



**PODKARPACKI BOARD OF
AMELIORATION AND HYDRAULIC
STRUCTURES IN RZESZÓW**

LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

for

Odra-Vistula Flood Management Project

co-financed by:

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

Council of Europe Development Bank (CEB), Framework Loan Agreement No.
LD 1866

European Union and
State budget

Subcomponent 3B: Protection of Sandomierz and Tarnobrzeg

WORKS CONTRACT 3B.2

Flood protection Tarnobrzeg

FINAL VERSION

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Subcomponent 3B: Protection of Sandomierz and Tarnobrzeg

Contract 3B.2 Flood protection Tarnobrzeg

Land Acquisition and Resettlement Action Plan is provided for Works Contract 3B.2 implemented by Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszów.

PROJECT IMPLEMENTATION UNIT:

Podkarpacki Board of Amelioration
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List of abbreviations used in this document

Name	Description
3B.2	Identification of Contract/Task – Flood protection Tarnobrzeg
ARMA	Agency for Restructuring and Modernisation of Agriculture (pl. Agencja Restrukturyzacji i Modernizacji Rolnictwa)
ARPA	Agricultural Real Property Agency (pl. Agencja Nieruchomości Rolnych) ¹
CEB	Council of Europe Development Bank
Contractor	Company/legal person executing Works Contract 3B.2
EGIB	Land and Property Register
EIA	Environmental Impact Assessment
Engineer - Consultant	Company/legal person who is employed by the Employer to perform the services (among others described in this document)
EU	European Union
GIS	Geographic Information System
IPIP	Investment project implementation permit
LARAP	Land Acquisition and Resettlement Action Plan
LARPF	Land Acquisition and Resettlement Policy Framework
NBP	National Bank of Poland (pl. <i>Narodowy Bank Polski</i>)
NGO	Nongovernmental Organisation
PAD	Project Appraisal Document in this case appraisal of OVFMP which must be prepared in compliance with the procedures of the World Bank. The said document is one of the elements indispensable for taking decisions by the World Bank on providing a loan ²
PAP	Project Affected Person(s)
PCU	Odra-Vistula Flood Protection Project Coordination Unit
PIO	Project Implementation Office - An organizational unit responsible for the Project implementation allocated as part of PIU
PIU/Employer	Project Implementation Unit Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszów
Project/OVFMP	Odra-Vistula Flood Management Project
PZMiUW	Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszów (pl. Podkarpacki Zarząd Melioracji i Urządzeń Wodnych w Rzeszowie)
Q1%	Probability of flood once every 100 years (1%)
RZGW	Regional Water Management Authority (pl. Regionalny Zarząd Gospodarki Wodnej)
Task/Contract	Works Contract 3B.2 Flood Protection Tarnobrzeg
World Bank (WB)	International Bank for Reconstruction and Development (IBRD)
Constitution	the 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)

¹ From 1 September 2017, the National Center for Agriculture Support (KOWR)

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

Name	Description
KC	the Law of 23 April 1964 Civil Code (consolidated text, Journal of Laws of 2017, item 459, 933, 1132)
KPA	the Law of 14 June 1960 Code of Administrative Procedure (consolidated text, Journal of Laws of 2017, item 1257)
LSP&D	the Law of 27 March 2003 on space planning and development (consolidated text, Journal of Laws of 2017, item 1073)
Regulation on land register	the Regulation of the Minister of Regional Development and Construction of 29 March 2001 on the land register and buildings (consolidated text, Journal of Laws of 2016, item 1034)
Regulation on evaluation	the Regulation of the Council of Ministers of 14 July 2011 amending the regulation on the evaluation of properties and preparing an appraisal (consolidated text, Journal of Laws of 2011, item 985)
RPM Law	the Law of 21 August 1997 on the real property management (consolidated text, Journal of Laws of 2016, item 2147, 2260, of 2017, item 624, 820, 1509, 1529, 1566, 1595)
Special Flood Act (SFA)	the Law of 8 July 2010 on particular conditions for preparing flood management projects for implementation (consolidated text, Journal of Laws of 2017, item 1377, 1381)
Special Decision	Investment project implementation permit (IPIP) issued under the Special Flood Act

Key definitions

The following key definitions are used herein:

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.

A civil partnership (civil law company) - a company incorporated under civil law. It is a form of cooperation between individuals (natural persons, legal entities and organizational units), having no legal personality but having legal and judicial capacity.

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 Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszów. Pursuant to Polish law, compensation can be paid out from the time when expropriation decision (here: IPIP), as a rule, becomes final and in all the cases – prior to the acquisition of such property or its occupation for construction purpose.

Cut-off-date – date of completion of the survey of the property and of Project Affected Persons. 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 displacement – loss of >20% of agricultural land where PAP income is largely based on agriculture.

Expropriation – depriving of or restricting an ownership right to a specific property of a person under an individual legal act.

Groups requiring the provision of special assistance – people who due to their: sex, ethnic membership, 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.

Income – property increment obtained as a result of business activities or agricultural activities from the real estate, including the sale of such real estate.

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

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

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

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

Physical displacement – loss of home or commercial structures, such as shops or workshops, or structures needed for income-earning.

Project Affected Person(s) (PAP) – every person who, as a result of the project implementation is deprived of the right of ownership or loses other benefits connected with the property (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.

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

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

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

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.

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.

The terms which are used in LARAP: **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;
- RPM – real estate, property;
- the Regulation on land register – property, cadastral plot (abbreviated in LARAP – plot) and
- OP 4.12 - land.

1. INTRODUCTION

This document presents the Land Acquisition and Resettlement Action Plan (LARAP) for Works Contract 3B.2 "Flood protection Tarnobrzeg" implemented as part of the Odra-Vistula Flood Management Project (OVFMP) co-financed by International Bank for Reconstruction and Development (World Bank) (Loan Agreement No. 8524 PL made on September 10, 2015), Council of Europe Development Bank (CEB) (Framework Loan Agreement No. LD 1866 made on May 24, 2016), European Union and the State Budget. It must be underlined that this document is a "site-specific" document and it is dedicated only to Works Contract 3B.2 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 covering the mountain and upland part of Nysa Kłodzka Catchment Area, 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 3.A (Flood protection of Upper Vistula towns and Kraków), 3.B (Protection of Sandomierz and Tarnobrzeg), 3.C (Passive and active protection in Raba Sub-basin) and 3.D (Passive and active protection in San basin) – wording in accordance to the following document: "Project Operations Manual" (page 100) available at: http://www.odrapcu.pl/doc/POM_ENG.pdf.

The Works Contract 3B.2 is one of three elements of Subcomponent 3.B Protection of Sandomierz and Tarnobrzeg and it is performed by Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszów. This Task is located in two communes of Podkarpackie Province: Radomyśl nad Sanem and Gorzyce. It consists of the extension of:

- the Vistula River right embankment section at the length 13.959 km (at km 271+806 – 286+816 of the Vistula River) divided into 3 sections,
- the San River right embankment section at the length 2.193 km (at km 0+239 – 2+276 of the San River) and
- the Łęg River left embankment section at the length 0.112 km (at km 0+770 – 0+900 of the Łęg River).

Location of the Task is shown on a drawing attached (Appendix No. 1 to this document).

The extension is designed to increase flood safety within Radomyśl nad Sanem and Gorzyce Communes, i.e. to ensure flood protection of approx. 18 850 inhabitants living in the area of approx. 9 750 ha as well as protection of other building structures and line structures, described in detail in Point 1.3. Since this part of Subcomponent 3.B only involves the extension of the existing embankment and rebuilding of accompanying flood management structures, it is not expected to cause any significant adverse social impact.

The Task's implementation will require acquisition of land, but it will not result in the physical and economic resettlement of households and only in some minimal permanent occupation of sections of agricultural land (arable land and meadows).

Under the Works Contract 3B.2, 1305 properties or their parts with the total area of 37.7072 ha (according to the data provided by the PZMiUW on the basis of the drawn-up property division designs) will be expropriated.

The Podkarpacki Board of Amelioration and Hydraulic Structures plans to obtain 3 Investment project implementation permits in the field of flood protection structures, respectively for:

- the Section I and the Section San,
- the Section II and
- the Section III.

At the moment of drawing up this document, on 21.04.2017, one of the three applications was submitted to the Governor of the Podkarpackie Province to issue Investment project implementation permit in the field of flood-protection structures for the Section II. On 31 May 2017, the other two applications were submitted.

	Total Hectares Required, ha	Total Plots, pcs	Public Plots	%	Private Plots	%	Physical displacement	Economic displacement
Permanent Occupation	37.7072 (40.2800*)	1305 (1317*)	405	31%	900	69%	0	0

* together with the plots where the embankment is located

1.1 Odra-Vistula Flood Management Project (OVFMP)

The primary purpose of the OVFMP Project is to protect the population on the floodplains within the selected parts of the river basins of two largest Polish rivers Vistula and Odra against risk caused by extreme floods. Under OVFMP it is planned to execute the most urgent tasks regarding flood management. The Project has been divided into five main investment components that cover: Middle and Lower Odra (Component 1), Kłodzka Valley, including the mountains and upland part of the catchment area of Nysa Kłodzka (Component 2), Upper Vistula River (Component 3), Institutional Strengthening and Enhanced Forecasting (Component 4) and Project Management and Studies (Component 5). The components are divided into Sub-components.

Units directly responsible for the implementation of the above components of the Project are:

- 1) **Regional Water Management Authorities in Wrocław and Szczecin** - in the scope of flood protection of the lower and middle Odra River (part of Sub-component 1B) and flood protection of the Nysa Kłodzka River Valley (Component 2 - only Regional Water Management Authority Wrocław);
- 2) **Podkarpacki, Małopolski and Świętokrzyski Boards of Amelioration and Hydraulic Structures** - in the scope of flood protection of the Upper Vistula River (Component 3);
- 3) **Lubuski and Zachodniopomorski Boards of Amelioration and Hydraulic Structures** - in the scope of protecting the middle and lower Odra River (Sub-components 1A, 1C and a part of 1B).

Detailed information on the Project have been published in the document 'Project Operation Manual'³.

The Works Contract 3B.2 is part of Component 3 and is one of three contracts of Subcomponent 3.B, i.e. Flood Protection of Sandomierz and Tarnobrzeg.

³ http://www.odrapcu.pl/doc/POM_ENG.pdf (English language version of this document is bidding)

1.2 Scope of works for Contract 3B.2 Flood Protection Tarnobrzeg

The Works Contract will cover the expansion of:

- the right embankment of the Vistula river at a length of 13.959 km (at km 271+806 - 286+816 of the Vistula river) split into 3 sections:
 - Section I - the right embankment of the Vistula river at km 286+816 - 279+416 within 0+000 - 7+205 in the Commune of Radomyśl nad Sanem, the District of Stalowa Wola (the Stalowowski District);
 - Section II - the right embankment of the Vistula river at km 278+750 - 273+650 within 0+000 - 4+889 in the Commune of Gorzyce, the District of Tarnobrzeg (the Tarnobrzanski District);
 - Section III - the right embankment of the Vistula river at km 273+783 - 271+806 within 0+000 - 1+865 in the Commune of Gorzyce, the District of Tarnobrzeg (the Tarnobrzanski District) and the left embankment of the Łęg river at a length of 0.112 km (at km 0+770 - 0+900 of the Łęg river within 0+000 - 0+112) in the Commune of Gorzyce, the District of Tarnobrzeg (the Tarnobrzanski District);
- the right embankment of the San river at a length of 2.193 km (at km: 0+239 - 2+276 of the San river within 0+000 - 2+193) in the Commune of Radomyśl nad Sanem, the District of Stalowa Wola (the Stalowowski District) (also specified as Section SAN).

The extension is aimed to raise a level of flood safety in the valley of Upper Vistula, in particular within the following Communes: Radomyśl nad Sanem and Gorzyce.

The Contract for Works 3B.2 covers the following operations under its scope:

- elevation of the embankment crest, compaction and sealing of the embankment body and its expansion at the embankment side (to reach the 2nd hydrotechnical class parameters):
 - the embankment crest will be raised to the ordinate of dependable water (Q1%) with a normative exceedance (level exaggeration) of 1.0 m;
 - the embankment substrate will be sealed with a vertical, anti-filtration barrier a depth of 8.0 m below the ground level (made through in-depth mixing of ground with bentonite-cement grout). Designed depth of the anti-filtration barrier is consistent with the provisions of the environmental decision, which stated that the depth of the barrier will not exceed 10 below the ground level;
 - the embankment body will be sealed with a PVC geomembrane (1.5 mm thick) at the water side;
 - within the embankment water-locks there will be tight walls (made of steel sheet piles) embedded to seal the substrate.
- the water-side slope will be extra secured with a galvanised or PE-sheathed steel mesh placed directly on geomembrane and covered with a layer of ground which will be used to form the embankment body (protection against damage made by burrowing animals, especially beavers);
- placement of bio-material (bio-mat) at the water-side slope and its coverage with a layer of humus (3 cm thick);
- execution of technological routes along the embankment crest and the by-embankment bench crest;
- execution of a 'green' service route at the embankment water-side (with its surface covered with a mixture of grasses).
- reconstruction of the following embankment passages and entries.
 - Section I - 8 passages and 2 entries;

- Section II - 7 passages and construction of 1 new entry;
- Section III - elimination of 2 embankment passages and 7 entries, reconstruction of 1 passage to entry, reconstruction of 3 passages, reconstruction of 3 entries;
- Section SAN - 2 passages.
- reconstruction of the following water-locks:
 - Section I - 3 embankment water-locks: \varnothing 800 at km 2+735, \varnothing 600 at km 4+093, \varnothing 2x1400 at km 6+206;
 - Section II - 3 embankment water-locks: \varnothing 1000 at km 0+055, \varnothing 1200 at km 2+178, \varnothing 1200 at km 4+887;
 - Section III - 1 embankment water-lock - \varnothing 800 at km 0+283.
- demolition of the abandoned building located at the land plot No. 975 in the precinct of Wrzawy colliding with the infrastructure planned for reconstruction.

The target embankment parameters upon their expansion are as follows:

- Width of the crest - 3.0 m (when the crest has no communication route) or 5.0 m (when the crest has its communication route). Road surface made of asphalt.
- Inclination of the water-side slope - 1:2.5 (Sections: I and II), 1:3 (Section III), 1:2.6 (Section SAN),
- Inclination of the land-side slope - 1:2.5 (Sections: I and San), 1:2.2 (Section II), 1:2 (Section III),
- Width of the by-embankment bench at the land-side - 5 m (3 m of the roadway + shoulders at both sides - 1 m). Road surface made of crushed stone.

Width of the service route - 4.0 m (apart from km 3+017 ÷ 3+311, i.e. along part of the embankment which borders with the Wisła pod Zawichostem ['Vistula at Zawichost'] Nature Reserve where no such line route is planned because this area is protected).

