

**State Water Holding „Polish Waters”
 Regional Water Management Authority
 in Szczecin**

LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

for

Odra-Vistula Flood Management Project

co-funded by:

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

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

State Budget

Subcomponent 1.B: Flood Protection on the Middle and Lower Odra River

WORKS CONTRACT 1B.5/1

Reconstruction of bridge to ensure a minimum clearance – a railway bridge at km 733.7 of Regalica river in Szczecin

Final version



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ODRA-VISTULA FLOOD MANAGEMENT PROJECT

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LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

Subcomponent 1B: Flood protection of the Middle and Lower Odra,

WORKS CONTRACT 1B.5/1 – Reconstruction of bridge to ensure a minimum clearance – a road bridge at km 733.7 of Regalica River in Szczecin.

This Land Acquisition and Resettlement Action Plan is prepared for Contract 1B.5/1 executed by the State Water Holding „Polish Waters” – Regional Water Management Authority in Szczecin.

PROJECT IMPLEMENTATION UNIT:

State Water Holding „Polish Waters”

Regional Water Management Authority in Szczecin

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Szczecin – July 2020

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List of abbreviations used in the document

1B.5/1	Designation of Works Contract 1B.5/1 – Reconstruction of bridge to ensure a minimum clearance – a road bridge at km 733.7 of Regalica River in Szczecin
The World Bank (WB)	The International Bank for Reconstruction and Development
PCU	Coordination Unit for the Odra-Vistula Flood Management Project
BREE	Council of Europe Development Bank (CEB)
LBR	Land and Building Register
GIS	Geographic Information System a system of information on the terrain, consisting of a database covering a specified area as well as the procedures and techniques for systematic collection, updating and sharing of data
CSO	The Central Statistical Office of Poland
Joint Venture (Consortium)	Joint Venture Sweco Consulting Sp. z o.o./ Sweco Nederland B.V./ Sweco Engineering Sp. z o.o./ Ekocentrum – Wrocławski Ośrodek Usług Ekologicznych Sp. z o. o.
Project/undertaking	Reconstruction of bridge to ensure a minimum clearance – a railway bridge at km 733.7 of Regalica river in Szczecin
PIO	Project Implementation Office – a separate organisational unit within the PIU, responsible for the Project implementation
PIU/Employer/Investor	Project Implementation Unit: State Water Holding „Polish Waters” – Regional Water Management Authority in Szczecin ul. Tama Pomorzańska 13 A 70-030 Szczecin
CC	The Civil Code of 23 April 1964 (Polish Journal of Laws 2019, item 1145, as amended)
Consultant Engineer	A company or legal person engaged by the Employer to supply services (for example, those defined herein)
Contract / Task / Investment Project	Works Contract 1B.5/1
CAP	The Code of Administrative Proceedings of 14 June 1960 (Polish Journal of Laws 2020, item 256, as amended)
LA&RPF	Land Acquisition and Resettlement Policy Framework
MME	The Ministry of Maritime Economy and Inland Waterways
NBP	Narodowy Bank Polski (National Bank of Poland)
NGO	Non-governmental Organisation

Structure	A functionally separated material scope being a part of Contract 1B.5/1
EIA	Environmental Impact Assessment
OP 4.12	Reference of the document including the principles of performing involuntary resettlement required when the Task is funded under a loan from the World Bank – Operational Policy 4.12 – Involuntary Resettlement.
PAP	Project Affected Person(s)
PKP S.A.	Polskie Koleje Państwowe Spółka Akcyjna
PKP PLK S.A.	Member company of Polskie Koleje Państwowe (Polish Railways)
EMP	Environmental Management Plan
IPIP	Investment Project Implementation Permit
LA&RAP	Land Acquisition and Resettlement Action Plan
Project/OVFMP	Odra-Vistula Flood Management Project
PGW WP	State Water Holding „Polish Waters”
Land Register Regulation	Regulation of the Minister of Regional Development and Construction of 29 March 2001 on the land and building register (consolidated text: Polish Journal of Laws 2019, item 393)
Appraisal Regulation	Regulation of the Council of Ministers of 21 September 2004 on the appraisal of properties and preparing appraisal reports (Polish Journal of Laws 2004, No. 207, item 2109, as amended)
ST	State Treasury
Railway Act	The Railway Transport Act of 28 March 2003 (consolidated text: Polish Journal of Laws 2019, item 710, as amended)
Flood Act	The Act of 8 July 2010 on special rules of preparing projects involving flood prevention structures (consolidated text: Polish Journal of Laws 2019, item 933, as amended)
PR	A permanent restriction in using a real property
RPM Law	The Real Property Management Law of 21 August 1997 (Polish Journal of Laws 2020, item 65)
RLLD	Railway Line Location Decision
CL	The Construction Law of 7 July 1994 (Polish Journal of Laws 2019, item 1186, as amended)
WL	The Water Law of 20 July 2017 (Polish Journal of Laws 2020, item 310)
Contractor	A company/legal person exercising Works Contract 1B.5/1
ZBILK	Municipal Buildings and Premises Board (Polish: <i>Zarząd Budynków i Lokali Komunalnych</i>)

