural/orchard activity or cash compensation, • Compensation in cash enabling starting an agricultural/orchard activity on a new real property
	Small entrepreneurs (employing from 10 to 50 workers)	<ul style="list-style-type: none"> • Cash compensation.
	Workers on civil law contracts	<ul style="list-style-type: none"> • Granting the entrepreneurs with compensation enabling the maintenance of as many job positions as possible, • Institutional and social support for the unemployed.
	Employees on job contracts	<ul style="list-style-type: none"> • Granting the entrepreneurs with compensation enabling the maintenance of as many job positions as possible, • Institutional and social support for the unemployed.
Loss or restriction of access to social infrastructure	All PAP residing on the area affected by the Project implementation	<ul style="list-style-type: none"> • Reconstruction of social infrastructure on a different area, • If infrastructure reconstruction on a different area is impossible or unfounded – providing access to the existing social infrastructure.
		<ul style="list-style-type: none"> • Temporary ensuring of recreation sites.
Commune property	Commune	<ul style="list-style-type: none"> • Reconstruction or replacement of destroyed facilities upon consultations with the commune.
Temporary property occupation	Owners, perpetual usufructuaries, owner-like possessors of property	<ul style="list-style-type: none"> • Cash compensation, • Recovering the real property to its initial condition.
	Illegal possessor of property	<ul style="list-style-type: none"> • Recovering the real property to its initial condition

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

A detailed catalogue of the eligibility of persons entitled to compensation is provided in Appendix No 1 hereto.

9 Social consultations and participation of public

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

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

During the process of the initial identification of the stakeholders participating in the Project development, the following entities were identified as having the influence on the preparation and implementation of RAP within the Task 3B.1 *Flood protection Sandomierz*:

Exterior stakeholder	Type of impact on RAP
Ministry of Infrastructure and Construction	<ol style="list-style-type: none"> 1. Consideration of appeal against IPIP 2. Consideration of appeal against the decision regarding amount of the compensation
Świętokrzyski Province Governor	<ol style="list-style-type: none"> 1. Issuance of IPIP 2. Issuance of decision about amount of the compensation
Sandomierz District Governor	<ol style="list-style-type: none"> 1. Assistance in recognizing the needs of local population 2. Direct participation in public consultation
Sandomierz Mayor	<ol style="list-style-type: none"> 1. Representation of Sandomierz Commune as an entity under expropriation 2. Informing PAPs on public consultations 3. Direct participation in public consultations
Sandomierz City Council	<ol style="list-style-type: none"> 1. Informing PAPs on public consultations 2. Direct participation in public consultations
Koprzywnica Mayor	<ol style="list-style-type: none"> 1. Informing PAPs on public consultations 2. Direct participation in public consultations
Koprzywnica City Council	<ol style="list-style-type: none"> 1. Informing PAPs on public consultations 2. Direct participation in public consultations

Exterior stakeholder	Type of impact on RAP
Samborzec Commune Head	<ol style="list-style-type: none"> 1. Representation of Samborzec Commune as an entity under expropriation 2. Informing PAPs on public consultations 3. Direct participation in public consultations
Samborzec Commune Council	<ol style="list-style-type: none"> 1. Informing PAPs on public consultations 2. Direct participation in public consultations
Entities subject to expropriation	<ol style="list-style-type: none"> 1. Participation in stock-taking 2. Specification of needs and losses incurred in connection to the planned expropriation 3. Selection of damages and compensation 4. Direct participation in public consultations
Residents of Sandomierz Commune, Koprzywnica Commune and Samborzec Commune	<ol style="list-style-type: none"> 1. Direct participation in public consultations

Expropriations of properties for the needs on the Task took place in 2014, 2015 and 2016 that is before the conclusion of the Loan Agreement and the introduction of the requirement to apply the OP 4.12 Involuntary Resettlement criteria. However, the process of informing PAPs on the implementation of the Contract and their rights was agreed with the World Bank and conducted in the manner compliant with the requirements of the World Bank.

PAPs were informed about the Task implementation plans by announcements published on notice boards in the places of the planned investment, Town Hall and Commune Office in Koprzywnica, Commune Office in Samborzec and Town Hall in Sandomierz. The announcements were also published on the websites of the entities issuing environmental decisions and IPIP. PAPs were informed in the announcements about the scope of the investment, the course of the administrative procedure and the possibility to express an opinion about it as well as lodging claims and appeals against administrative rulings and decisions issued at particular stages of the procedure. In particular, PAPs received information on the possibility to get familiarised with the construction designs for particular Structures, property split plans, report remarks and motions in the IPIP issuance procedure, as well as the possibility to appeal against the decision, manner of lodging an appeal and a competent entity to consider such an appeal.

It allowed to guarantee that each PAP receives information on particular Structures and the Task as well as the investment process advancement.

Then, the Employer sent letters to individual PAPs informing them on the start of the negotiation concerning the amount of compensation. In cases where no agreement was reached between the parties as to the amount of the compensation, it is established in the procedure before Świetokrzyski Voivode, on the basis of an independent and objective evaluation of a qualified property appraiser, drawn up in accordance with the rules binding in this RAP.