1.3 Identification of the number of people benefiting from the Contract's implementation

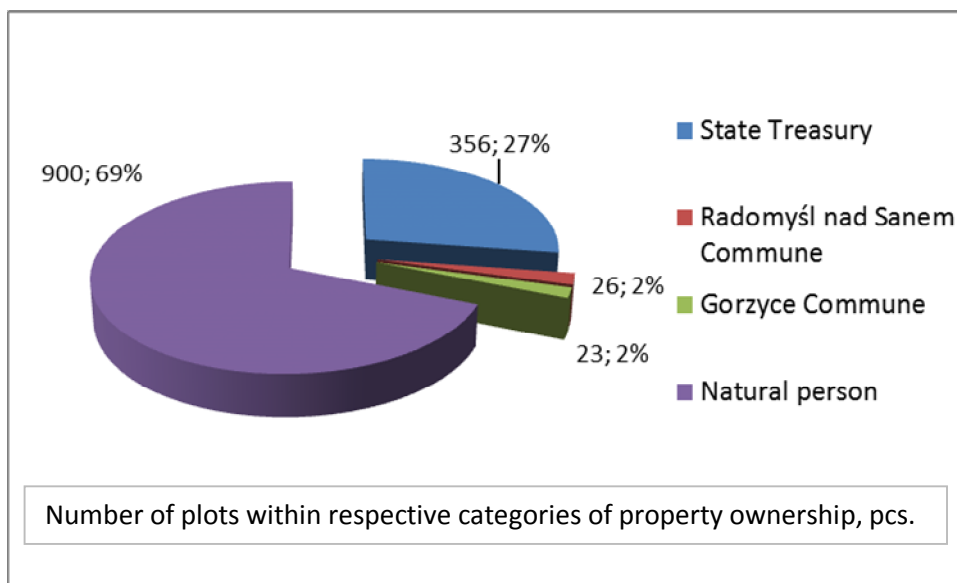
The aim of the Works Contract 3B.2 "Flood Protection Tarnobrzeg" is flood protection of approx. 18 850 inhabitants living in the area of approx. 9 750 ha. Within the area there are also: approx. 7132 residential and farming buildings, 11 office buildings, 3 sacral sites, 10 commercial and service-provision premises, 3 health-care units, 6 educational, cultural and sports facilities, 19 industrial premises, 4 technical and communication facilities, 2 churches with their vicarages, monuments, cemeteries. The implementation of this project will also contribute to the flood-protection of the entire technical and communal infrastructure located in this area which include: power grids, telephone gas, water-supply and sewage-discharge systems. Within the Communes under the project there is a number of monuments entered in the register of monuments or the municipal register of monuments. At the Commune of Radomyśl nad Sanem the most valuable ones include: the St. Sigismund church in Pniewo, the St. John the Baptist church in Radomyśl nad Sanem erected in 1852, the "Na Zjawieniu" parish cemetery, the Blessed Virgin Mary's Visitation church built in late 19th-early 20th century in Wola Rzeczycka. To the south of the estuary of the San river to the Vistula river, the following monuments are located at the Commune of Gorzyce: the St. Andrzej Bobola parish church with its neo-gothic cemetery chapel built in the 2nd half of the 19th century in Gorzyce, the Holy Family parish church in Trzeźnia, built in the 19th century in the Neo-Romantic style as well as the farmhouse granary erected in the 2nd half of the 19th century; also the wooden manor house in Trzeźnia is dated from that time. At the location of Wrzawy, which is the northernmost part of the Commune, the classicist church built in 1870 is situated.

The flood of 2010 caused significant damage to private and public property as well as to roads and sewage infrastructure in many communes of Podkarpackie Province. The flood also affected Radomyśl nad Sanem and Gorzyce Communes⁴.

In the area protected by the embankments foreseen for reconstruction in scope of the Works Contract 3B.2, the flood in 2010 caused damage to 1203 households. Within the Communes Radomyśl nad Sanem, Gorzyce and Zaleszany road infrastructure the damage was caused to 63 sections of roads with the total length of 57.97 km and value of PLN 4 807 209.00. Five bridges: vehicle bridge and pedestrian bridges were damaged amounting in total to PLN 80 000.00 in damages. Within water supply infrastructure, the damages amounted to PLN 500 000.00, while damages to sewage infrastructure amounted to PLN 2 071 369.00. The total losses caused by the flood amounted to PLN 26 762 688.00⁵.

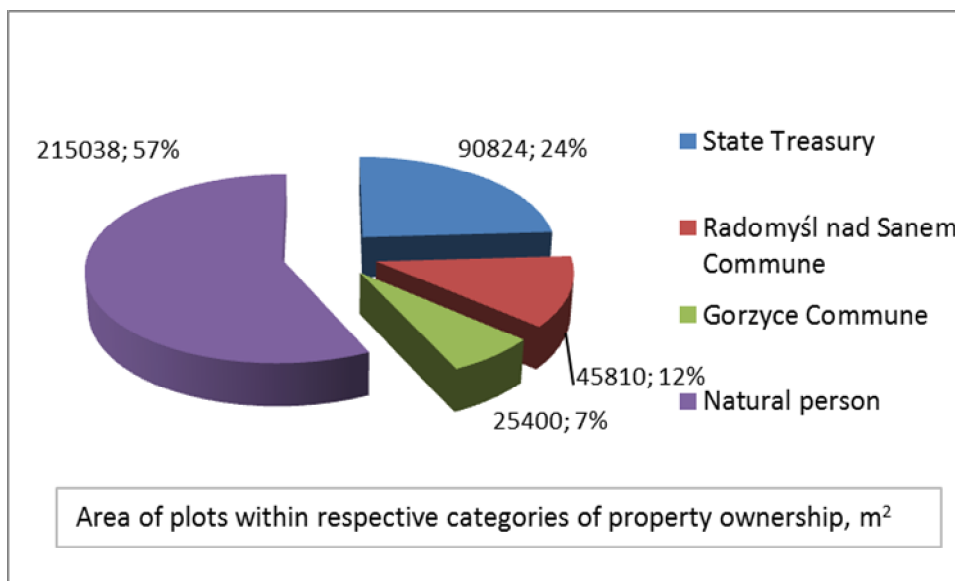
1.4 Description of the area of implementation of Works Contract 3B.2

In connection with the implementation of the Investment / Works Contract 3B.2 entitled "Flood protection Tarnobrzeg", 1305 properties will need to be permanently occupied, 900 (69%) of them are owned by natural persons and 405 (31%) - to the following public units: the State Treasury (real estate assets management: Starost, ARPA, RZGW) and the following Communes: Radomyśl nad Sanem and Gorzyce. When analysing the ownership of these land plots in terms of their area, 57% of their area as required to perform the Contract belongs to natural persons and 43% are in public resources (of which 55% belongs to the State Treasury). All the properties are located in the following communes in the Podkarpackie Province: (1) Radomyśl nad Sanem and (2) Gorzyce.



⁴ Source: "Specification of the tasks to be implemented as part of the Odra-Vistula Flood Management Project" made available by PZMIUW in Rzeszów.

⁵ Source: The report on the Podkarpackie Governor. Flood losses in 2010.



The Works Contract will consist in the expansion and sealing of the existing embankment. The expansion will be conducted from the inter-embankment side. A few fragments of the properties adjoining the water-side slope will be occupied. This area mainly covers natural valuable sites, i.e. riparian forests and wetlands meadows. Along the Section III of this embankment, at a few places only, the inter-embankment area was found to be agriculturally managed in the form of grazing meadows or, at 4 places, arable fields.

At the behind-embankment side the expropriation of the properties is aimed among others to clarify their existing status. At the embankment land-side slope there is an unpaved road serving as a by-embankment path / service route (this road runs at the embankment crown along short sections only). In Appendix No. 2 to the RAP, these plots are indicated as road, because they served actually as the service route. These plots are small in size and are owned by natural persons, and will be expropriated to the State Treasury by law. The site visit showed that one plot owned by a natural person is built by the embankment, the entire property will be expropriated to the State Treasury.

As a result of the implementation of the Works Contract 3B.2 the issue of land use of these properties will be clarified - at the present moment, although they factually serve as service route or embankment, they are considered agricultural lands in the register of lands and buildings (EGIB).

The behind-embankment area forms a mosaic of arable lands (developed or set aside), meadows, wastelands and urbanised areas.

Permanent occupations (at the behind-embankment side) of properties owned by natural persons are small and range from a few to several hundred square meters, in the case of natural persons up to 36 ares.

Below you find the analysis (in %) on various types of land use within the area to be permanently occupied, i.e. all over the "project footprint":

- 12 properties are land plots located at the foot of the existing embankment (they are highlighted yellow at the list of properties - the Appendix No. 2). These properties are not included in the number of land plots being expropriated because they already are in the real estate assets of public units.

Among of these 12 properties: 11 is in the Treasury's real estate assets, including 1 managed⁶ by PKP S.A. (PZMiUW does not plan changes to the ownership of this property). The scope of works

⁶ The Governor in the course of the proceeding on the issue of IPIP will decide on the right of the party to this property, at present it is the management (as indicated in the EGIB). The property does not have a Land and Mortgage Register.

has been agreed with PKP - letter dated 14.11.2016, sign IZDK1c-505/85/2016). One property is in the real estate assets of the Radomyśl nad Sanem Commune.

- **3 properties** are building land plots, the total area of occupation of this type amounts to **383 m²**, which represents 0.10% of the total area subject to being permanently occupied according to the design.
- 12 properties, according to their projected use in the register of lands and buildings (EGIB), are agricultural lands potentially to be developed, **14** of them were identified to be factually holding farm buildings, the total area of occupation of this type amounts to **4 640 m²**, which represents 1.23% of the total area subject to being permanently occupied according to the design.
- according to the register of lands and buildings (EGIB) only 23 properties are road plots, the total area of occupation of this type amounts to 24212 m², which represents 6.3% of the total area subject to being permanently occupied according to the project, these land plots are in real estate assets of the State Treasury and the following Communes: Radomyśl nad Sanem and Gorzyce. On the other hand, **417** of them - at their actual land use - are used as roads within the investment and their area amounts to **112 756 m²** (29.90% of the total area subject to being permanently occupied according to the design). In this group 112 land plots (with their area of 29,509 m²) owned by natural persons and other plots are in real estate assets of public units.
- **243 properties** are arable lands, the total area of occupation of this type amounts to **30 962 m²**, which represents 8.21% of the total area subject to being permanently occupied according to the design,
- **228 properties** are meadows and pastures, the total area of occupation of this type amounts to **88 259 m²**, which represents 23.41% of the total area subject to being permanently occupied according to the design,
- **58 properties** are wastelands, the total area of occupation of this type amounts to **8 033 m²**, which represents 2.13% of the total area subject to being permanently occupied according to the design,
- **338 properties** are forested plots (according to their actual land use), the total area of occupation of this type amounts to **128 080 m²**, which represents 33.97% of the total area subject to being permanently occupied according to the design. These plots are chiefly located within the inter-embankment; there are only 2 properties forested at the behind-embankment and the area of their occupation amounts to 526 m².
- 19 properties are water-covered areas according to the register of lands and buildings (EGIB); then only **4** of them will be factually occupied under the investment, the total area of occupation of this type amounts to **3 959 m²**, which represents 1.05% of the total area subject to being permanently occupied according to the design.

Among these properties at which the embankment will be extended there are land plots which are leased and covered with direct EU payment schemes as well as land plots which participate in various projects under the Rural Development Programme (RDP) for 2014-2020. There are also properties in real estate assets of the State Treasury administered by the Agricultural Real Property Agency. Among these properties there are no land plots where family allotment gardens are located.

The land-use was identified for 3 of these land plots while for other 21 ones their owners-like possessors without legal land titles were identified (natural persons for 5 of them and legal entities for 16). Not all the plots have Land and Mortgage Registers; therefore, this information may have to be changed, if the collection of documents for the said real estate will be analysed.

In case of 12 properties, there was information that the owner or one of co-owners is deceased and inheritance issues have not been settled. The support will be granted to PAPs within inheritance proceedings; nevertheless, if lawful heirs are not found, compensation will be submitted to the court deposit.

Current legal status, including agreements on compensations

For the Works Contract 3B.2, on 21 April 2017, one (the first one) of the three applications was submitted to the Governor of the Podkarpackie Province to issue Investment project implementation permit in the field of flood-protection structures.

The application covered the Section II of the embankment i.e. investment consisting in the extension of the right embankment of the Vistula River at km 278+750 - 273+650 at 0+000 - 4+889 of the embankment together with the construction of a temporary section with its length of 51 m, demolition of the building and provision of all the accompanying infrastructure.

The application identifies 179 land plots which to be divided and their parts - expropriated and 12 land plots to be expropriated as a whole (applies to the properties owned by natural persons and in real estate assets of legal persons except of plots in the real estate assets of the State Treasury). As for 78 land plots are in real estate assets of the State Treasury (4 after the division, 74 as a whole) it was found that the investment will be implemented within their parts with no expropriation. 3 land plots are in real estate assets of the State Treasury there are the plots on which the embankment is located.

The other two applications were submitted to the Governor of the Podkarpackie Province on 31 May 2017.

The applications covered:

- the Section I with Section San of the embankment i.e. investment consisting in the extension of the right embankment of the Vistula River at km 286+816 - 279+416 at 0+000 - 7+205 of the embankment (Section I) as well as the extension of the right embankment of the San River at km 0+239 – 2+276 at 0+000 – 2+193 of the embankment (Section San) and provision of all the accompanying infrastructure.
- - the Section III of the embankment i.e. investment consisting in the extension of the right embankment of the Vistula River at km 273+783 - 271+806 at 0+000 - 1+865 of the embankment as well as the extension of the left embankment of the Łęg River at km 0+239 – 2+276 at 0+000 – 0+112 of the embankment (Section III) and provision of all the accompanying infrastructure.

The application for Section I and Section San identifies 569 land plots which to be divided and their parts - expropriated and 121 land plots to be expropriated as a whole (applies to the properties owned by natural persons and in real estate assets of legal persons except of plots in the real estate assets of the State Treasury). As for 230 land plots are in real estate assets of the State Treasury (16 after the division, 214 as a whole) it was found that the investment will be implemented within their parts with no expropriation. The existing embankment is located on 6 plots. 5 plots is in the real estate assets of the State Treasury, one plot is in real estate assets of the Radomyśl nad Sanem Commune.