1. Key definitions

Key definitions used herein:

Real property price – an amount negotiated with the real property owner, due to him for the real property or a part thereof, based on the value of that property determined by a licensed property appraiser. The amount of compensation for the real property shall not be lower than the cost of replacing the lost asset, excluding the depreciation of assets resulting from the age, condition or any other factor related to the assets.

Cut-off date – the date of completing the property inventory and the list of Project Affected Persons. The persons who remain on the Project site after the cut-off date shall not be entitled to compensation or any other form of assistance. Similarly, no compensation shall be paid for fixed assets (such as buildings, plants, fruit trees or tree stands) after the end date of the inventory or, alternatively, after the deadline agreed.

Economic resettlement – the loss of over 20% agricultural land, if the revenue of the Project Affected Person (PAP) is largely based on agriculture.

Physical resettlement – the loss of the place of residence or commercial facilities, such as shops or workshops, or facilities necessary to generate revenue.

Special assistance groups – the people who due to their gender, ethnic group, age, mental or physical disability, difficult financial standing or social position, are more vulnerable to the adverse effects of resettlement than other groups, and who may have a limited possibility to file claims, use assistance during the resettlement or use their right of share in the benefits of the investment project.

Resettlement cost – the scope of compensation for the lost goods / properties / expenditure, which covers the replacement value of the goods / properties and the costs of carrying out the resettlement and taking the related actions.

Social impact – in the light of OP 4.12, a social impact associated with expropriation is defined as any direct loss, whether social or economic, which arises out of the expropriation of a real property or the permanent restriction in the manner of using or access to the real property.

Compensation – a value paid in money or as a replacement property for the real properties and assets which have been acquired or are affected by the Project. A compensation is paid if the owner must transfer his real property to the State Treasury (State Water Holding „Polish Waters” – Regional Water Management Authority in Szczecin). In accordance with the Polish laws, in this respect the compensation may be paid from the moment when the building permit generally becomes final and binding as well as in any case before the real property is taken over and seized for construction purposes.

OP 4.12 Involuntary Resettlement – the Operational Policy setting out the principal rules and procedures being a basis of the WB approach to involuntary resettlement due to investment projects.

Project Affected Person (PAP) – any person who, due to the project implementation, loses his or her ownership right or other benefits from his or her developed infrastructure (used for residential, agricultural or breeding purposes), or loses his or her annual or multi-annual crops and yield or other related or movable assets, in full or in part, whether permanently or temporarily. PAPs may also include the members of a local community or other persons affected by the actions related to the project.

Natural person – the civil-law definition of a human, from the moment of birth until the moment of death.

Legal person – legal persons are the State Treasury and organisational units which are accorded legal personality by specific regulations.

Bona fide possessor – a person who uses a thing, treating it as his/her property, and is erroneously convinced that he/she has the right of ownership, but this erroneous conviction is justified by the circumstances.

Mala fide possessor – a person who uses a thing, treating it as his/her property, but is or should be aware that he/she is not its owner.

Revenue – an increment in property gained from carrying out a business or agricultural activity on a real property, including from the sale of such property.

Involuntary resettlement – a resettlement is involuntary if it is carried out without the consent of the person being resettled (against his/her will) or under a consent granted under duress (without the possibility to object to the resettlement), for example by expropriation.

Limited liability company – a company established by one or more persons for any lawful purpose.

Expropriation – a process involving the deprivation or restriction of a right in a real property, enjoyed by a particular person, under an individual legal act.

Value of expenditure – the amount due to the user, negotiated with the person incurring expenditure on the real property, or an amount based on the value of expenditure determined by a licensed property appraiser.