Additionally, once completing the works on draft RAP, the Employer conducted a public discussion on the draft RAP and solutions included therein.

After completion of the works on draft of the RAP and obtaining acceptance of the World Bank to start the public disclosure procedure, there was meeting open to all the interested parties in Sandomierz (12.12.2016). A final document, upon having obtained the World Bank's No Objection Clause for the RAP draft, shall be made available to the interested parties until the Project implementation is completed.

The community was informed about the public announcement of the RAP draft and planned date of the public debate regarding the RAP draft, and also about the possibility of complaints and motions regarding the RAP draft, by:

- placing the information about consultancy meetings on PIU,
- placing the information about consultancy meetings on the website of Sandomierz Municipal Office, Samborzec Commune Office, Koprzywnica Municipal and Commune Office and PCU,
- announcement in "Gazeta Wyborcza – kielecki supplement",
- placing the information about the consultancy meetings on the notice board of the ŚZMiUW in Kielce, ŚZMiUW in Kielce - Sandomierz Department, Koprzywnica Municipal and Commune Office, Sandomierz Municipal Office and Samborzec Commune Office,
- individual invitations were sent to the Marshall of Świętokrzyskie Voivodeship, Świętokrzyski Voivode, Starost of Sandomierz Powiat, Mayor of Sandomierz, Mayor of Koprzywnica Town and Municipality, Head of Samborzec Commune, City Council of Sandomierz, Town Council in Koprzywnica, Commune Council of Samborzec, Director of RZGW in Kraków, Member of the Board of Świętokrzyskie Voivodeship, Director of the Rural Areas Development and Environment Department, Head of Koćmierzów village, Head of Sośniczany village, Head of Szewce village, Head of Zajeziorko village and Club of Sandomierz Fans.

Public consultation lasted 21 days to allow all interested parties to get familiar with draft of RAP and submit comments. Hard copy of the document was also provided and made available to all interested parties in the period between 18.11.2016 and 09.10.2016 (21 calendar days) at the offices of ŚZMiUW in Kielce (ul. Witosa 86, Kielce) and at the offices of the ŚZMiUW in Kielce, Sandomierz Department (ul. Staromiejska 14, Sandomierz). An electronic version of the document (in Polish and in English) was published on the websites of the Świętokrzyski Board of Amelioration and Hydraulic Structures in Kielce, Sandomierz Municipality and Project Coordination Unit. Comments to the draft RAP may be submitted in writing form and oral form to ŚZMiUW (ul. Witosa 86, 25-561 Kielce) or by mail to: ŚZMiUW in Kielce or by e-mail to: jrp@szmiuw.kielce.com.pl.

After motion of the public announcement period, there was public discussion (public debate) regarding the RAP in Sandomierz (12.12.2016). Place and date of the public debate provided in the above mentioned information for the community. In the public debate, society had an option of submitting oral and written comments to the draft RAP in the debate report.

Comments submitted by the community, does not result in making changes to the contents of this RAP.

The Report from the public discussion is provided in Appendix No 4 hereto. Nevertheless, this appendix shall not be disclosed.

10 Complaints management

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

10.1 GENERAL MECHANISM FOR COMPLAINTS AND MOTIONS MANAGEMENT

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

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

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

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

Complaints and motions can be submitted in a written, electronic or oral form. They can be submitted directly at the SZMIUW seat, in Kielce, at the following address: ul. Witosa 86, 25-561 Kielce, sent by post to the address indicated or by electronic mail to the following address jrp@szmiuw.kielce.com.pl.

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

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

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

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

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

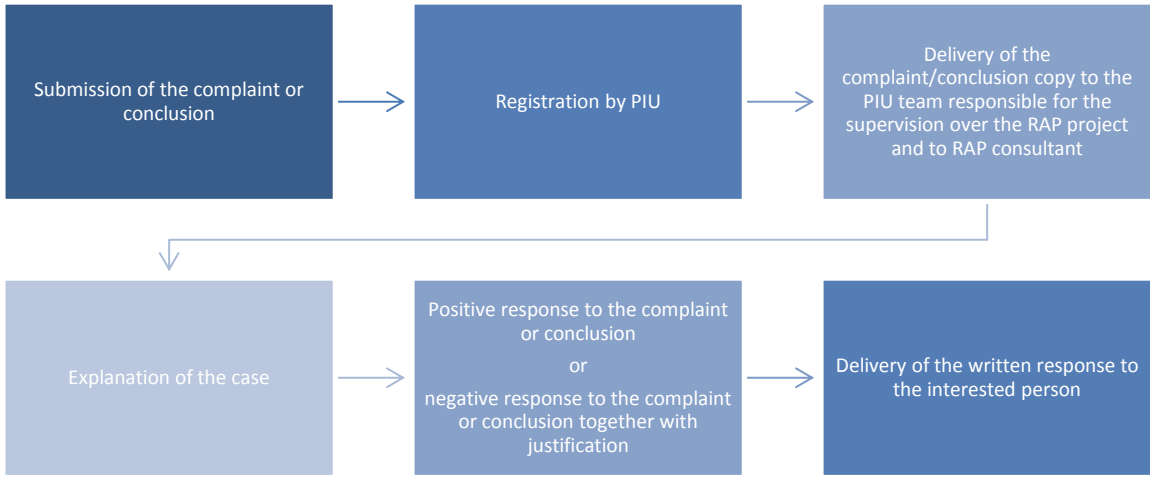


Figure 6 - Diagram of the general mechanism of the complaints and motions management