The application for Section III identifies 78 land plots which to be divided and their parts - expropriated and 6 land plots to be expropriated as a whole (applies to the properties owned by natural persons and in real estate assets of legal persons except of plots in the real estate assets of the State Treasury). As for 32 land plots are in real estate assets of the State Treasury (5 after the division, 27 as a whole) it was found that the investment will be implemented within their parts with no expropriation. 3 land plots are in the real estate assets of the State Treasury. There are the plots on which the embankment is located.

2. OBJECTIVES AND RULES FOR LARAP IMPLEMENTATION

A key objective of this Land Acquisition and Resettlement Action Plan is to acquire properties required for the implementation of the Works 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 Project Affected Persons and improve or at least reinstate their life conditions or ensure the long-term and sustainable use of natural resources within this area.

The rules which are applied in the process of obtaining properties and resettlements are compliant with provisions of OVFMP programme document of a general nature, which is Land Acquisition and Resettlement Policy Framework (LARPF), available at:

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

Another objective in the implementation of LARAP (which PZMiUW will follow) is to ensure that compensation for property expropriated by law or permanently restricted of land use will be disbursed prior to the commencement of construction works.

The objective of LARAP is also to collect basic social and economic data concerning Project Affected Persons, 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 natural persons and public entities i.e. the State Treasury and the Radomyśl nad Sanem and Gorzyce Communes). LARAP contains also the procedures, budget and deadlines for achieving the above objectives.

LARAP 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 other to provide relevant information to the Project Affected Persons, 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 provide documented evidence.

3. IMPACT MINIMISATION

Minimizing the impact of Works Contract 3B.2 on the Project Affected Persons will be done by informing them at each stage of the Contract of their powers, the date of commencement of the works, the opening of the information desk, the possibility of filing complaints and submitting applications, meetings, etc. Details of these activities as well as the minimization measures already implemented are described below.

3.1 Minimising the areas subject to occupation at the design stage

One key principle during the process of designing this Task was to minimise the area of permanent occupation and imposed restrictions on land use.

Such solutions were applied for natural persons and public entities (i.e. the State Treasury and the Radomyśl nad Sanem and Gorzyce Communes), e.g.:

- Embankment's extension and provision of an operation lane on the waterside of the bank in order to avoid larger interference on the landside in case of residential developments, road infrastructure and water supply and sewage systems or arable lands and meadows;
- Embankment's sealing was designed in form of a filtration barrier made of bentonite-cement slurry in technology of deep soil mixing to be provided at the foot of waterside slope which will limit the impacts on the landside areas during the execution of works;
- Embankment's body sealing was designed on waterside slope by geomembrane PVC 1,5 mm of thickness, which will limit the impacts on the landside areas during the execution of works.

3.2 Minimising impact during construction stage

Again prior to the commencement of works the PZMiUW will conduct a wide-spread information campaign concerning the commencement date of planned Works Contract and will open an information centre for Project Affected Persons, where they will be able to file their proposals and comments regarding 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 LARAP) and providing contact details (to the PZMiUW, the Engineer-Consultant and the Contractor).

It should be emphasized that PZMiUW has already sent information brochures to the PAP (i.e. before submitting the application for IPIP decision).

It will be necessary to occupy properties temporarily for the purpose of the Contract implementation (occupation for a site back-up facilities and for storing soil masses and other building materials). The scope and proposed location of temporary occupation will be specified upon the appointment of the Contractor. The Contractor shall be responsible for obtaining permission for temporary occupation. The Contractor while negotiating conditions of temporary occupation the properties will be guided by the rules provided herein (this process will be on voluntary basis and on the terms set forth in the consent statement (contract)). Upon completing the works property will be reinstated to its previous condition and return in good condition.

3.3 Minimising the impacts through informing the parties on their rights

3.3.1. The right for purchasing "the remnants"

As part of the information campaign described in item 3.2 above, Project Affected Persons (PAP) will be informed again on a possibility of submitting 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 sec. 2 of Special Flood Act).

If the provisions of Art. 23 sec. 2 of the Special Flood Act will be met (namely that if the part of real property was acquired and the remaining part is not possible to be used for recent purposes) the property shall be acquired by the State Treasury. As per Bank's politics OP 4.12, if the remaining area is not viable for residential or economic use, it should be compensated by the Project.

3.3.2. Measures aimed to prevent the reimbursement of EU subsidies

The scheme of subsidies / financial assistance for farmers is an relevant issue in the context of investments made under the Odra-Vistula Flood Management Project. As part of the Works Contract 3B.2, there will be some properties expropriated which are owned / hold by farmers who receive EU direct payments or receive subsidies through their participation in various activities covered under the 2014-2020 Rural Development Program (RDP 2014-2020).

Therefore, the expropriation of the subsidised properties will make farmers fail to fulfil their obligations undertaken under individual programmes on the grounds of contracts concluded with the national accredited paying agency i.e. the Agency for Restructuring and Modernisation of Agriculture (ARMA). This, in turn, may have its consequences, i.e. it may be required to reimburse payments received as well as incur administrative fines.

In order to make farmers appropriately fulfil their contractual obligations and not put them at risk of harm due to that, a variety of mitigation and compensation measures are necessary to be implemented.

At the stage of elaboration of the construction design, there were some properties identified which will be subject to the expropriation for the State Treasury. Due to the fact that a significant part of these properties are lands projected for agricultural purposes, there was a brochure outlining steps to be taken to avoid such reimbursement was prepared and distributed to the Project Affected Persons. Moreover, as part of the Resettlement Action Plan (one of its essential parts covers socio-economic research aimed to identify the socio-economic standing of the Project Affected Persons), a questionnaire was prepared with questions on subsidies and financial assistance to which the expropriated properties are qualified. Irrespective of the above, the Podkarpacki Board of Amelioration and Hydraulic Structures requested District Offices of the Agency for Restructuring and Modernisation of Agriculture (ARMA) to indicate which land plots under the Task (the list of them was attached to the document) are covered by the subsidy system. It enabled to identify the scope of such EU subsidies / support provided to agricultural producers.

ATTENTION:

The reimbursement of all subsidies received may be prevented thanks to the regulation introduced at the EU level which classifies property expropriation in the catalogue of "force majeure" events. Agricultural producers / farmers - in order not to reimburse any subsidies received earlier - are required to report such occurrence of force majeure (i.e. expropriation and / or permanent restriction of land use of a given property) to the District Office Manager of the Agency for Restructuring and Modernisation of Agriculture (ARMA) in writing together with appropriate evidence (a copy of Decision for Investment project implementation permit will do in the analysed case) within 15 working days from the date from which they or any person authorised by them are not able to perform such activities. To get acquainted with the issue of force majeure, please refer to:

http://www.arimr.gov.pl/fileadmin/pliki/PB_2015/WPRN/02_07_2015/Sila_wyzsza_22_07_2015.pdf

The mitigation measures which may be applied and make farmers avoid the reimbursement of subsidies received by them:

- Carrying out a wide-range information campaign (among all the Project Affected Persons) on steps to be taken to avoid the reimbursement of subsidies received. This action has already been conducted through the distribution of the relevant information brochure.

- Carrying out an additional information campaign addressed to a group of farmers who in their questionnaires reported to receive subsidies and to farmers identified thanks to the data received from the Agency for Restructuring and Modernisation of Agriculture (ARMA) at the stage of the administrative procedure conducted by the Governor to issue Investment project implementation permit. This action will be aimed to remind the need to report expropriation of properties to the Agency for Restructuring and Modernisation of Agriculture. This information will also be provided to the PAP during public consultations.
- Compensation in cash - a farmer will receive compensation for any expropriated property and may - for such means (money) - purchase (or lease) any other property with similar-level production capacities and submit it for subsidy / assistance (if possible under this measure).
- The amount of compensation (compensation in cash) for any expropriated property will be determined by an independent property appraiser. This property valuation will include, among others, the characteristics and values of a given expropriated property and specified obtaining (or not) any potential subsidy/ support.

3.4 Minimising the impact – organisational activities

Minimising the impacts within the Contract implementation may also take place through organisational activities at the stage of construction and assembly works. The following activities will be introduced:

- Hand over of the property will take place after harvest or if not possible due to the construction program, additional compensation for lost crops during that specific harvest will be paid out.
- Expropriated person will be entitled to free of charge use of the land in the current manner until obtaining a compensation or (if the amount of compensation is not agreed upon) its agreed portion.
- PAP will be informed by the PZMiUW in advance, at least 3 months, on the factual commencement of works which will enable them to complete farming activities on the property.
- All the costs related to activities minimising and compensating negative impact will be included in the costs of OVFMP.
- Required distances from overhead power lines must be maintained during construction works.
- All the works in the vicinity of the existing underground utilities will be carried out manually in order to prevent their damage.
- Works shall be performed from 6:00 a.m. to 10:00 p.m. only.
- Filtration barrier will be executed using deep mixing soil technology (vibration-free).
- Supervision of infrastructure owners will be ensured for the duration of works. Owners of the service networks will be notified in advance of the date of commencement of works.
- The owners of properties which will be occupied temporarily during implementation of the Task shall receive compensation for the temporary occupation (the Contractor shall be responsible for specific activities within this scope; the Contractor shall, by its own endeavours, negotiate land for temporary occupation on voluntary basis (i.e. temporary occupation can not be imposed on people)). Upon completing the works property will be reinstated to its previous condition and return in good condition.
- PAP assistance in preparing ARMA notifications for "force majeure" in case of expropriation of subsidized properties (depending on needs preparation of application, preparation of attachments).
- Help PAP in preparing applications for residuals (depending on needs preparation of the application, preparation of map attachments, etc.).
- In km 4+880 of the embankment of the Vistula River (Section II, plot No. 1714/3 Wrzawy) in the area of works impact there is a memorial place (the mound with the monument founded in 1879 by Kalikst Horoch which commemorates the battle fought at this place between the troops led by Józef Poniatowski, the Polish Prince and Ferdinand, the Austrian Archduke. The former war cemetery dated 1809 is located around the monument). The Contractor's obligation shall be the protection of the cemetery for the period of works performance so that no accidental damage of the object occurs.
- In km 6+400 of the embankment of the Vistula River (Section I, plot No. 203/3) in the area of works impact there is a stone with a commemorative plaque to express appreciation for the involvement of

the local community in the fight against floods, funded in 2005. The Contractor's obligation shall be the protection of the stone with memorial plate for the period of works performance so that no accidental damage of the object occurs.



Photo 1. Mound with monument and cemetery from 1809.



Photo 2. Stone with commemorative plaque.

The Task is viewed positively by local inhabitants because the development of the embankment will secure their life and property against floods which may occur in the future.

A more comprehensive description of measures mitigating and minimising negative impacts and protecting valuable natural resources is provided in the document "Environmental Management Plan for Works Contract 3B.2 Flood Protection Tarnobrzeg".

4. LEGAL FRAMEWORKS AND VALUATION METHODS

4.1 Property acquisition – binding Polish legislation

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

- Constitution of the Republic of Poland of 2 April 1997,
- Law of 21 August 1997 on the real property management,
- Law of 27 March 2003 on space planning and development,
- Law of 23 April 1964 Civil Code,
- Law of 8 July 2010 on particular conditions for preparing flood management projects for implementation,
- Regulation of the Council of Ministers of 14 July 2011 amended the regulation on the evaluation of properties and preparing an appraisal.

Aforementioned legal acts publishing numbers are indicated in the table on pages 5 and 6 of this RAP.

4.2 Property acquisition – World Bank Operational Policy OP 4.12.

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

- a) involuntary occupation of the property resulting in:
 - (a) relocation or loss of shelter,
 - (b) loss of assets or access to assets,
 - (c) loss of income sources or impoverished standard of living,
- b) the involuntary restriction of access to parks and protected areas resulting in adverse impact on the livelihoods of the Project Affected Persons.

To decrease the impacts of these activities, the borrower is obliged to prepare a Land Acquisition and Resettlement Policy Framework or a Land Acquisition and Resettlement Action Plan depending on the fact whether the specific interventions and related impacts have been identified or not.

A detailed description of obligations arising from OP 4.12 as in OVFMP programme document of a general nature, known as LARPF is available at:

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

This detailed LARAP contains obligations specific for the Works Contract 3B.2 and corresponding to the advancement of the process of preparing the Contract for implementation.

4.3 Property acquisition – rules and procedures within the meaning of the provisions of the Act of 8th July 2010 on specific rules for preparing projects related to flood protection, hereinafter referred to as the “Special Flood Act”.

On 8th July 2010 the Parliament of the Republic of Poland passed the Special Flood Act aimed at simplifying and accelerating procedures related to the implementation of flood protection projects. The provisions of this act apply to, i.a., issues related to acquisition of properties to the benefit of the State Treasury, Provinces and communes. This act was amended three times in the year 2014, 2015 and then in the year 2016.

The substantiation for the Act provides for the aim which is the effective fulfilment of tasks within the scope of flood protection structures with the use of the EU's and international organisations' funds. Before the Special Flood Act became effective, the implementation of flood protection projects required multi-staged proceedings, the necessity for obtaining a range of administrative decisions (e.g. decision on the public purpose project's location, decision on subdivision, construction permit decisions) and conducting proceedings aimed at obtaining permanent or temporary occupations of properties (as part of negotiations with owners or obtaining expropriation decisions). According to the

provisions of the Special Flood Act a competent administrative body issues one integrated decision concerning the entire flood management Project, known as project implementation permit. Restrictions within ownership rights, which result from issue of the aforementioned decision, are compensated through granting compensation to the owners or holders of the properties.

The Governor shall notify all the parties of the commencement of the proceedings concerning the issue of a decision on the Project implementation in accordance with Article 7 of the Special Flood Act.

4.3.1 Decision on the project implementation permit compared to permanent occupation and restrictions in use of such property.

Upon having processed an application filed by the PZMiUW, a Governor will issue a project implementation decision, object of which is a series of issues which have been until now regulated by separate administrative decisions. Obtaining a decision under the Special Flood Act is tantamount to obtaining a decision on development conditions or decision on approving the location of a public purpose Project. This decision will also include, i.a. the specification of lines demarcating the Site and approval of the property subdivision as well as approval of a construction design. Furthermore, in relation to the properties specified by the PZMiUW in the application, this decision will indicate:

- properties or their parts covered by the Project, indispensable for its implementation, which become the ownership of the State Treasury,
- properties or their parts covered by the Project, indispensable for its functioning, which become the ownership of the State Treasury but use of which is permanently restricted.

The above means that as of the day on which a decision under the Special Flood Act becomes final, properties or their parts identified in the application will become legally owned by the State Treasury or there will be permanent restriction in their use. Such a decision will be a basis for making entries in the Land and Mortgage Register as well as in the Register of Land and Buildings.

In the event of permanent restrictions in use of the property the owner or perpetual holder of such property may demand the redemption of such properties by the State Treasury on the basis of an application filed within 90 days of the day of being served with a notification of instituting the proceedings concerning an Investment project implementation permit. The right under Article 22.2 of the Special Flood Act (in terms of purchase of the property, which permanent restriction in use) is not entitled to the owner of the property on which there are public roads.