Replacement value – a compensation for lost goods, appraised based on their replacement/market value, including all transaction costs (such as taxes and registration fees), aimed at a sufficiently effective replacement of the lost goods (replacement value). Replacement value is the amount required to replace the lost assets, excluding the depreciation of arising out of the age, condition or another factor relating to the assets.

Purchase / voluntary sale – a transaction involving a paid acquisition of a right to a real property from its owner/possessor, for a price accepted by both parties, if the owner may reject the transaction. If a project resorts to expropriation, the purchase is not deemed voluntary (as it does not involve a wilful buyer and wilful seller).

The following terms used herein alternatively: **land – real property – plot**, as the context requires, are defined as in the following legal acts:

- CC: land, real property;
- RPM Law – real property, plot of land;
- Land Register Regulation: land, registered plot (abbreviated herein as ‘plot’); and
- Operational Policy 4.12: land.

2. Introduction

This document presents the Land Acquisition and Resettlement Action Plan (LA&RAP) for Contract 1B.5/1 – Reconstruction of bridge to ensure a minimum clearance – a railway bridge at km 733.7 of Regalica River in Szczecin, carried out by the PIU/RZGW Szczecin/PGW WP (Investor) as part of the Odra-Vistula Flood Management Project (OVFMP), co-financed by the International Bank for Reconstruction and Development (World Bank) (the Loan Agreement of 10 September 2015), the Council of Europe Development Bank (CEB) (the Loan Agreement of 24 May 2016) and the State Budget. This document applies only to Contract 1B.5/1 and does not refer to the entire OVFMP.

The main purpose of the OVFMP is to protect the persons residing at the floodplains situated in specified parts of the catchment areas of the two largest Polish rivers (Vistula and Odra), against serious floods. The OVFMP covers the following five Components:

Component 1 – Flood Protection of the Middle and Lower Odra,
Component 2 – Flood Protection of Nysa Kłodzka Valley,
Component 3 – Flood Protection of the Upper Vistula,
Component 4 – Institutional Strengthening and Enhanced Forecasting; and
Component 5 – Project Management and Studies.

The Components include Subcomponents. Component 1 is divided into the following three Subcomponents:

- 1A (Flood protection of areas in Zachodniopomorskie voivodship),
- 1B (Flood protection on the Middle and Lower Odra), and
- 1C (Flood protection of the town of Słubice). The names of the Components and Subcomponents are given as in the Project Operations Manual for the 'Odra-Vistula Flood Management Project', which is available on:

http://odrapcu.pl/doc/POM_PL.pdf

Works Contract 1B.5/1 will be carried out as part of Component 1, Subcomponent 1B – Flood Protection on the Middle and Lower Odra.

All the Tasks included by Subcomponent 1B comprehensively solve the issues relating to flood protection, covering the areas most exposed to flooding. Subcomponent 1B contains the following Tasks:

- 1B.1/1 (a) – Reconstruction of river control infrastructure on Odra river – adaptation to the conditions of Class III waterway from Ścinawa to Nysa Łużycka mouth – Stage II.
- 1B.1/1 (b) – Reconstruction of road bridge in Krosno Odrzańskie, including the access road.
- 1B.2 – Modernisation works on border sections of Odra river, Stage I – Modernisation works on border sections of Odra river to enable winter ice-breaking.
- 1B.3/1 – Construction of mooring base for icebreakers.
- 1B.3/2 – Construction of mooring facilities for icebreakers at lower and border Odra river and new waterway signage.
- 1B.4/1 – Improvement of flood water flow from Dąbie Lake in winter.
- 1B.4/2 – Dredging of Klucz-Ustowo ditch.

- 1B.5/1 – Reconstruction of a bridge to ensure minimum clearance – a railway bridge at km 733.7 of Regalica river in Szczecin.
- 1B.5/2 – Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta river in Kostrzyn nad Odrą.
- 1B.5/3 – Reconstruction of a bridge to ensure minimum clearance – a railway bridge at km 615.1 of Odra river in Kostrzyn nad Odrą.
- 1B.6/1 – Flood protection for the town of Nowa Sól and the areas located downstream of Krosno Odrzańskie – Nowa Sól Stage I and II,
- 1B.6/2 – Flood protection for the town of Nowa Sól and the areas located downstream of Krosno Odrzańskie – Wężyska-Chlebowo
- 1B.7 – WWT Widawa – Reconstruction of flood protection systems in the communes of Czernica, Długoleka, Wisznia Mała and Wrocław

2.1. Description of Contract 1B.5/1

The project concerns a partial demolition and construction of a new bridge at km 733.7 of Regalica river, along Railway Line 273, including service infrastructure. The investment project will cover in particular: reconstruction of a railway bridge – demolition of three fixed spans of the existing railway bridge crossing the waterway, including supports, and the construction of a new railway bridge in the new track, together with the reconstruction of railway infrastructure and existing utilities within the access paths to the facility.