10.2 SPECIFIC MECHANISMS FOR COMPLAINTS AND MOTIONS MANAGEMENT

As for this Contract, the final IPIPs were already issued, additionally 88 % of compensations for properties expropriated in accordance with law, therefore the special mechanisms for managing complaints and motions shall be related with the procedure for establishing compensation for the loss right to properties expropriated in accordance with law for which the amount of compensation was not established yet. They shall be applied during the procedure on issuing, by the Świętokrzyski Province Governor (hereinafter referred to as: Governor), a decision on the amount of compensation and appeal procedures before the Minister of Infrastructure and Construction (hereinafter referred to as: Minister) and before an administrative court concerning the compensation established by the Voivode and possible complains related with this issues.

If respective parties are dissatisfied with a decision issued by the Governor, they shall be entitled to the right to appeal to a Minister. All the declarations, motions and evidence submitted in the appeal proceedings before a Minister will have to be considered by him.

In case of dissatisfaction with the decision of the Minister (a Governor’s decision on a compensation amount) the parties enjoy the right to submit an appeal to the Province Administrative Court. The Court shall examine if the Governor and the Minister have conducted the procedure in this scope in a relevant and reliable manner, including in the scope of taking into account remarks, motions and evidence reported by the parties to the procedure. In accordance with binding legal regulation, the appeal is subject to the court fee in the amount of PLN 500.00. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings.

In case when the decision of the Province Administrative Court is not satisfactory to a party, they enjoy the right of the cassation appeal to the Supreme Administrative Court. The said

court shall examine not only the correctness and legality of the procedures run by the Voivode or the Minister, but also the decision of the Province Administrative Court. The cassation appeal is subject to court fee in the amount of PLN 250. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings.