If a part of a property is acquired by the State Treasury and the remaining part is not suitable for current use, upon the application submitted by the owner or perpetual holder of such a property, the PZMiUW is obliged to acquire (in the name of and on behalf of the State Treasury) remaining part of the property. Such a regulation solves a problem of so called “remnant” – the remaining part of a property transferred to the ownership of the State Treasury. In such a case, the owner (perpetual holder) of the property is entitled to a claim for PZMiUW to purchase the remaining part of the property.

4.3.2 Compensation for properties acquired under the Special Flood Act

A property owner or perpetual holder is entitled to compensation for transferring the ownership of the property onto the State Treasury.

The amount of compensation is determined separately for each property by negotiating individually between PZMiUW and the current owner or a holder of usufruct right or person, who has other legal limited property right. Such compensation is paid out by the PZMiUW acting on behalf of the State Treasury or a local government, as appropriate. All arrangements are made in writing under pain of nullity.

However, if the agreement in the scope of the compensation amount is not reached within 2 months from the day when the investment project implementation permit became final, the amount of the compensation is determined by the Governor in form of an administrative decision. The principles set out in the Law on Real Property Management are applied to determine the amount of compensation. The amount of compensation is determined by authorised property appraiser on the basis of market value (if this cannot be determined is based on replacement value).

A decision on the amount of a compensation amount as well as a decision on the project implementation permit may be contested by a party through submitting an appeal to a body of higher instance. This procedure in details is described in section 10.2.

Filing an appeal against the said decision does not prevent payment of compensation to authorised persons – under Article 21.11 of the Special Flood Act, a party submitting such an application may apply for payment of a compensation specified in the compensatory decision, and the State Treasury is obliged to pay out this amount despite the appeal filed. Payment of a compensation amount does not affect the appeal proceedings.

Compensation granted to current owner or perpetual holder is decreased by an amount of restricted rights established on the properties (e.g. usufruct, easement, lien, housing cooperative property right to premises or mortgage). This amount is estimated by an independent property appraiser in compliance with the rules outlined in the Regulation of the Council of Ministers on real property valuation and preparing an appraisal study.

4.3.3 Additional benefits for the owners or perpetual holders of properties acquired as part of the Special Flood Act

The Special Flood Act provides for detailed regulations according to which owners or perpetual holders of properties which become the ownership of the State Treasury are entitled to payment of additional benefits.

In addition, for immediate release of property it will be possible to increase compensation with the amount of 5% of the value the property according to the rules specified in the Special Flood Act.

Current owners or perpetual holders of properties or their parts which became the ownership of the State Treasury may use properties free of charge until the expiry of the time specified in the decision under the Special Flood Act.

4.3.4 Application of the Special Flood Act during the Project implementation

At the request of the PZMiUW, justified by a social or economic interest, a Governor issues a decision under the Special Flood Act under pain of immediate enforcement, which means that current owners are obliged to release properties within 90 days of the date of issue a special decision (under the Special Flood Act) and that the PZMiUW is authorised to take over a property and commence construction works (if, in accordance with OP 4.12 PAPs were paid compensations).

4.4 Analysis of inconsistencies and corrective measures

Given that there are inconsistencies between Polish law and the World Bank's OP 4.12 the corrective actions described below will apply to this Project and its components.⁷

OP 4.12	Polish laws	Corrective action
<p>Lack of legal title to the land should not bar compensation. People without legal title are eligible for compensation.</p>	<p>Polish legal system does not account for the right to compensation of the occupants/users of the land that do not hold legal title to it (except for the people whose legal title to the real estate was lost or who acquired the title by usucaption (by which ownership of property (i.e. title to the property) can be gained by possession of it beyond the lapse of a certain period of time according to KC).</p>	<p>In case a Project Affected Person without legal title or legal rights over the land is affected by project-related land acquisition the case will be analyzed individually for the possibility of applying general mechanisms from the Civil Code to achieve the objectives of OP 4.12.</p> <p>As per OP 4.12 affected persons without legal titles will be not eligible to receive compensations for the land. However, they will be eligible for compensation for any structures, crops or improvements to the land that were done before the cut-off date and to receive adequate solutions in cases where they have to be physically or economically displaced.</p> <p>In this cases, additional nonfinancial mitigation measures can be applied.</p>
<p>WB Policy requires compensation for the loss of income⁸ resulting from taking of land that generates the displacement of economic activities (e.g. business, agriculture, etc).</p>	<p>Provisions of polish law do not provide compensation for the loss of income resulting from land take required for a task.</p>	<p>Persons who lost income or employment will receive support (health insurance, professional trainings etc.) from the employment offices.</p> <p>In case of entrepreneurs or agricultural activities, it is possible to apply general mechanisms from the Civil Code (covering loss suffered (damnum emergens) and the expected profits which are lost (lucrum cessans).</p>
<p>Particular attention should be paid to vulnerable social groups, such as the poor, the elderly, single mother headed household, children, ethnic minorities.</p>	<p>Polish law does not require planning specific measures aimed at additionally assisting vulnerable social groups (the elderly, the handicapped, the poor, and other groups with special needs).</p>	<p>The project will grant to the affected persons help in obtaining assistance from offices and institutions.</p> <p>Additional measures will be implemented as needed to ensure that the objectives of OP 4.12 are met.</p>

⁷ See RPF for the OVFMP p. 29 link http://www.odrapcu.pl/doc/OVFMP/Resettlement_Policy_Framework.pdf

⁸ In the conditions of the Polish economy understood as revenue.

OP 4.12	Polish laws	Corrective action
<p>WB Policy requires additional compensation for expenses incurred by PAP as a result of physical relocation (i.e. transport of materials) and assistance in implementing the resettlement.</p>	<p>Assistance regarding incurring costs of relocation and other similar costs resulting from the necessity to move to a new location by the citizens and enterprises is not provided in the provisions of law.</p>	<p>In order to cover costs of relocation and other similar costs it is possible to apply general mechanisms from the Civil Code in a manner that achieves the requirements of OP 4.12.</p>
<p>The compensation should be paid prior to physical occupation of the land for the purposes of implementation of the task.</p>	<p>The flood act allows for occupying the land and commencing works before the compensation is paid.</p>	<p>In all cases, no work will begin until there is documented evidence that the Project-Affected Person has been informed well in advance, compensation has been paid and it has granted permission to enter the land.</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 persons once the court makes a decision or the owner is located.</p> <p>To minimize the risk of starting works before compensating for losses the project will plan and conduct land acquisition well in advance of starting construction</p>
<p>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).</p>	<p>Applied methods of valuation may lead to lowering the value of the real estate as compared to prices of similar real estate on the local market.</p>	<p>The valuation of the real estate will be conducted by an independent and experienced property appraiser. Property appraiser opinion should be verified by PIO. The expropriated party should be granted proper amount of time to get familiar with the property appraiser's extract from appraisal report. Should there be any doubts regarding the sufficiency of the due amount of compensation, value of the real estate should be estimated by an independent property appraiser in the proceeding with the Governor.</p> <p>In all cases effective replacement value will be achieved.</p>

OP 4.12	Polish laws	Corrective action
Requires to prepare a socio-economic baseline, Resettlement Action Plan and monitor of compensation, resettlement and livelihood restoration measures as well as evaluation of their efficiency.	Provisions of polish law do not account for obligation to gather a socio-economic baseline and prepare a Resettlement Action Plan as such and there is no obligation of monitoring or evaluation of their effectiveness.	Socio-economic baselines and Resettlement Action Plans will be prepared based on the RPF, monitored and evaluated in line with OP 4.12 and good practices.

4.5 Valuation methods

Current owner, holder of perpetual usufruct right to land or a part of land which is necessary for Contract's implementation is entitled to compensation for the transfer of ownership of the property to the State Treasury.

In all cases compensation must meet the principle of a **replacement value** which means the market value of the land and related assets (e.g. crops or others elements) increased by a transaction cost required to replace it, such as taxes and other fees. Compensation is determined on the basis of a valuation by property appraiser and other team of property appraisers (e.g. agricultural property appraiser) as required.

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

- a) for agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal 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; and
- c) for houses and other structures, it is the market value of the materials to build a new houses and objects replacing houses and object affected by the results of the task implementation, in the quantity and quality similar to or better than those uses in the expropriated houses and objects or partially affected by the results of the task implementation jointly with the cost of transporting building materials to the construction site, the cost of any labour as well as transaction costs, fees and taxes related with the implementation of new objects.

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. Unless Polish law meets the standard of compensation at full replacement cost, compensation under Polish law is supplemented by additional measures so as to meet the replacement cost standard, such as support after displacement for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living (including sources of income), etc.

The amount of compensation paid by the State Treasury, is agreed between the PZMiUW and the current owner, holder of perpetual usufruct or other legal holder through negotiations (or established by the Governor if it does not come to determining the amount of compensation as a result of negotiations). In all cases the compensation should, at least, be consistent with a replacement value.

Compensation is subject to indexation as of the day of payment according to the principles applicable in the case of return of expropriated property.

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

NOTE:

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

4.5.1 Property valuation

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

If a current owner or perpetual holder of a property subject to a decision on the Project implementation permit releases such a property, or releases such a property and empties premises and other rooms not later than within 30 days of the date of delivering a notification of issuing an Investment project implementation permit with immediate effect, compensation amount shall be increased by 5% of the property value or the value of perpetual usufruct law.

4.5.2 Valuation of plants and crops

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

The valuation of fields of perennial plants involves the valuation of the costs of determining 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.

4.5.3 Valuation method for structures

In order to estimate a value of structures which constitute an object of ownership separate from the land, a cost approach could be applied, as well as a cost replacement method and an indicator technique.

A cost approach consists in determining a value of a property assuming that such a value corresponds with the costs of its replacement.

A value of land constituents is assumed as an amount equivalent to the costs of their replacement or substitution.

A key of a cost approach is assuming that a property acquirer will not pay for such a property more than the costs of erecting such a property in the same technology or function in the same location.

A consequence of the above assumption is the specification of two types of costs:

- replacement cost,
- substitution cost.

In order to apply a replacement cost method it is necessary to be in possession of technical data on the structures under valuation, data on the prices for materials and construction works.

A replacement cost means a cost of erecting an identical structure (exact copy) to a structure under valuation. While estimating a value of such a structure, a property appraiser takes into consideration the same design, equipment, quality of construction works and takes into account all defects, shortcomings as well as required elements of equipment or construction, or materials which are out of use. Replacement costs also include the costs of building additional installations strictly connected with the structure under valuation, preparation and ordering of the area and the costs of drawing-up design documentation and construction supervision. Therefore, while estimating structure replacement costs, it is necessary to provide the costs valid as of the day of valuation of building its copy. If materials which were used to build such a structure are no longer available on the market, while estimating a value, it is necessary to consider the prices for material as similar to the materials used as possible.

4.6 Special procedures

4.6.1 Payment of compensation for permanent restriction in the real property use

Real properties required for the implementation of the Contract will be acquired under IPIP issued in compliance with the provisions of the Special Flood Act.

In the IPIP may be indicated the plots constituting a part of the Task, 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 restricted (hereinafter referred to as: TO) - such plots have not been identified at this stage.

Such real 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 development implementation; nevertheless, after fulfilling the task – 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 real 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. If this procedure is not used, there is an administrative procedure in which applicable compensation is established. The right under Article 22.2 of the Special Flood Act (in terms of purchase of the property, which permanent restriction of land use) is not entitled to the owner of the property on which there are public roads.

The Special Flood Act does not define the use manner permanent restriction (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 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.

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

As far as prospective temporary occupation is considered, whose exact range cannot be defined at the current stage of the Contract progress, the Contractor will enter with the owners into voluntary agreements where the rules of temporary occupation will be outlined for the needs of the Contract implementation. In each case, the owners of real properties under permanent and temporary occupation will be effectively informed on the planned Contract and the rights they are entitled to.

The Project Affected Persons were informed on the rights they were entitled to especially the possibility of establishing the amount of compensation by Podkarpacki Governor in administrative proceedings. In cases when negotiations did not lead to establishing the amount of compensation, PZMiUW distributed relevant information brochures to PAP.

4.6.2 Depositing funds in the court account if paying out of compensation is not possible

Pursuant to the Art. 133 of the act on property management, the PZMiUW submits the amount of compensation to the court deposit in accordance with the decision of the Governor obliging the PZMiUW 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 payment 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 properties with an unregulated legal status (Decision of the Province Court of Administration in Lublin 2005-02-25, case ref. No II SA/Lu 884/04).

Depositing compensation in the court account entails the same effects as disbursing such a compensation, according to OP 4.12, a PAP does not incur any costs within this scope.

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.

PROCEDURE

STEPS	ACTIONS TO BE TAKEN	YES	NO	COMMENTS
Step 1	Issue by the Governor of a decision on establishing the compensation obliging to pay the compensation to the court deposit	Step 2	Not taking any actions	
Step 2	Filing a motion for placing the benefit object in the court deposit	Step 3	-	
Step 3	Accepting a motion by the Court	Step 5		
Step 4	Overruling a motion by the Court		Complaint	
Step 5	Paying the funds to the deposit account indicated by the Court			Due to the fact that the decision of the Governor is the basis to pay the compensation to the deposit - the payment of the funds to the account takes place at the moment of submitting the application to the court in accordance with the regulation of art. 6932 §2 and §3 of the Code of Civil Procedure
Step 6	Proceedings concerning releasing the deposit			
Step 7	Paying the funds to the deposit account indicated by the creditor			

5. SOCIAL-ECONOMIC SURVEY

A basic source of information concerning the development and use of occupied properties is the analysis of GIS data, excerpts from the Register of Land and Buildings (EGIB) and on-site verification. The status of ownership (owners/co-owners, holders of perpetual usufruct rights and owners-like possessors without legal land titles) of the occupied properties has been determined on the basis of the Register of Land and Buildings and Land and Mortgage Register. The presence of infrastructure has been determined on the basis of the analysis of detailed land survey drawings and on-site verification.

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

In addition, in April and in May 2017, there was a questionnaire conducted among PAPs within the scope of viewing the justification of the Works Contract 3B.2 implementation and its impact on their life quality and sources of income, economic situations (impact on the income level). Target respondents included primarily persons under planned expropriation where permanent occupation areas exceeded 10% of the initial area of the plot under occupation. For conducted studies, a more restrictive impact indicator than 20% of occupation was assumed.

ATTENTION: Properties which, in spite of being classified in the register of lands and buildings (EGIB) as agricultural lands, are - as a matter of fact - road lands located by the flood embankment and used as by-embankment paths, service routes or access roads (to get to fields) (they do not generate income) were excluded from the surveying.