Railway bridge

The project involves the demolition of three fixed spans of the existing railway bridge that crosses the waterway, including its supports, and the construction of a new off-line railway bridge to ensure minimum clearance for effective ice-breaking operations with the use of icebreakers. As of today, the bridge hinders and often prevents anti-ice protection in winter and the circulation of icebreakers taking part in ice-breaking operations.

The bridge is located along Railway Line 273 from Wrocław Główny to Szczecin Główny, at km 349.120 (Szczecin Podjuchy station), over Regalica river channel (at km 733.7 of the river). The existing crossing over Regalica river was built in 1936 to replace the previous bridge built in 1877. The railway bridge at km 733.7 of Regalica river in Szczecin has a liftable span.

The plan provides for construction under a new road system, shifted from the existing one, as well as a partial demolition of the existing facility, maintaining the listed liftable span. The location will be altered, but the purpose of the new structure will remain unchanged – the bridge will serve as a railway crossing over Regalica river at km 733.7.

We should point out that the reconstruction of the bridge entails the adaptation of railway infrastructure and the existing utilities within the bridge access paths, in particular the alteration of the track system existing at Szczecin Podjuchy station (Railway Line 273) and the turnout of Line 428.

Retention wall

At the bridge approach sections, there will be a retention wall built on both sides between the extreme support of the new rail bridge over Regalica river and the new flyover along Railway Line 273 from Wrocław Główny to Szczecin Główny, above the internal road to be rebuilt, in order to provide access to the neighbouring areas and Military Complex No. 1926, as well as a retaining

structure along Track 1 of Railway Line 273 from Wrocław Główny to Szczecin Główny, near Railway Line 428.

The plan includes the construction of retaining structures, which will be used to reduce the range of the rail embankment near the flyover above the rebuilt integral road, and along Track 1 at km 348.741 – 348.967 near Railway Line 428 and along Szklana street.

Other infrastructure

The project also covers the relocation of power, telecommunications, water supply, gas and rainwater drainage networks; construction of a rainwater drainage system near the bridge; construction of drainage for the track and platforms; the construction of water supply and wastewater connections; reconstruction of an internal road (Szklana street), along with access for vehicles, including over-dimensional vehicles, to Military Complex No. 1926; and construction of a signal tower including landscaping, an access road with parking spaces for passenger cars and service connections to utilities.

The investment project will also cover the demolition of structures that collide with the designed arrangement, including two signal towers.

2.2. Site of Contract 1B.5/1

The said railway bridge covered by the project is located along Railway Line 273 from Wrocław Główny to Szczecin Główny, at km 349.120 (Szczecin Podjuchy station), over Regalica river channel (at km 733.7 of the river).



Photo 1: The existing railway bridge

The investment project requires modifications in the existing rail corridor. The plots which the State Treasury has no right to dispose of the property for construction purposes will have to be acquired by partial expropriation under the Railway Transport Act of 28 March 2003 (consolidated text: Polish Journal of Laws 2019, item 710, as amended). The task will not be carried out under the provisions of the Flood Act. The Act lays down only special rules and conditions for preparing flood prevention structures and weather radar stations. In accordance with Article 2 of the Flood Act, a flood control structure is defined as:

- flood diversion channel,
- lead-in piers at mouths to a sea,
- flood protection polder,
- man-made flood control reservoir,
- dry flood control reservoir,
- levee,
- control structure,
- flood gate or storm gate,
- breakwater,
- sea shore protection structure,
- river barrage,

– including technically and functionally related structures or real properties used for flood control. However, both the Flood Act and the Railway Transport Act similarly regulate the rules for the payment of compensation, while the rules for determining the amount of compensation, on the basis of both these acts, were determined in a similar way, by reference to the provisions of the Real Property Management Law (so: Article 20 (8) of the Flood Act¹ and Article 9s (4) of the Railway Transport Act)². Therefore, despite the application of a separate legal act in the expropriation procedure, the mechanism and rules for determining the amount of compensation will remain identical.

The scope of the project is specified in detail in Section 2.1. The description of Contract 1B.5/1 goes beyond the above exhaustive list, and thus the Investment Project may not be carried out under the Flood Act.