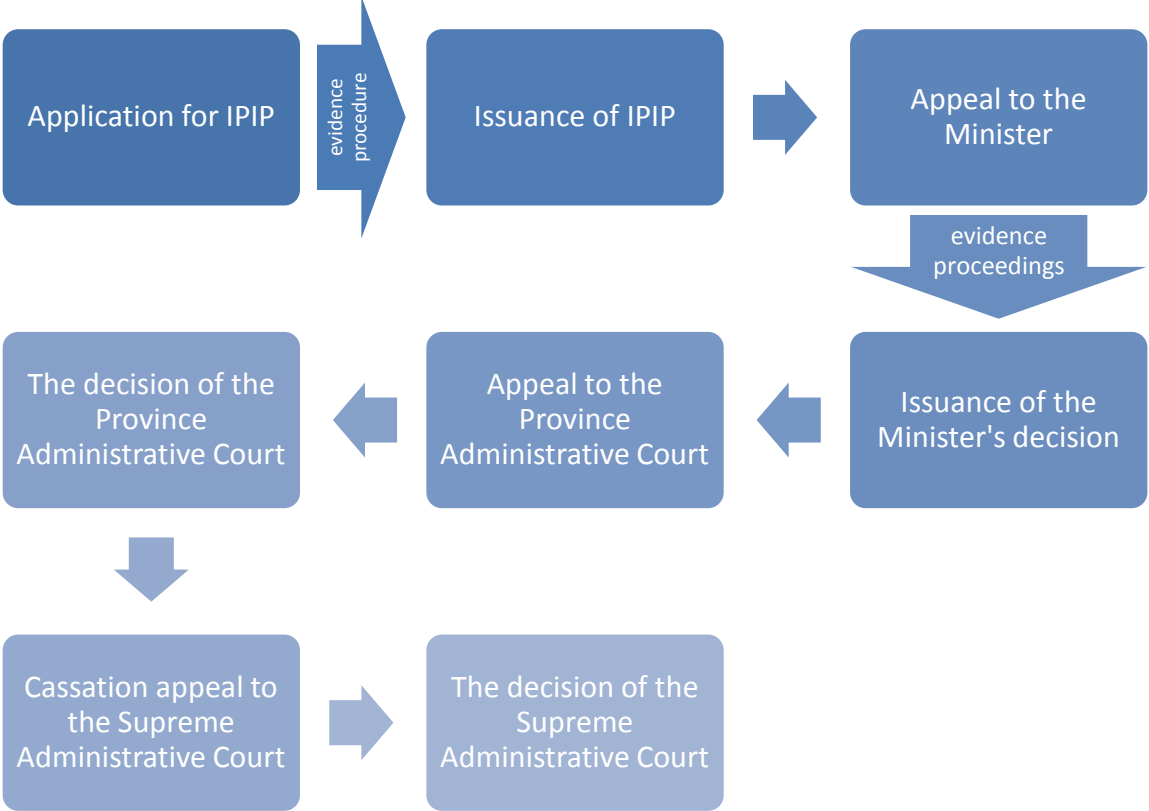


Figure 6 - Appeal management schedule at the stage of IPIP

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

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

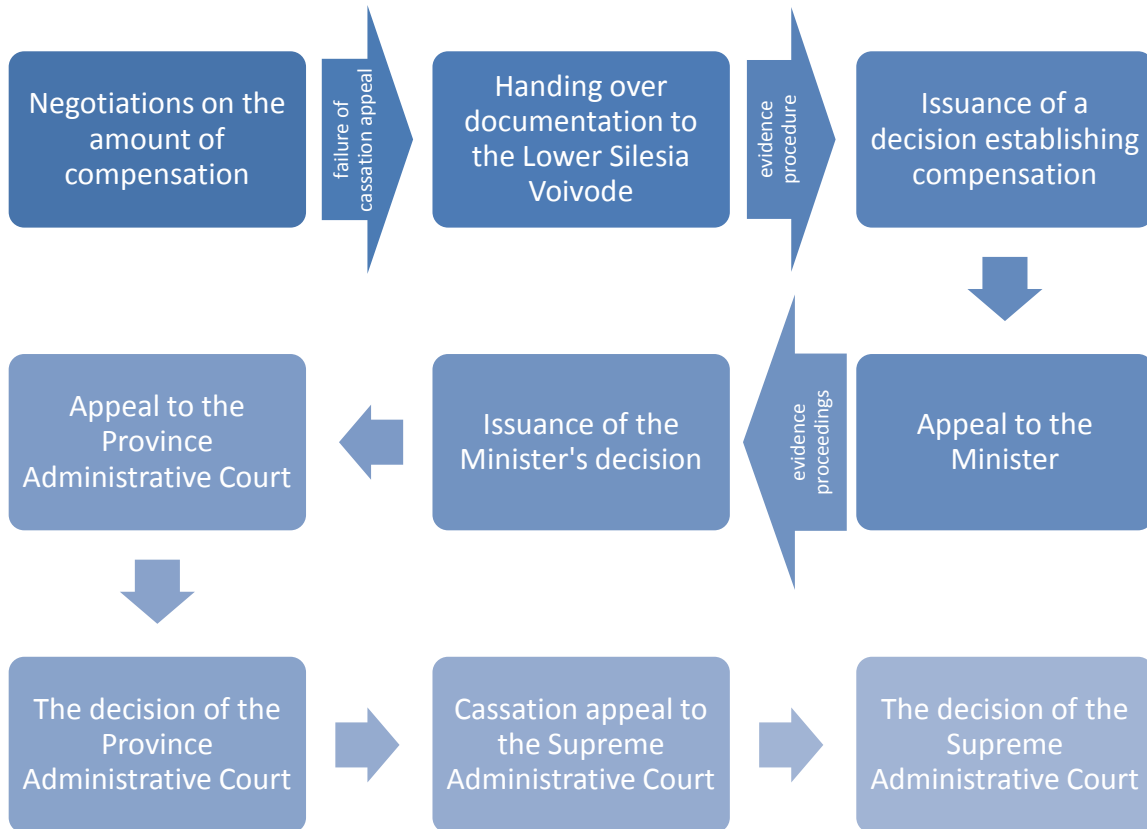


Figure 7 - Mechanism of claim management at the stage of issuing the decision on the amount of compensation

10.3 MECHANISM OF SUBMITTING COMPLAINTS AND MOTIONS CONCERNING THE PERFORMANCE OF THE CONTRACT

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

10.3.1 Acquiring real properties on the basis of the Special Flood Act

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

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

Office of the Engineer-Consultant:

, Poland

2. Directly in the seat of the Employer:

Świętokrzyski Board of Amelioration and Hydraulic Structures
ul. Witosa 86,
25-561 Kielce

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

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

- Via Internet:

website

e-mail:

- Hot line – complaints may be submitted under the following telephone number:

+48

fax: +48

10.3.2 Due dates for considering complaints and motions

Due dates for considering complaints and motions:

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

- proposed solutions: from 7 to 30 days of the incoming date of a complaint.

The rules for considering complaints and motions, referred to in item 10.2, shall be binding also in the case of such complaints.

Proposed form of complaint registration is presented in item 15.1.