The questionnaire was completed by 82 people covered by the project out of 110 people who were provided with it in person or sent by post (if they live beyond the area of the Task implementation). Two people refused to complete the questionnaire.

Below there are some conclusions derived from the questionnaire:

- 100% respondents are satisfied with the expansion of the flood embankment and the strengthening of flood protection structures.
- 95% respondents confirmed that the implementation of the Task will not negatively affect the quality of their lives. Four people who responded that the impact would be negative did not show the validity of this statement by responding further questions. In three cases agriculture is not a source of subsistence for these people and in two cases the expropriation covers less than 2% of the land managed by them. In no cases the expropriation exceeds 10% of the total area which they manage.
- 42% respondents stated that agriculture is a source of their subsistence i.e. 34 cases.
- Only 23 (28%) respondents (out of 82 in total) disclosed that their land plots are covered under EU financial support programmes and only 5 of them (in spite of such request made in the questionnaire) declared whether they are direct payments or made under the Rural Development Programme (RDP) for 2014-2020. The mitigation and compensatory measures described in chapter 3.3.2 will be applied to these PAPs.
- Upon request to assess the impact of the Project (i.e. the planned expropriation of properties with their specified area) onto the income level:
 - 1% i.e. one person did not answer this question,
 - 65% respondents stated that there would be no such impact,
 - 33% of them declared that this impact would not be significant
 - only 1 person (1%) stated that it would lead to losing his income. This person makes living from agriculture and benefits from EU subsidies (direct payments).

In order to assess the Task and its impact on the Project Affected Persons and their income levels (irrespective of responses provided in the questionnaire), the Communes were requested to provide data on properties owned by these natural persons. The provided data made it possible to assess the standing of the person who claimed that the expropriation under the Odra-Vistula Flood Management Project would result in the total loss of his income. It should be pointed out in this case that this person owns 10 agricultural properties with their total area of 5.2719 ha. The expropriation will deprive him of 2.3% of the area managed by him but he will be provided with adequate compensation for this area. In the above case the respondent's response should be regarded as a subjective perception of the state of affairs related to the Task implementation.

- The respondents were also asked to specify a share (in %) of planned expropriation in their total area managed by them. 11 people stated that the expropriation would cover more than 10% of their area. Thanks to the data obtained from the Communes this issue was analysed on an independent basis. In fact the expropriation beyond 10% occurs in 9 cases while 6 people are not farmers and declared that the expropriation will not reduce their income or reduce the quality of their life. In other 3 cases, the expropriation will range from 10.25% to 16.19%. In these cases, this is a priority to settle and pay out compensation to minimise the impact. Due to the fact quickly payment of compensation for the expropriated property (of replacement value) these people will be able e.g. to buy new land and in the next vegetation season already benefit from it.

No full socioeconomic studies were conducted due to the fact that pre-study showed that none of the following circumstances occurred - the displaced persons lose more than 10% of their productive assets or require physical relocation (according to OP 4.12).

Data concerning properties

The data on the land use of the properties occupied for the purpose of the Works Contract is provided in chapter 1.4. Their development only partially corresponds to their land use indicated in the register of lands and buildings.

In the case of the inter-embankment, most of these land plots are covered with riparian forests - this is a type of forest stand which has very low economic utility, riparian forests are dominated by: alder, poplar, willow i.e. tree species used as firewood only. However, these habitats are very valuable in natural terms and under the Task, the occupation of the areas located from within the inter-embankment and tree cuttings will be very limited in their scope. There were only 10 cases of agricultural development identified within the inter-embankment. And the expropriation of these land plots ranges from 0.01 ha (about 5%) to 0.07 ha (about 29%) per an individual plot area. No social impact is expected in this area.

Within the behind-embankment, in many cases, fields, meadows and pastures are found to be set aside (they are subject to ecological succession / overgrowing with bushes and trees).

A numerous group of land plots located at the behind-embankment and directly adjacent to the land plot where the embankment is situated, in spite of their agricultural use specified in the register, as a matter of fact serve as by-embankment routes. There were separated from agricultural land plots in the course of the investment made previously but their ownership was not transferred then and now they would now be expropriated to the State Treasury by law. When the Task is to be completed, they will also serve as by-embankment routes.

At the behind-embankment side at the following km(s) of the embankment:

Section I 2+500 ÷ 2+700;

Section San 1+400;

Section II 2+150 ÷ 2+450, 3+350 ÷ 3+550, 3+700 ÷ 4+100, 4+250;

Section III 0+000 ÷ 0+030, 0+200 ÷ 0+280, 1+360 ÷ 1+800, the embankment of the Łęg river - 0+000 ÷ 0+150

some residential buildings with farming buildings are located. Only in one case a collision is identified between the planned Works Contract with the ruined, abandoned residential building (the land plot 975, the precinct of Wrzawy, at km 1+730 of Section II). This building is planned to be demolished.



Fig. 4 Building planned to be demolished (the land plot no. 975, the precinct of Wrzawy).

Within this area (except the mentioned small historic cemetery and the stone with its commemorative plaque) there are no other monuments and cultural assets which could be affected by the Task. The Contractor will be required to secure these 2 objects so that they will not be damaged.

Moreover, the Task will not affect or impede access to natural resources (the plan is to extend the existing embankment along its existing embankment passages which will be redeveloped).

On the basis of the analysed information sources, it has been determined that it is not necessary to conduct any 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 proposed Contract as well as the planned extent of property occupation, in the event of the project under consideration there will be only minor sections of land area to be acquired and no physical or economic displacement will take place.

The analyses carried out demonstrated that there will be no physical or economic resettlements, and that social and economic impacts of this Contract will not be significant. Therefore, it has been indicated that cash is the best compensation form.

The insignificant social and economic impacts of the Contract also result from the fact that on the proposed site there are no public utility institutions, such as schools, offices, work establishments, churches or seats of other religious associations, as well as no family allotment gardens.

The date of handed over the last applications for IPIP is considered to be a cut-off date for social and economic survey (31 May 2017).

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 market or decision making bodies. The analysis of the research results for the last 10 years anyway shows a gradual progress in this field.

7. ELIGIBILITY AND MATRIX OF RIGHTS

Taking into account the size and extent of the Contract which is the extension of the existing embankment and rebuilding of accompanying flood management structures, the Contract implementation is not expected to cause any significant adverse social impact.

Nonetheless the above, a priority objective of all the institutions engaged into the extension and operation of the embankment is to reach an agreement with the public.

Achieving such an objective is possible through:

- conducting a policy of consultations and dialogue with public,
- detailed identification and listing of all the problems which may occur during the extension and operation of the embankment.

On the basis of the analyses carried out, it is possible to indicate social groups and problems arising from the location of properties near the embankment.

PAPs identified within the area of execution of Works Contract 3B.2 eligible for compensation due to impacts arising from its implementation:

- legal land owners and co-owners of properties covered by the Contract;
- lessees, tenants, holders of perpetual usufruct rights (if any, to 31.05.2017 not identified such PAPs),
- owner like possessors who without any legal land title cultivate the land and benefit from harvesting on such lands.

PAPs will be entitled to receive compensation for the following categories of effects/losses:

- compensation for the lost ownership title to the property under permanent occupation – it is anticipated to pay out a compensation in cash in the amount of replacement value of a respective property under expropriation. “Land for land” exchange is not anticipated due to the fact that permanent occupation on properties of natural persons is not high and amounts from a few to hundreds of square metres; in relation to natural person these are the areas not exceeding 3600 m² (0,36 hectare) but they do not affect the loss of “residence and source of income (livelihood)”.
- compensation for the lost rights (e.g. perpetual usufruct, lease, etc.) to the property under permanent occupation. PAPs who are not owners but who hold a legal title to a property (e.g. lessees, tenants) shall receive compensation in money corresponding to the value of expropriated rights.
- compensation for buildings and non-residential structures/constructions – PAPs will receive compensation in money for the permanent loss of such an infrastructure element. The Works Contract 3B.2 requires one ruined and uninhabited building to be demolished which collides with the embankment at km 1+730 Section II (plot No 975). Compensation shall be paid to the owners (natural persons).
- compensation for lost plants (plants, trees, etc.). The loss of plants shall be compensated in cash, considering the costs of starting and caring for plants as well as the value of lost benefits in the period from an expropriation day to the day of finishing of full yielding, in the event of trees – on the basis of estimating a value of timber which may be obtained. Persons holding a legal title to a property as well as owners like possessors who without any legal land shall be entitled to receive compensation for plants. Such elements shall be estimated in appraisals, which will be prepared by the independent property appraisers.
- compensation for permanent restriction in use the land (if any occurs) will be paid on the basis of an appraisal report prepared by the property appraiser before the commencement of construction works;
- compensation towards temporary occupation shall be excluded from the PZMiUW 's actions (it shall be implemented by the Contractor) in compliance with the provisions of LARAP, as indicated above. However, the PZMiUW will be responsible for ensuring that the Contractor meets the provisions.

All the cases (properties) with a lack of legal title or legal status shall be submitted to Podkarpackie Governor in order to determine due compensation by the said Body.

No vulnerable groups were identified which would require specific support from PZMIUW.

Additional rights, indicating a social group and providing minimising activities, as well as the assistance offered are indicated in Table No. 1.

Table No. 1. Social groups (PAP), impacts resulting from the implementation of Contract and compensations / assistance offered

Impacts / losses	PAP identification	Compensation
Permanent property loss	Owners, perpetual usufruct, owner-like possessors	<ul style="list-style-type: none"> • compensation in money, • covering all transaction costs
	Holders of properties	<ul style="list-style-type: none"> • compensation in money for the loss of the right to the property, • assistance in starting the usufruct of a similar property.
	Lessees, tenants	<ul style="list-style-type: none"> • compensation in money for the losses incurred in connection with the agreement expiration, • covering transaction costs
	Illegal possessors of properties	<ul style="list-style-type: none"> • lack of compensation for the property loss • support in obtaining adequate institutional support if the loss of property causes the loss of income (necessity of additional diagnosing and monitoring of such cases)
	Illegal possessors of servitude (if identified)	<ul style="list-style-type: none"> • for illegal possessors of servitude - support in finding a solution enabling the use of a given property.
Permanent restriction of land use (if any occurs)	Owners	<ul style="list-style-type: none"> • Compensation in money for the loss of rights to property usufruct, • covering transaction costs.
Non-residential facilities and structures (stables, fencing, technical infrastructure etc.)	Owners, perpetual holders, owner-like possessors of facilities and structures	<ul style="list-style-type: none"> • Compensation in money in the amount of the replacement value for the lost assets, • Transfer or reconstruction of the assets lost.
	Holders	<ul style="list-style-type: none"> • Compensation in money in the amount of the replacement value for the lost assets, • Transfer or reconstruction of the assets lost.
	Illegal possessors of facilities and structures (if identified)	<ul style="list-style-type: none"> • Compensation in money in the amount of the replacement value for the lost assets, • Transfer or reconstruction of the assets lost.
Loss of plants	Owners, perpetual holders, owner-like possessors	<ul style="list-style-type: none"> • Compensation in money, including the costs of seeding and caring for the plants as well as the crops lost, • Enabling harvesting
	Holders	<ul style="list-style-type: none"> • Compensation in money, including the costs of seeding and caring for the plants as well as the crops lost,

Impacts / losses	PAP identification	Compensation
		<ul style="list-style-type: none"> Enabling harvesting
	Lessees (if identified)	<ul style="list-style-type: none"> Compensation in money, including the costs of seeding and caring for the plants as well as the crops lost, Enabling harvesting
	Illegal possessors of properties (if identified)	<ul style="list-style-type: none"> Enabling harvesting
Loss of trees	Owners, perpetual holders, owner-like possessors	<ul style="list-style-type: none"> Compensation in money, including the costs of seeding and caring for the tree stand as well as the trees and crops lost,
	Holders	<ul style="list-style-type: none"> Compensation in money, including the costs of seeding and caring for the tree stands as well as the trees and crops lost,
	Lessees (if identified)	<ul style="list-style-type: none"> Compensation in money, including the costs of seeding and caring for the tree stands as well as the trees and crops lost,
	Illegal possessors of properties (if identified)	<ul style="list-style-type: none"> enabling trees felling and collecting timber
Impact on business and employment due to land acquisition	Sole traders (if identified)	<ul style="list-style-type: none"> Cash compensation for lost income⁹ during the period of transition, Institutional support for people liquidating their business activity. Granting "land for land" compensation on the conditions enabling the continuation of agricultural/orchard activity or compensation in money, Compensation in money enabling starting an agricultural/orchard activity on a new property.
	Non-government organisations (if applicable)	<ul style="list-style-type: none"> Granting compensation in money Compensation in money enabling starting a business activity on a new property.
	Micro-entrepreneurs (employing to 10 workers) (if identified)	<ul style="list-style-type: none"> Granting compensation in money Compensation in money enabling starting a business activity on a new property.
		<ul style="list-style-type: none"> compensation in money, Institutional support for people liquidating their business activity.
		<ul style="list-style-type: none"> granting indemnity in the form of compensation in money Compensation in money enabling starting an agricultural/orchard activity on a new property.

⁹ In the conditions of the Polish economy understood as revenue.

Impacts / losses	PAP identification	Compensation
	Small-entrepreneurs (employing to from 10 to 50 workers) (if identified)	<ul style="list-style-type: none"> • compensation in money,
	Workers on civil law contracts (if identified)	<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 limitation of access to social infrastructure	All PAP residing on the area affected by the Contract 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 (measures to be implemented by the Contractor)	Owners, perpetual holders, owner-like possessors	<ul style="list-style-type: none"> • compensation in money, • Recovering the property to its initial condition
	Illegal possessor of a property	<ul style="list-style-type: none"> • Recovering the property to its initial condition
	Lessees, holders of properties	<ul style="list-style-type: none"> • Compensation in money, • Recovering the property to its initial condition

Table No. 2. Listed monuments, cultural assets and archaeological sites – problems and preventive measures

Listed monuments and cultural assets / archaeological sites	Problems arising from the Contract implementation	Prospective effects of the Contract implementation	Preventive measures
Monument - Cemetery and mound with monument	Risk of damage during construction and installation works	Damage	The marking and securing access
Memory board (without the status of cultural assets)	Risk of damage during construction and installation works	Damage	The marking and securing access
Identified archaeological site	None (according of opinion of Voivodship office of monument protection dated 16.11.2016, No. UOZ-T-1.5183.69.2016)	None	None
Archaeological sites (discovering current unknown and unrecognised archaeological sites).	Risk of damage during construction and installation works	Damage	If an archaeological site is discovered, it is necessary to conduct archaeological rescue excavations.