On the contrary, the Railway Act sets out *inter alia* specific rules and conditions for preparing railway line projects, including the conditions for location and property acquisition and the authorities competent in these fields, and thus the Act is applicable for this project. Detailed procedure for the acquisition of rights in properties to implement the project is discussed in this document, but it is similar to that laid down in the Flood Act.

In order to avoid any doubts, it is also necessary to indicate the distinction between the entity named PKP S.A. and the entity named PKP PLK S.A. It should be noted that in the content of this document, the designations of both of these entities are used, according to their competences. For the purposes of this document, it is reasonable to discuss the nature of those two entities:

1. PKP S.A. is a single-member company with the State Treasury being the only shareholder. The company's assets include facilities used for the purposes of rail transport and passenger service (railway stations) as well as strictly commercial properties. The

¹ Article 20 (1) of the Flood Act: *The setting of the amount and payment of compensation is governed accordingly [of the Law](#) by the Real Property Management Law of 21 August 1997, subject to Article 21.*

² Article 9s (4) of the Railway Transport Act: *The determination of the amount and payment of compensation referred to in paragraphs 3 and 3a shall be governed accordingly by [the Real Property Management Law](#), subject to Articles 9y and 9z.*

company is also a member of PKP Group, which consists of rail transport companies, railway infrastructure management companies, as well as other commercial entities providing services outside the railway sector. The company is a perpetual usufructuary of certain investment properties;

- PKP Polskie Linie Kolejowe S.A. (PKP PLK S.A.), whose majority share (86.4%) is held directly by the State Treasury, while the other 13.6% is owned by PKP S.A. It is responsible for managing the national railway network as well as for managing and coordinating the traffic of passenger and goods trains owned by licensed carriers. The company is authorised under the Railway Act to apply for the railway line location decision, which will be a basis for implementing the Task.

The table below presents a list of plots to be covered by the investment project.

No.	Commune	Plot No. before division	Plot No. after division	Precinct	Owner / perpetual usufructuary	Owner Private - Pr Public - Pu Commune - Co Forests - Fr	Land use as per the LBR	Acquisition planned [ha]
1.	Szczecin	3/15	-	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Bp - urbanised areas not developed or under development	0.0539
2.	Szczecin	3/18	-	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	rd - roads	0.194104
3.	Szczecin	3/19	-	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Ba - industrial areas	0.02453
4.	Szczecin	3/20	-	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Ba - industrial areas	0.058056
5.	Szczecin	3/27	-	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	rd - roads	0.0827
6.	Szczecin	3/29	-	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	rd - roads	0.2127
7.	Szczecin	3/2	3/57 0.0379 ha	4124	Owned by the State Treasury, under perpetual usufruct by a legal person	Pu	Bp - urbanised areas not developed or under development	Acquisition area: 100%
			3/58 0.5043 ha				Ba - industrial areas Rw - land covered by running surface water	Restriction area: 0.0950

8.	Szczecin	3/26	3/54 0.1260 ha	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	rd – roads	Acquisition area: 100% of land
			3/55 0.0365 ha					
			3/56 0.1141 ha					Restriction area: 0.0282
9.	Szczecin	3/25	3/52 0.0305 ha	4124	Owned by the State Treasury, under perpetual usufruct by a natural person	Pu	Bp – urbanised areas not developed or under development	100%
			3/53 0.663 ha					
10.	Szczecin	3/24	3/50 0.0664 ha	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Bi – other developed land	Acquisition area: 100%
			3/51 0.1424 ha					Restriction area: 0.006427
11.	Szczecin	3/23	3/48 0.0468 ha	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Bp – urbanised areas	100%
			3/49 0.2235 ha					
12.	Szczecin	3/22	3/46 0.0841 ha	4124	Owned by the State Treasury, under perpetual usufruct by a legal person	Pu	Bp – urbanised areas	100%
			3/47 0.2146					
13.	Szczecin	3/21	3/44 0.0336 ha	4124	Owned by the State Treasury, under perpetual usufruct by a legal person	Pu	Bp – urbanised areas not developed or under development	Acquisition area: 100% of land
			3/45 0.2214 ha					Restriction area: 0.011229
14.	Szczecin	13	13/1 0.1503 ha	1114	Owned by the Municipality of Szczecin	Co	W – wasteland	Acquisition area: 100% of land
			13/2 6.1389 ha					-