10.3.3 Persons responsible for considering complaints and motions

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

10.3.4 Audits and independent appeal mechanism

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

11 Institutional structure and implementation team

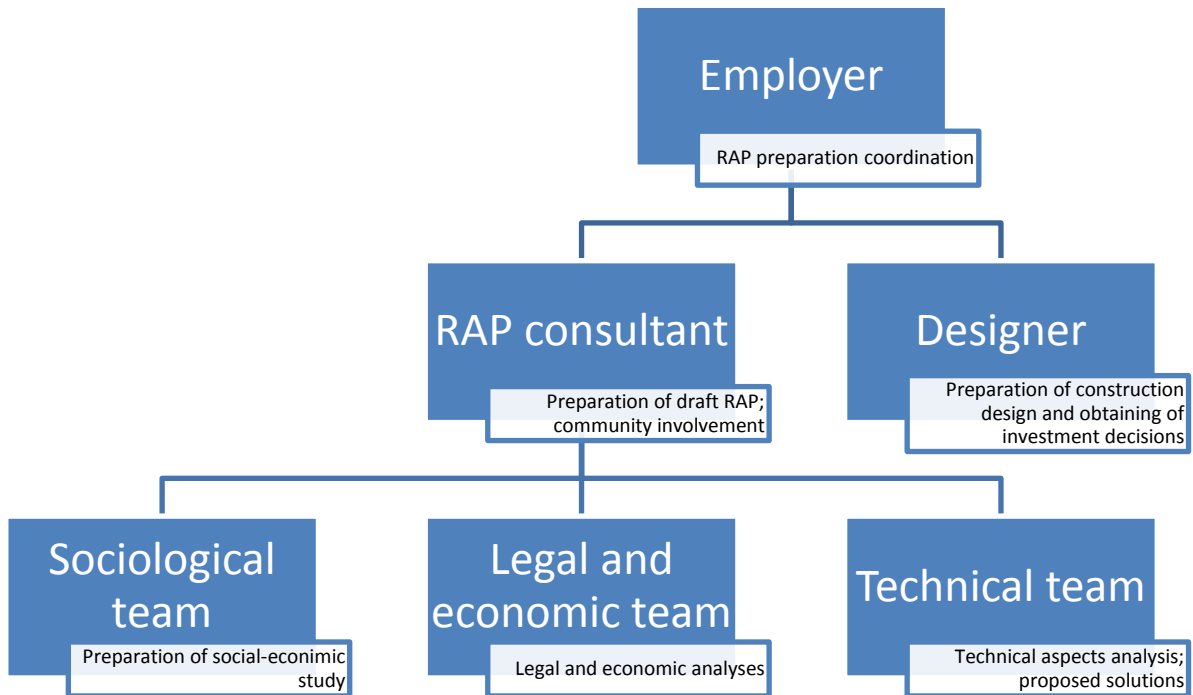


Figure 8. Institutional structure of IPIP implementation.

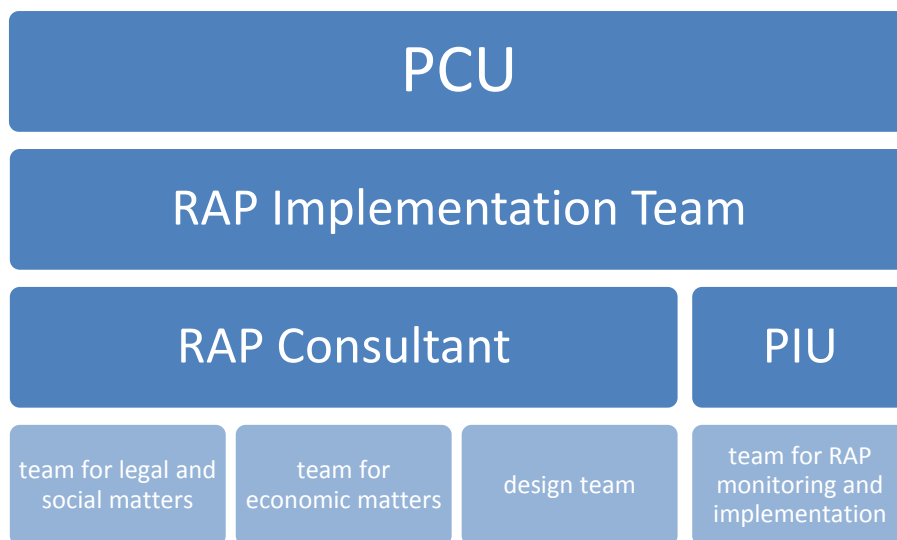


Figure 9. Institutional structure in the scope of IPIP implementation with visible place within the structures of PCU.