List of persons affected by the Project is included in Appendix No. 2 to this document.

8. PUBLIC CONSULTATIONS

After completion of the works on draft of the LARAP and obtaining acceptance of the World Bank to start the public disclosure procedure this document was subject to public consultation carried out in accordance with the Bank's Operational Policy OP 4.12. The purpose of public consultation was to allow individuals, institutions and all interested parties to view the document and to have an opportunity to submit comments, queries and requests regarding its contents.

Public disclosure of the Draft of Land Acquisition and Resettlement Action Plan (Draft LARAP) commenced on 17th August 2017 in accordance with Operational Policy OP 4.12, when a notice was published in local supplement to Gazeta Wyborcza (newspaper with nationwide coverage). Notice of public consultation was also posted on notice boards of PZMiUW in Rzeszow, its branch office in Tarnobrzeg, the Gorzyce Commune Office, the Radomyśl nad Sanem Commune Office and sites of construction works.

The notice invited individuals, authorities and interested parties to view Draft of LARAP for Works Contract 3.B2. The published notice also included information on a planned open meeting for all stakeholders, which will take place during the public consultation of the Draft of LARAP (including the date, time, place and purpose of the meeting).

Draft of LARAP (digital version in Polish and English) was displayed to the public from 17th August 2017 to 7th September 2017 (i.e. for a period of 21 days) on the following websites:

- PZMiUW, address – www.pzmiuw.pl,
- Tarnobrzeg Municipal Council, address – www.tarnobrzeg.pl,
- Zaleszany Commune Office, address – www.zaleszany.pl,
- Gorzyce Commune Office, address – www.gorzyce.pl,
- Radomyśl nad Sanem Commune Office, address – www.radomysl.pl,
- Project Coordination Unit, address – www.odrapcu.pl.

Printed document was made available for viewing by all interested parties during the period from 17th August 2017 to 7th September 2017 at the offices of:

- Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszow, 9 Hetmańska Street, 35-959 Rzeszów, from 8:30 am to 2:30 pm on working days,
- Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszow, Branch Office in Tarnobrzeg, 86 Sienkiewicza Street, 39-400 Tarnobrzeg from 8:30 am to 2:30 pm on working days.

In addition the information (individual invitations) was sent to the public institutions interested in the Project implementation:

- Podkarpackie Governor,
- Director of RZGW in Kraków,
- Marshal of Podkarpackie Province,
- Starost in Tarnobrzeg,
- Starost in Stalowa Wola,
- President of Tarnobrzeg,
- Mayor of Gorzyce Commune,
- Mayor of Radomyśl nad Sanem Commune,
- Mayor of Zaleszany Commune.

During the 21 day period for submission of questions to the publicized Draft of Land Acquisition and Resettlement Action Plan no questions or requests have been received by PZMiUW. However, an interest in the document was noted. Some people appeared in person at the Branch

Office of PZMiUW in Tarnobrzeg and viewed printed Draft of LARAP document. Downloading of the files from the websites indicated in the notice was also observed. No questions were submitted via mail to the above addresses, electronic mail (e-mail) or in person to the Office.

After completion of 21 day long period of Draft LARAP's publicizing, on 8th September 2017 at 4:30 pm, in the Communal Cultural Center in Zaleszany, Kościuszki square 4, 37-415 Zaleszany, an open public meeting took place on the draft of the Document - Land Acquisition and Resettlement Action Plan for Works Contract 3.B2 Flood Protection of Tarnobrzeg implemented within the Odra-Vistula Flood Protection Project. At the meeting (open to anyone interested in Project implementation), during the public discussion each participant could submit oral and written comments / remarks on the Draft of LARAP to the protocol / report.

At the meeting was present one person interested in Project implementation. Other participants included only representatives of units directly involved in implementation of OVFMP: Project Implementation Unit of PZMiUW in Rzeszów and Branch Office in Tarnobrzeg, Project Coordination Unit from Kraków, and Engineer - Consultant's Team (AECOM Poland Ltd.).

No additional questions or comments were requested during the meeting, which would require time for answer. Two questions posed during the meeting concerned the issues described in detail in the LARAP document. They were discussed and explained during the meeting and do not require supplementing the Draft of LARAP.

After meeting a report was prepared that it was sent to the World Bank. The report is attached as Attachment 6 to the LARAP - this attachment shall not be made public.

Final LARAP document after obtaining "no objection" clause from WB will be available to interested parties by publishing on PIU website and will remain there until the completion of the Works Contract. Any updates of LARAP document will be also available for the interested parties on the PIU website.

Table No. 3. Preliminary identification of interested parties participating in public consultations, entities influencing LARAP preparation and implementation.

Interested Outside Party	Type of the influence on LARAP
Ministry of Infrastructure and Construction	<ol style="list-style-type: none"> 1. Consideration of an appeal against IPIP 2. Consideration of an appeal against a decision on a compensation amount
Podkarpackie Governor	<ol style="list-style-type: none"> 1. IPIP issuance 2. Issuing a decision determining a compensation amount
Starost in Tarnobrzeg	<ol style="list-style-type: none"> 1. Assistance in recognising the needs of local community 2. Direct participation in public consultations
Starost in Stalowa Wola	<ol style="list-style-type: none"> 1. Assistance in recognising the needs of local community 2. Direct participation in public consultations
Mayor of Radomyśl nad Sanem Commune	<ol style="list-style-type: none"> 1. Radomyśl nad Sanem Commune Representation as the entity subject to expropriation 2. Informing PAP on community consultations 3. Direct participation in public consultations
Mayor of Gorzyce Commune	<ol style="list-style-type: none"> 1. Gorzyce Commune Representation as the entity subject to expropriation 2. Informing PAP on community consultations 3. Direct participation in public consultations
Councils of the Communes as	<ol style="list-style-type: none"> 1. Commune (as above) representation as the entity subject

Interested Outside Party	Type of the influence on LARAP
above	to expropriation 2. Informing PAP on community consultations 3. Direct participation in public consultations
Village leaders	1. Informing PAP on community consultations 2. Direct participation in public consultations
Entities subject to expropriation	1. Determining the needs and losses incurred in connection with the planned expropriation 2. Choice of a type and amount of compensation 3. Direct participation in public consultations 4. Participation in the inventory
Communes Radomyśl nad Sanem and Gorzyce dwellers	1. Direct participation in public consultations

Public consultations during the stage of issue of Environmental Decision

Local community was informed about the planned Contract during the process of issue of administrative decision i.e. Environmental Decision (in a period 23.04.2013 – 07.09.2016), by way of notices posted on websites of the authorities conducting the proceedings (Regional Director for Environment Protection in Rzeszów) and as is customary, on publicly available notice boards in areas where the Contract will be implemented.

In addition notice was posted on websites and notice boards at Radomyśl nad Sanem Commune Office and Gorzyce Commune Office.

The local community was informed of submitting by PIU relevant application as well as of issue of Environmental Decision. This provided the parties with the opportunity to comment on all matters relating to the planned Contract.

On issue of the decision the parties were also informed by the authorities about the possibility to appeal this decision. No appeals have been filed.

Public consultation during the stage of RAP preparation

PZMiUW sent information brochures to PAP in May 2017 (see details in Chapter 3.3.2 and 4.6.1). The remaining part of the public consultation will be conducted in accordance with Chapter 8.

Public consultations during the stage of issue of IPIP

Applications for the IPIP decisions were submitted on 21.04.2017 (application for Section II) and 31.05.2017 (application for Section I and Section San and Section III) respectively. The Governor of Podkarpackie Province will inform the parties about this fact after initiation of proceedings.

9. INSTITUTIONAL STRUCTURE AND IMPLEMENTATION TEAM

The Diagram below presents the institutional structure of a team preparing this LARAP:

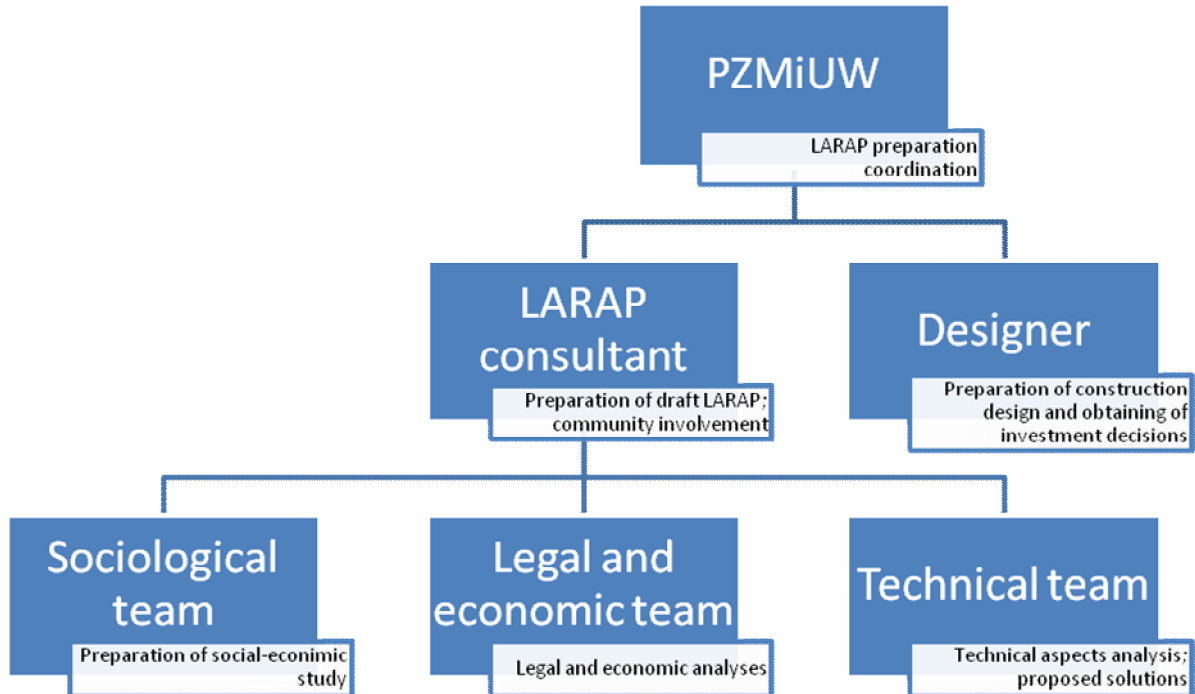


Diagram 1. Institutional structure of LARAP.

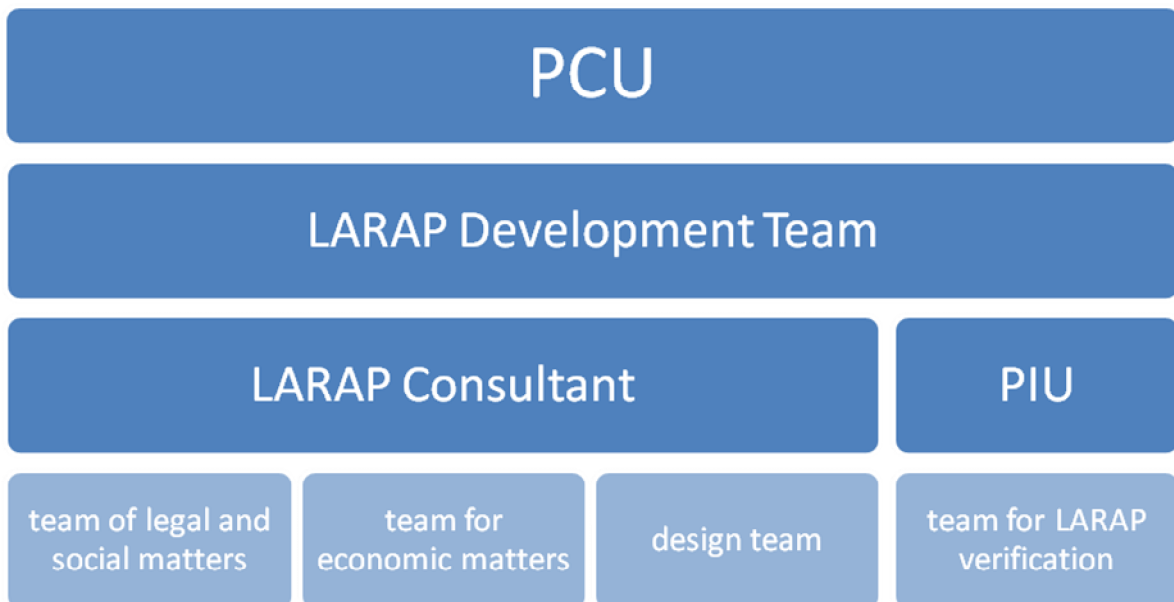


Diagram 2. Institutional structure of LARAP indicating location of PCU in the structure

LARAP Consultant for this document is MWR Consulting.

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

1. PZMiUW – coordination of LARAP preparation:
 - a. Supervision over LARAP preparation,
 - b. Ensuring information exchange between LARAP Consultant and Designer,
 - c. Monitoring the process of LARAP preparation.
2. LARAP Consultant – LARAP draft preparation:
 - a. Conducting social-economic survey and preparation of social and economic study,
 - b. Collection and analysis of data concerning the development and use of property,
 - c. Designing the plan of community involvement and public consultations; coordination of a public consultation process,
 - d. Preparing the proposal for impact minimisation and technical analysis of such proposals; submitting change proposals concerning the construction design to the PZMiUW,
 - e. Eligibility analysis,
 - f. Preparation of compensation packages,
 - g. Preparation of draft LARAP document,
 - h. Conducting public consultation.
3. Designer
 - a. Preparation of Building Permit Design,
 - b. Obtaining administrative decisions, including Environmental Decisions and IPIP,
 - c. Technical analysis of proposed changes in Building Permit Design presented by the Consultant.

LARAP preparation team on the part of LARAP Consultant is not included in the PZMiUW's organisational structure.