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

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

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

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

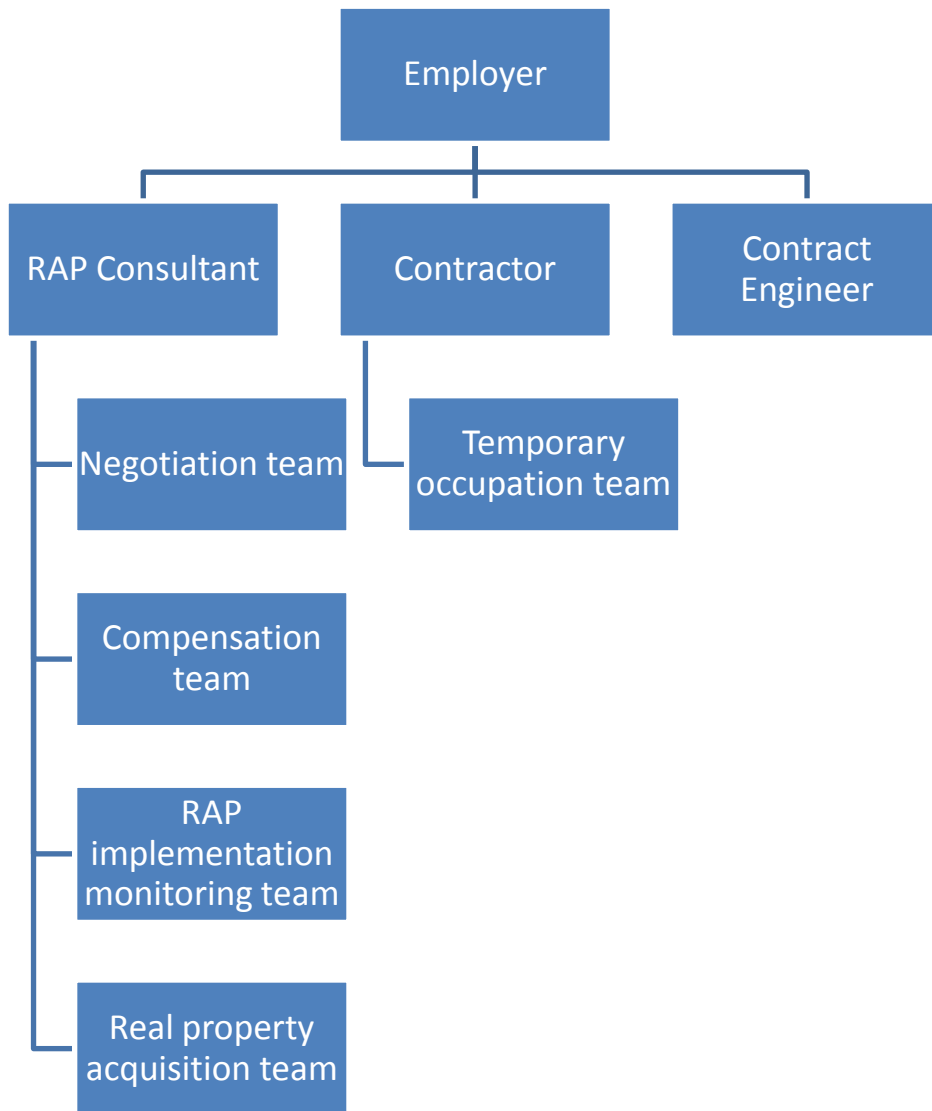


Figure 10. Institutional structure of IPIP implementation during the Contract performance.

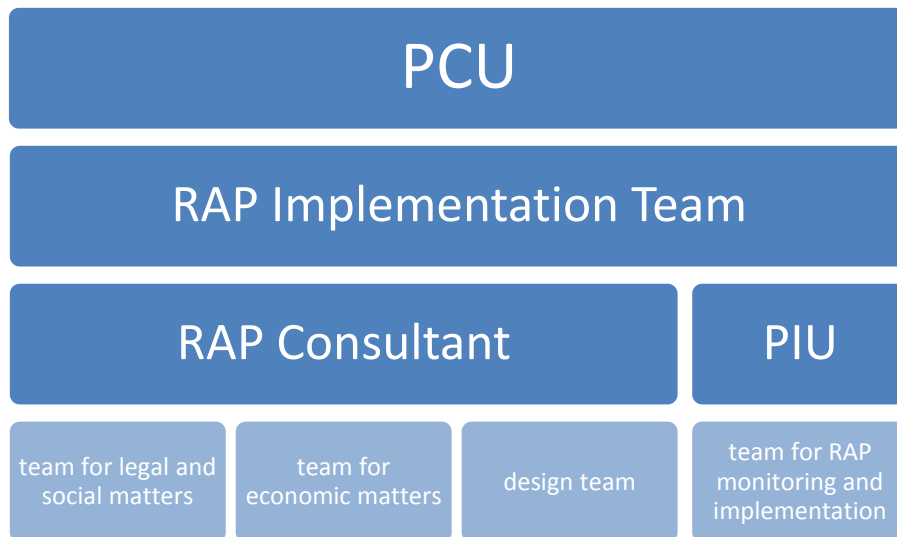


Figure 11. Institutional structure in the scope of IPIP implementation with visible place within the structures of PCU.

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

1. Employer:
 - a. Facilitating supervision over RAP implementation,
 - b. Concluding agreements on compensation for permanent occupation,
 - c. Disbursement of compensation for permanent occupation,
 - d. Ensuring information transfer between RAP Consultant, Engineers and Contractor.
 - e. Taking the real property over.
2. RAP Consultant:
 - a. Planning negotiations on the payment of compensation (for compensation, which have not yet been paid) and participation in negotiations according to the schedule,
 - b. Verification of valuations conducted by property appraisers,
 - c. RAP implementation monitoring by the Contractor and Engineer,
 - d. Proposing remedial activities in the event of problematic situations,
3. Engineer:
 - a. Supervision of the commencement and performance of works,
 - b. Supervision over the fulfilment of obligations on the grounds of Contract by the Contractor.
4. Contractor:
 - a. Obtaining real properties for temporary occupation,
 - b. Disbursement of compensation for the real properties acquired for temporary occupation,
 - c. Performance of works on the real property under permanent occupation,
 - d. Recovery of real properties acquired for temporary occupation to the condition prior to the Task implementation.

5. PCU

- a. Coordination of actions undertaken by PIO within the Project implementation, also in the scope of the IPIP provisions.

12 Monitoring and evaluation

Monitoring of the RAP implementation is the integral part of the Contract monitoring and management system. For this reason, for the needs of the RAP implementation monitoring will be used the tools for Contract implementation monitoring that is used for reporting to the financial institutions and providing actual information about the problems, random events and irregularities. RAP constitutes an integral part of the investment process, allowing for immediate response in a situation of discovering problems or any irregularities. Provision of the proper communication between Consultant, PIU and PCU.

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

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

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



Figure 11. Diagram of the information flow.

The registration process of events and facts by the Consultant and PIU, especially through the correspondence register, register for progress of real property acquisition. All data included in such registers is taking into consideration during preparation of the data lists, e.g. number of acquired properties and amount and type of the compensations, according to Appendix No. 3.

All changes are registered in the registers²¹. On the basis of the above mentioned registers, the following parameters are monitored:

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

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

The results of the monitoring shall be presented in reports: monthly and quarterly.

Ex-post assessment shall be conducted six months after the complete implementation of RAP and its aims shall be assessed and documented.

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

Indicator	Information source	Monitoring frequency	Progress indicator
Assumed parameters			
Number of real properties subject to expropriation	IPIP Decision	One time upon issuing the decision	Quantity (pcs.)
Number of real properties subject to permanent limitation	IPIP Decision	One time upon issuing the decision	Quantity (pcs.)
Number of PAPs <ul style="list-style-type: none"> - owners - perpetual usufruct users - owner-like possessor 	Land and Mortgage Register, excerpted from EGIB,	One time upon issuing the decision	Number

²¹ Detailed information is contained in LARPF
http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf

- others (if applicable)	IPIP decision	On-going updating in the period of determining and disbursing compensation	
Amount of all the expenditures incurred in the resettlement process, including compensations (planned)	Registers of SZMIUW / Consultant	Monthly/Quarterly	PLN
Quantity of acquired real properties	Registers of SZMIUW / Consultant	Monthly/Quarterly	Quantity (pcs.)
Achieved parameters			
Amount of all the expenditures on compensation (expenditures)	SZMIUW financial registers	Monthly/Quarterly	PLN
Quantity of acquired properties	Registers of SZMIUW / Consultant	Monthly/Quarterly	Quantity (pcs.)
Effectiveness indicators			
Number of complaints	Registers of SZMIUW / Consultant	Monthly/Quarterly	Quantity (pcs.)
Number of examined complaints	Registers of SZMIUW / Consultant	Monthly/Quarterly	Quantity (pcs.)
Compensations disbursed, other	SZMIUW financial registers	Monthly/Quarterly	PLN

NOTE: The process of acquiring properties for temporary occupation: the Contractor shall be responsible in total, including the payment of compensations.

13 Costs and budgets

Item	Measurement unit	Unit price, PLN	Quantity	Total, PLN
Area of land occupied permanently (including crops, plants and infrastructure)	Hectare	Not applicable	12.2507 ha	PLN 2 128 075.98 ²²
Permanent limitation in use of properties	Piece	Not applicable	98 pcs,	PLN 52 400.00 ²³
Court fees (deposit)²⁴	No data	No data	No data	No data
TOTAL				PLN 2 180 475.98

²² The amount resulting from appraisal reports

²³ The estimate value that shall be verified after the development of property appraisal reports.

²⁴ The data shall be supplemented after the end of the procedure before the Świętokrzyski Voivode.

14 RAP implementation schedule

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

RAP DEVELOPMENT			
Steps	Action	Responsibility	Verification
1	Preliminary assessment of the Task's social impact	Consultant - Law and Social Matters Team	ŚZMIUW – RAP verification team
2	Determining the final scope of expropriation and drawing up a building permit design	Designer and Consultant	ŚZMIUW – RAP verification team
3	Specifying the frames in the scope of RAP implementation with relevant government administration bodies	Consultant - Law and Social Matters Team	ŚZMIUW – RAP verification team
4	Collecting extracts and map extracts from EGIB and spatial area development plans	Consultant - Law and Social Matters Team	ŚZMIUW – RAP verification team
5	Assessment of the Task's social impact	Consultant - Law and Social Matters Team	ŚZMIUW – RAP verification team
6	Verification and update of collected materials, impact analyses and economic analyses	Consultant - Law and Social Matters Team	ŚZMIUW – RAP verification team
7	Drawing up a draft RAP	Consultant - Law and Social Matters Team, Design Team	ŚZMIUW – RAP verification team
8	Social consultations of RAP	Consultant - Law and Social Matters Team	ŚZMIUW – RAP verification team
9	Introduction of changes resulting from social consultations to the building permit design	Designer and Consultant	ŚZMIUW – RAP verification team
10	In the scope resulting from taking into account remarks and motions of RAP - verification and update of collected materials, impact analyses and economic analyses	Consultant - Law and Social Matters Team	ŚZMIUW – RAP verification team
11	In the scope resulting from taking into account remarks and motions of RAP	Consultant - Law and Social Matters Team	ŚZMIUW – RAP verification team
12	Submitting RAP to the World Bank	ŚZMIUW	PCU
13	World Bank's no objection	WB	