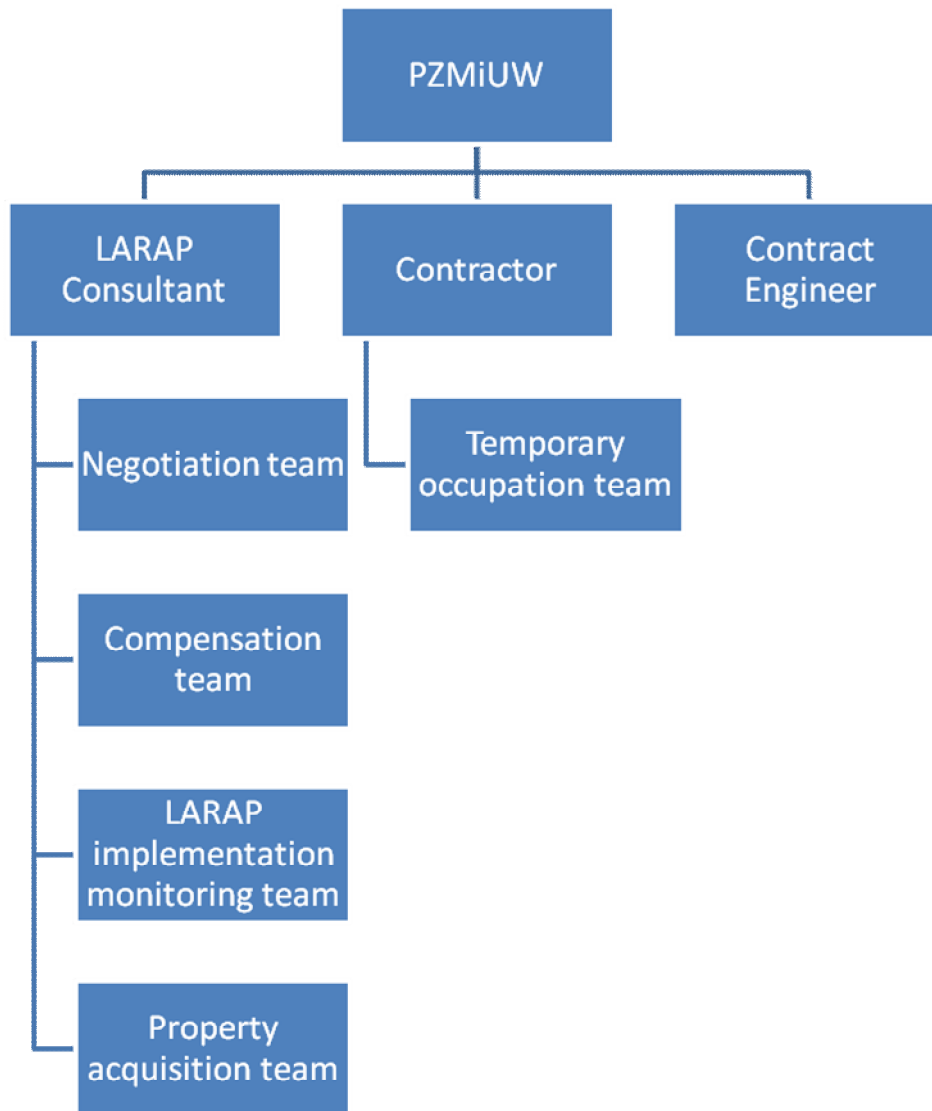


Diagram 3. LARAP introduction team during the Contract implementation period.

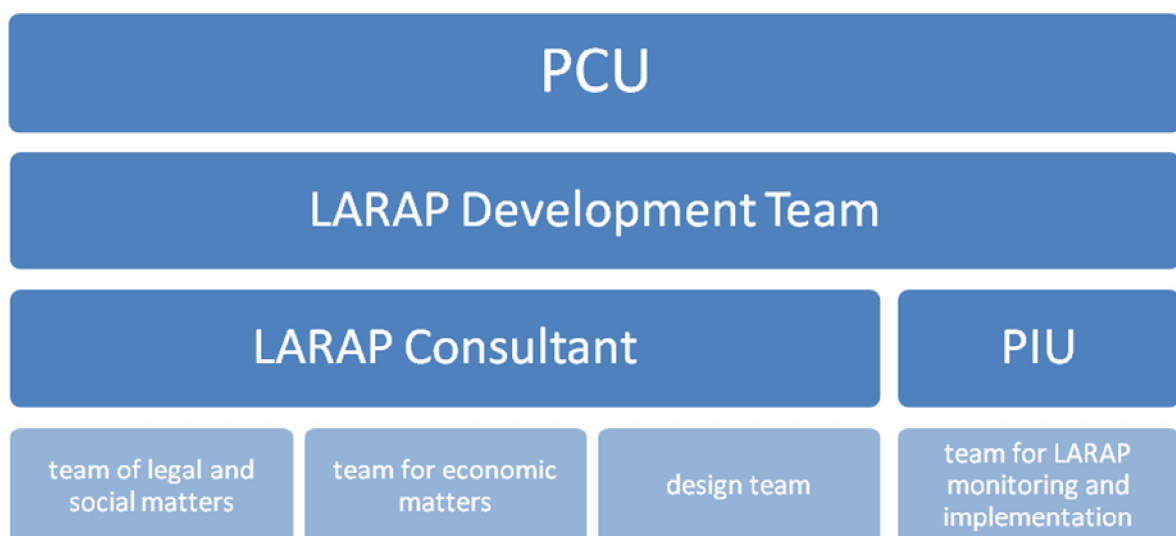


Diagram 4. Institutional structure of LARAP implementation indicating place in PCU structure

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

1. PZMiUW
 - a. Facilitating supervision over LARAP implementation,
 - b. Concluding agreements on compensation,
 - c. Payment of compensation,
 - d. Taking over the properties with the support of the Engineer – Consultant,
 - e. Ensuring flow of information between LARAP Consultant, Engineer – Consultant and Contractor.
2. LARAP Consultant (key expert in the team of the Engineer – Consultant)
 - a. Planning negotiations and participation in negotiations (if needed),
 - b. Verification of valuations conducted by property appraisers,
 - c. LARAP implementation monitoring by the Contractor and Engineer – Consultant,
 - d. Proposing remedial activities in the event of problematic situations.
3. Engineer – Consultant
 - a. Supervision of the commencement and execution of works,
 - b. Supervision over the fulfilment of obligations by the Contractor.
4. Contractor
 - a. Obtaining access to properties for temporary occupation,
 - b. Payment of compensation for the properties acquired for temporary occupation,
 - c. Execution of works on the property under permanent occupation,
 - d. Reinstatement of properties acquired for temporary occupation to the condition prior to the Contract implementation.
5. PCU
 - a. Coordinate activities carried out by the PIU as part of the implementation of the Project, also during implementation of LARAP recommendations.

10. COMPLAINTS AND PROPOSALS MANAGEMENT MECHANISM

For the LARAP project purposes, the rule was accepted that the Project Implementation Unit (PIU) will undertake all measures to settle all complaints regarding the Contract in an amicable manner. Overall procedures for complaints and proposal management are described in detail in the following document: Land Acquisition and Resettlement Action Framework (LARAF) available at: http://www.odrapcu.pl/doc/OVFMP/Resettlement_Policy_Framework.pdf

10.1. Overall rules for complaints and proposals management

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

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

With regards to this mechanism, the general rule adopted by the PIU is the right for submission of the complaint or motion regarding this Contract for each person, irrespectively of the fact whether property, rights or assets are placed on the area designed for the implementation of the Contract. Submission of the complaints and proposals is free of charge. Additionally, the person who submits a complaint or motion cannot be exposed to any harms or allegation because of the fact of submission.

All complaints and proposals can be submitted in a written, electronic or oral form to the minutes. They can be submitted directly at the PZMIUW seat or sent by post to the address provided below:

Podkarpacki Board of Amelioration
and Hydraulic Structures in Rzeszów
9 Hetmańska Str., 35-959 Rzeszów

or by e-mail to:

 rzyszow@pzmiuw.pl

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

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

In case of very complicated matters and in cases, when the examination of the complaint or motion needs to introduce some changes to the LARAP, 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 the event of the negative settlement of the case, the person submitting a 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 proposals management is presented below:

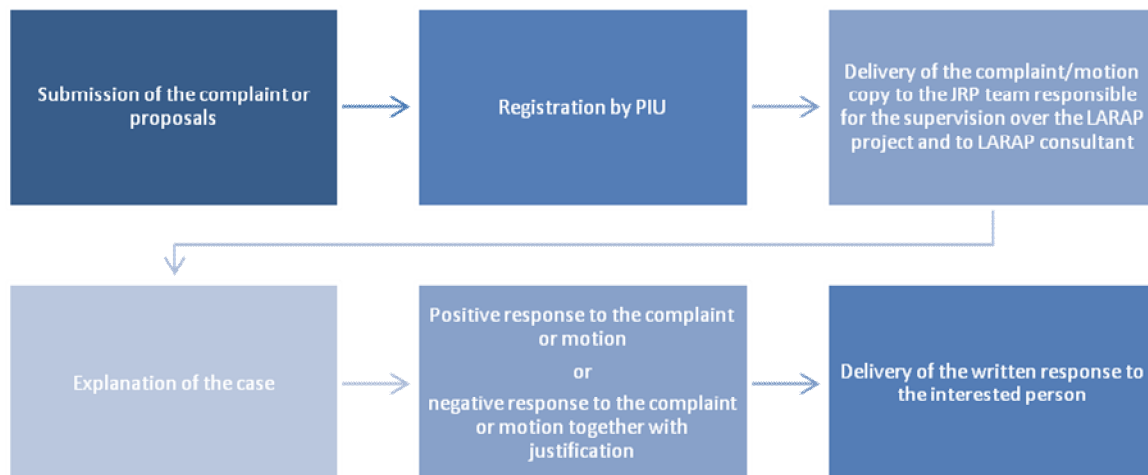


Diagram 5. General mechanism of the complaints and proposals management

10.2. Detailed arrangements concerning the complaints and proposals mechanism for the Investment Project Implementation Permit (IPIP) and compensation decision

Three applications for IPIP have already been submitted for this Works Contract. Applications for IPIP have been submitted to Podkarpackie Governor thus, the particular mechanisms of complaints and proposals management shall be connected with the proceeding conducted by this Body. Any Party have the right to appeal against the IPIP decision.

Appeal against the issued IPIP decision is made to the Authority issuing the decision in question, i.e. Podkarpackie Governor, within the time limit indicated in the decision. The Governor sends an appeal to the Minister of Infrastructure and Construction. On Scheme 6, there are further appeal levels in the scope of lodging the complaints against the Governor and subsequent Bodies.

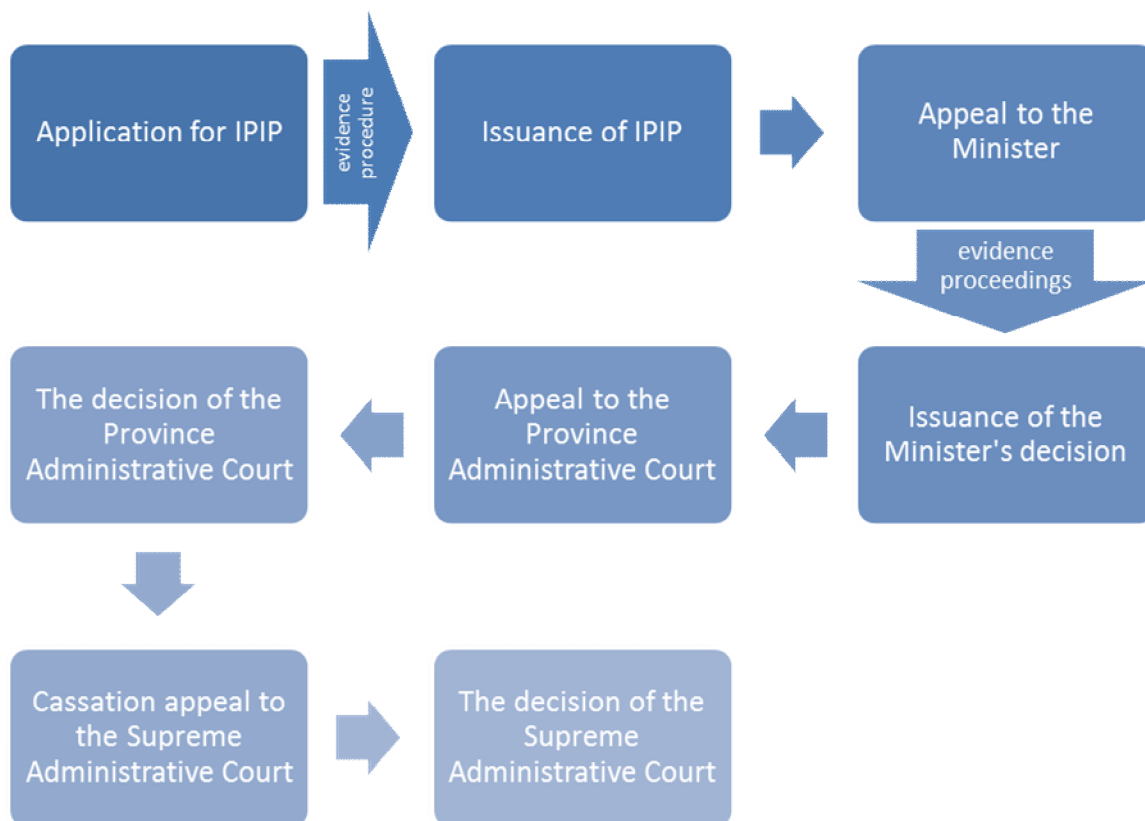


Diagram 6. Complaint management mechanism at the stage of IPIP.

For a property expropriated by law, the Party is entitled to compensation. The amount of compensation is determined separately for each property by negotiating individually between PZMiUW and the current owner or a holder of usufruct right or person, who has other legal limited property right. The amount of compensation is determined by authorised property appraiser. All arrangements are made in writing under pain of nullity.

However, if the agreement in the scope of the compensation amount is not reached within 2 months from the day when IPIP became final, the amount of the compensation is determined by the Podkarpackie Governor in form of an administrative decision.

A decision on the amount of a compensation amount as well as a decision on the project implementation permit may be contested by a party through submitting an appeal to a body of higher instance the Minister of Infrastructure and Construction (further: Minister).

Filing an appeal against the said decision does not prevent payment of compensation to authorised persons – under Article 21.11 of the Special Flood Act, a party submitting such an application may apply for payment of a compensation specified in the compensatory decision, and the State Treasury is obliged to pay out this amount despite the appeal filed. Payment of a compensation amount does not affect the appeal proceedings.

The complains and proposals mechanism used in the proceedings held concerning the issuance by Podkarpackie Governor of a decision on a compensation amount and in the appeal proceedings before the Minister and administrative court proceedings concerning compensation determined by the Governor and possible complaints connected with the said aspects:

If respective parties are dissatisfied with a decision issued by Podkarpackie Governor, they shall be entitled to appeal against such a decision to the Minister. In case of dissatisfaction with the decision of the Minister, the parties enjoy the right to submit an appeal to the competent Province Administrative

Court in Rzeszów within 30 days of the date of receiving a decision duplicate. The Court shall examine if the minister has conducted the procedure in this scope in a relevant and reliable manner, taking into account remarks, proposals and evidence reported by the parties to the procedure. In accordance with binding legal regulation, the appeal is subject to the court fee in the amount of PLN 500.00. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings.