RAP DEVELOPMENT

Steps	Action	Responsibility	Verification
14	Making RAP public	Consultant - Law and Social Matters Team	ŚZMIUW – RAP verification team

IMPLEMENTATION OF RAP

Steps	Action	Responsibility	Verification
1	Establishing a detained schedule of RAP implementation	RAP Consultant - Law and Social Matters Team	ŚZMIUW – RAP monitoring and implementation team
2	Submitting an application for IPIP	Designer and Consultant	ŚZMIUW – RAP monitoring and implementation team
3	Acquiring by PIU real property that may be handed over as swap real property	RAP Consultant - Law and Social Matters Team	ŚZMIUW – RAP monitoring and implementation team
4	Obtaining IPIP	Designer and Consultant	ŚZMIUW – RAP monitoring and implementation team
5	Handing over to the PAP information on obtaining IPIP and its consequences and planned further actions of the Employer	RAP Consultant - Law and Social Matters Team	ŚZMIUW – RAP monitoring and implementation team
6	Valuation of real property by expert, in accordance with binding regulations and price verification	Consultant	ŚZMIUW – RAP monitoring and implementation team
7	Delivery to expropriated people of the prepared property appraisal reports and negotiations	ŚZMIUW – RAP monitoring and implementation team	ŚZMIUW – RAP monitoring and implementation team
8	In case of negotiations' failure - obtaining a decision of the Voivode on the amount of compensation	RAP Consultant - Law and Social Matters Team	ŚZMIUW – RAP monitoring and implementation team
9	Payment of compensations or handing over swap property, start of implementation of other compensation and mitigation actions as planned in RAP	ŚZMiUW	ŚZMIUW – RAP monitoring and implementation team
10	Physical taking over of expropriated real property and commencement of works	ŚZMiUW powered by Consultant	ŚZMIUW – RAP monitoring and implementation team

IMPLEMENTATION OF RAP

Steps	Action	Responsibility	Verification
11	RAP implementation evaluation	RAP Consultant -Law and Social Matters Team, Economic Matters Team	ŚZMIUW – RAP monitoring and implementation team
12	Acquiring properties by the Contractor for temporary occupation	Contractor	Contractor

CYCLICAL TASKS

Step	Action	Responsibility	
1	Internal constant monitoring of RAP implementation	RAP Consultant -Law and Social Matters Team	ŚZMIUW – RAP monitoring and implementation team
2	Reporting to the World Bank	ŚZMIUW – RAP monitoring and implementation team	PCU
3	Constant coordination with government and local government administration bodies	ŚZMIUW – RAP monitoring and implementation team	PCU
4	Constant communication with PAP	RAP Consultant -Law and Social Matters Team	ŚZMIUW – RAP monitoring and implementation team

POST IMPLEMENTATION TASKS

Step	Action	Responsibility	
1	RAP implementation evaluation	Independent external auditor	

15 Appendices

15.1 FORM FOR SUBMITTING COMPLAINTS TO THE CONSULTANT (BASED ON THE WB GUIDELINES)

Case Ref. No:	
Name and surname <i>Note: a complaint may be submitted anonymously or an applicant may demand not disclosing its personal details to any unauthorised persons without such an applicant's consent</i>	Applicant's name _____ Applicant's surname _____ <input type="checkbox"/> I want to place a complaint anonymously <input type="checkbox"/> I demand not disclosing my personal details without my consent
Contact details Please indicate how to contact the Applicant (by e-mail, telephone, post)	By means of post (please provide a correspondence address): _____ _____ _____ By telephone: _____ By e-mail: _____
Preferred communication language	Polish German English Other (please provide such a language)
Description of the object of a case or complaint Object of a case / complaint, date of occurrence, location, people involved, effects	
Date of the occurrence of the object of a complaint / case	Single occurrence/complaint (date _____) Occurred more than once (provide the number: _____) Pending (existing problem)
According to the Applicant, what activities would ensure solving such a problem?	
Signature: _____ Date: _____	

Please submit this form to:	[Surname]	OHS Inspector	[Company name]
Address	Phone: _____	or E-mail: _____	

15.2 TABLE OF MONITORING A PROPERTY ACQUISITION

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

15.3 PROPERTY ACQUISITION SCHEDULE

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

15.4 MAPS WITH DEMARCATION LINES ON THE INVESTMENT AREA (7 SHEETS)

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