In case when the decision of the Province Administrative Court is not satisfactory to a party, they enjoy the right of the cassation appeal to the Supreme Administrative Court. The said court shall examine not only the correctness and legality of the procedures run by the Governor and the Minister, but also the decision of the Province Administrative Court. The cassation appeal is subject to a 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.

NOTE:

Reservations reported by the Parties at the stage of negotiations will be archived and be submitted to Podkarpackie Governor, including the appraisals. Such documents shall form a basis for issuing a decision by the Governor on the amount of compensation.

In the proceedings held by the Governor, the parties to the proceedings concerning issuing a decision determining a compensation amount shall be entitled to free of charge and active participation in the said proceedings and to submit comments and proposals. The remarks and proposals shall be submitted directly to the body conducting the proceedings. In case when a given remark or motion requires an answer on the part of the PZMiUW, it shall immediately present its opinion on the case and hand it over to a competent body. The answers of the PZMiUW shall be served via the body conducting the proceedings.

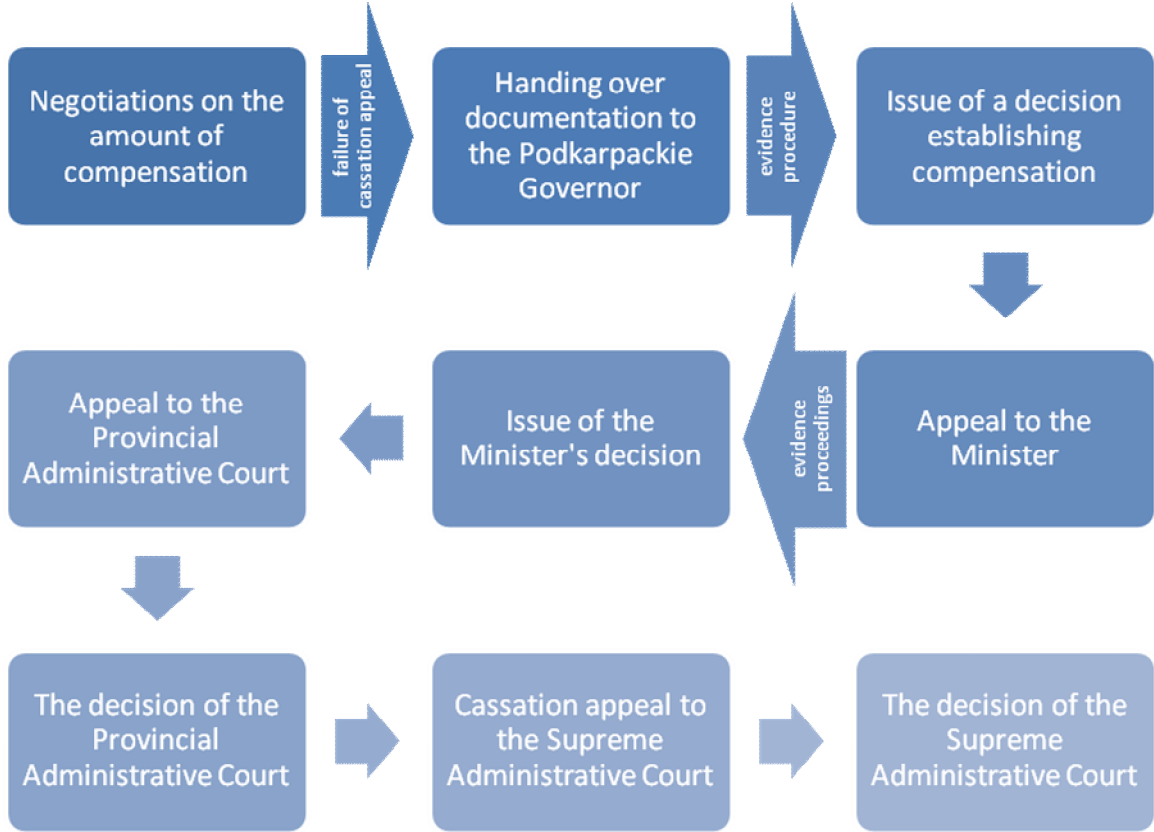


Diagram 7. Complaint management mechanism at the stage of issue a decision on a compensation amount (upon issuing IPIP and its finality).

10.3. Mechanism of submitting complaints and proposals concerning execution of the Works Contract

Mechanism of submitting complaints and proposals concerning construction and assembly 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 Location and means of submitting complaints and proposals

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

1. Directly at the Project Office which function as a consulting centre:
Office of the Engineer-Consultant:
AECOM Warszawska Str. 18, 35-205 Rzeszów, Poland
Mr. Przemysław Gardocki, tel. 797 118 797
2. Directly in the seat of the Employer:
Podkarpacki Board of Amelioration
and Hydraulic Structures in Rzeszów
9 Hetmańska Str., 35-959 Rzeszów

In addition, complaints and proposals may be submitted:

- By means of post to the above provided address, or
- Via Internet:
website www.pzmiuw.pl;
e-mail: piu@pzmiuw.pl
- Info line – complaints may be submitted under the following telephone number:
+48 17 85 37 458 (Mrs Barbara Tabak)
fax: +48 17 85 36 421

10.3.2 Due dates for considering complaints and proposals

Due dates for considering complaints and proposals:

- confirmation of receiving a complaint: within 7 days of the incoming date of a complaint.
- proposed solutions: within 30 days of the incoming date of a complaint.

The rules for considering complaints and proposals, referred to in Charter 10.1, shall be binding also in the case of such complaints.

The mechanism of considering complaints is presented in Diagram 5.

Proposed form of complaint registration is presented in Chapter 14.1.

10.3.3 Persons responsible for considering complaints and proposals

A unit (Community Consultant) was appointed within PZMiUW organisational structure which will be responsible for contacting the public and processing social complaints. This unit shall also include one person from the Engineer - Consultant'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" for the purpose of assessing the effects of the system implemented.

11. MONITORING AND ASSESSMENT

Monitoring of the LARAP implementation is the integral part of the contract monitoring and management system. For this reason, tools for contract implementation monitoring that are used for reporting to the financial institutions and providing actual information about the problems, random events and irregularities will be used for the needs of the LARAP implementation monitoring. LARAP is an integral part of the Contract implementation process ensuring the immediate decision in case of problems or irregularities. The provision of proper communication between a consultant and PIU is also fundamental.

General monitoring and assessment procedures are described in detail in the following document: Land Acquisition and Resettlement Action Framework (LARAF) available at: http://www.odrapcu.pl/doc/OVFMP/Resettlement_Policy_Framework.pdf

Diagrams of information flow as part of monitoring are presented below.



Diagram 7. Information flow as part of monitoring

Key indicators which will be monitored in reference to Contract fulfilled by PZMIUW are presented in below Table.

Table No. 4. Monitoring Indicators for the Contract fulfilled by PZMIUW

Indicator	Information source	Monitoring frequency	Progress indicator
Assumed parameters			
Number of properties subject to expropriation	IPIP decision	One time upon issuing the decision	Quantity (pcs.)
Number of properties subject to permanent restriction of land use	IPIP decision	One time upon issuing the decision	Quantity (pcs.)
Number of PAP: <ul style="list-style-type: none"> - Legal land owners - Holder of usufruct rights - Owner – like possessors of properties that can receive title - Others (if any) 	Land and Mortgage Register, excerpted from Register of Land and Buildings, IPIP decision	One time upon issuing the decision On-going updating in the period of determining and paying compensation	Number
Amount of all the expenditures on resettlement, among other compensation (planned)	Registers of PZMIUW / Consultant	Monthly / Quarterly	PLN
Number of acquired properties	Registers of PZMIUW / Consultant	Monthly / Quarterly	Quantity (pcs.)
Achieved parameters			
Amount of all the expenditures on compensation (expenditures)	PZMIUW financial registers	Monthly / Quarterly	PLN
Number of acquired properties	Registers of PZMIUW / Consultant	Monthly / Quarterly	Quantity (pcs.)
Effectiveness indicators			
Number of complaints	Registers of PZMIUW / Consultant	Monthly / Quarterly	Quantity (pcs.)
Number of considered complaints	Registers of PZMIUW / Consultant	Monthly / Quarterly	Quantity (pcs.)
Compensations paid, other	PZMIUW financial registers	Monthly / Quarterly	PLN

NOTE: The process of acquiring properties for temporary occupation will be the sole obligation of the Contractor, but ensuring compliance with the requirements under this LARAP will be the responsibility of the PZMIUW.

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 provide documented evidence.

12. COSTS AND FINANCING SOURCES

Item	Unit	Unit Price	Quantity	Total, PLN
Area of land occupied permanently: cultivation, plants and infrastructure	Hectare	not applicable	37.7072 ha	No data***
Permanent restriction of land use	Number	No data***	No data***	No data***
Court fees****	not applicable	not applicable	No data***	No data***
Implementation costs of LARAP**	not applicable	not applicable	not applicable	PLN 35 000
TOTAL				PLN 35 000

**costs of an informative campaign (correspondence with PAP), costs of postal orders for PAPs without a bank account, etc.

*** compensation shall be established by an independent property appraiser and paid before the actual occupation of the area

**** situation as of 31.05.2017.

Partly the financing source for the costs indicated above shall be the funds from the State budget and partly from the loan granted by the World Bank (Loan Agreement No 8524 PL).

13. 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 3 hereto.

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

IMPLEMENTATION OF RAP			
Steps	Action	Responsibility	Verification
1	Establishing a detained schedule of RAP implementation	RAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	PZMIUW – RAP monitoring and implementation team
2	Submitting an application for IPIP	PIU, PZMiUW	PZMIUW – RAP monitoring and implementation team
3	Obtaining IPIP	PIU, PZMiUW	PZMIUW – RAP monitoring and implementation team
4	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 in the team of Consultant - Engineer	PZMIUW – RAP monitoring and implementation team

IMPLEMENTATION OF RAP

Steps	Action	Responsibility	Verification
5	Valuation of real property by independent property appraisers , in accordance with binding regulations and price verification	RAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	PZMIUW – RAP monitoring and implementation team
6	Delivery to expropriated people of the prepared property appraisal reports and negotiations	RAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	PZMIUW – RAP monitoring and implementation team
7	In case of negotiations' failure - obtaining a decision of the Voivode on the amount of compensation	RAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	PZMIUW – RAP monitoring and implementation team
8	Payment of compensations or handing over swap property, start of implementation of other compensation and mitigation actions as planned in RAP	PIU, PZMiUW	PZMIUW – RAP monitoring and implementation team
9	Physical taking over of expropriated real property and commencement of works	PZMiUW powered by Engineer - Consultant	PZMIUW – RAP monitoring and implementation team
10	RAP implementation evaluation	RAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	PZMIUW – RAP monitoring and implementation team
11	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 in the team of Consultant - Engineer	PZMIUW – RAP monitoring and implementation team
2	Reporting to the World Bank	PZMiUW – RAP monitoring and implementation team	PCU
3	Constant coordination with government and local government administration bodies	PZMiUW – RAP monitoring and implementation team	PCU
4	Constant communication with PAP	RAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	PZMIUW – RAP monitoring and implementation team

POST IMPLEMENTATION TASKS

Step	Action	Responsibility	
1	RAP implementation evaluation	Independent external auditor	

14.2 Contract's Location

Appendix No. 1 - Attached in an electronic version on a CD.

14.3 List of properties

Appendix No. 2 - This table is attached in an electronic version on a CD.

14.4 Property acquisition schedule

Appendix No. 3 - This schedule is attached in an electronic version on a CD.

14.5 Monitoring a property acquisition

Appendix No. 4 - This table is attached in an electronic version on a CD.

14.6 Maps with demarcation lines on the Project's area (17 sheets)

Appendix No. 5 - The said maps are attached in an electronic version on a CD (with dictionary).

14.7 Report on the Public Consultation

Appendix No. 6 - The said Report is attached in an electronic version on a CD (the attendance list is not subject to publicity due to the protection of personal data).

15. LIST OF APPLICABLE DOCUMENTS

1. DOCUMENT OF THE PROJECT ASSESSMENT CONCERNING THE LOAN OFFERED IN THE AMOUNT OF EUR 460 MLN (EQUIVALENT OF USD 504 MLN) FOR THE REPUBLIC OF POLAND Odra-Vistula Flood Management Project 1 July 2015 (official English version).
2. Building Permit Design under the name of Vistula Stage 2 - Extension of the right bank of the Vistula River at length of 13.959 km, the right embankment of the San river at length 2.193 km and the left bank of the Łęg river at length of 0.112 km. Gorzyce and Radomyśl nad Sanem Communes, Podkarpackie Voivode (Section I right embankment of the Vistula river at km 286 + 816 - 279 + 416 on section 0 + 000 - 7 + 205, Radomyśl nad Sanem commune district stalowowolski).
3. Building Permit Design under the name of Vistula Stage 2 - Extension of the right bank of the Vistula River at length of 13.959 km, the right embankment of the San river at length 2.193 km and the left bank of the Łęg river at length of 0.112 km. Gorzyce and Radomyśl nad Sanem Communes, Podkarpackie Voivode (Section II right embankment of the Vistula river at km 278+750 – 273+650 on section 0+000 – 4+889, Gorzyce Commune district tarnobrzegi).
4. Building Permit Design under the name of Vistula Stage 2 - Extension of the right bank of the Vistula River at length of 13.959 km, the right embankment of the San river at length 2.193 km and the left bank of the Łęg river at length of 0.112 km. Gorzyce and Radomyśl nad Sanem Communes, Podkarpackie Voivode (Section III: - right embankment of the Vistula river at km 273+783 – 271+806 on section 0+000 – 1+865, Gorzyce Commune; - left embankment of the Łęg river at km 0+770 – 0+900 the Łęg river, on section 0+000 – 0+112, Gorzyce Commune).
5. Building Permit Design under the name of Vistula Stage 2 - Extension of the right bank of the Vistula River at length of 13.959 km, the right embankment of the San river at length 2.193 km and the left bank of the Łęg river at length of 0.112 km. Gorzyce and Radomyśl nad Sanem Communes, Podkarpackie Voivode (Section SAN - right embankment of the San river on section 0+000 – 2+193, the San river on section 0+239 – 2+276, Radomyśl nad Sanem Commune).
6. Handbook for Preparing a Resettlement Action Plan, INTERNATIONAL FINANCE CORPORATION A Member of the World Bank Group, 2001.
7. GUIDELINES FOR THE PREPARATION OF A Resettlement Action Plan, MINISTRY OF LANDS June 2003.
8. WB Policy on Disclosure of Information, Section III, Paragraph 34; and Operational Policy 4.12: Involuntary Resettlement (December 2001)
(<http://www1.worldbank.org/operations/disclosure/policyIII.html>;
<http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/CA2D01A4D1BDF58085256B19008197F6?OpenDocument>) July 2 2005.