15.	Szczecin	414	414/1	1114	Owned by the State Treasury, under perpetual usufruct by the State Forest Management Authority 'Lasy Państwowe', Branch in Gryfino	Pu/Fr	W – wasteland Fr – state forests Tr – miscellaneous	Acquisition area: 100% of land
			0.3986 ha					
			414/2					
			13.7210 ha					
16.	Szczecin	1/8		4112	State Treasury RZGW Szczecin	Pu	Rw – land covered by running surface water	Restriction of use to secure the right to enter the land: 0.1255
17.	Szczecin	14		1114	State Treasury RZGW Szczecin	Pu	Rw – land covered by running surface water	Restriction of use to secure the right to enter the land: 0.5795
18.	Szczecin	3/13		4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Tk – railway areas	Restriction of use to secure the right to enter the land: 0.002262
19.	Szczecin	3/30		4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	BI – other developed areas	Restriction of use to secure the right to enter the land: 0.008519
20.	Szczecin	22		4122	Owned by the Municipality of Szczecin	Co	R – arable land	Restriction of use to secure the right to enter the land: 0.011229
21.	Szczecin	19		4122	Owned by the Municipality of Szczecin	Co	R – arable land	Restriction of use to secure the right to enter the land: 0.013248
22.	Szczecin	1		4124	State Treasury RZGW Szczecin	Pu	Rw – land covered by running surface water	Restriction of use to secure the right to enter the land: 0.401134
23.	Szczecin	11/1		1114	Owned by the State Treasury under perpetual usufruct of the Municipality of Szczecin	Pu	TP – land intended for the construction of public roads or railway lines	Restriction of use to secure the right to enter the land: 0.0005

Table 1 – List of properties covered by the investment project.

However, we should emphasize that the scopes of restriction in use to secure the right to enter the land may be altered due to pending works on the design documentation. In addition, the indicated land areas may further be slightly modified due to construction works.

According to the information gathered, on two properties, which are plots of land number 3/24, precinct 4124 and 3/23, precinct 4124, which are investment plots, a total of four lease

agreements for plot garden are concluded. The other plots located on the site of the project are not covered by any lease contract or other agreements concerning transfer for use, or possessed by third parties without a contract. We have additionally established that the real property marked as plot No. 22 in precinct 4122, which will be restricted in use to secure the right to enter the real property, is covered by 45 land lease agreements, and plot No. 19 in precinct 4122, which will also be restricted in use due to the project, is covered by one land lease agreement. On the real property constituting the plot No. 3/30, precinct 4124, thirty-one contracts for the rental of metal and brick garages were identified. Other properties to be used for this project are not concerned by any lease or other agreement of transfer for use.

2.3 Entities responsible for implementing subcomponent 1B of the project.

As from 1 January 2018, the main entity responsible for national water management is the State Water Holding „Polish Waters” (also referred to as ‘Polish Waters’ or ‘PGW WP’), seated in Warsaw.

Polish Waters was founded under the Water Law of 20 July 2017 (WL) and the statute given under the Regulation of the Minister of Environment of 28 December 2017 (Polish Journal of Laws 2017, item 2506). Polish Waters is a state-owned legal person (Article 9(14) of the Public Finance Act of 27 August 2009 – Polish Journal of Laws 2019, item 869, as amended).

PGW WP is responsible for the comprehensive management of broadly defined water management in Poland, including investment projects. The entity also represents the State Treasury and exercises its ownership rights with regard to the water, water equipment and other property related to water management, owned by the State Treasury. A detailed list of the rights and obligations, including the division of competence between the internal units and separated bodies, is set out in Article 240 of the WL. Polish Waters consists of the following organisational units: the National Water Management Authority seated in Warsaw, regional water management authorities, basin boards and water supervision offices.

In Article 536 of the WL, the legislator has regulated the issues regarding the continuation of projects commenced before the date the Law entered into force, by transferring to Polish Waters the rights and obligations arising from the contracts and decisions concerning projects carried out on the public water bodies owned by the State Treasury, and concerning principal drainage equipment, including the contracts financed or co-financed by foreign resources, which were previously implemented by regional water management authorities, provinces, province marshals or competent provincial organisational units. Article 526 of the WL stipulates that from the date the Law enters into force, Polish Waters shall also perform the tasks of the previous President of the National Water Management Authority, the previous directors of regional water management authorities, and province marshals, which involve the maintenance of water and other property of the State Treasury related to water management and water management projects. It should be noted that all the receivables, liabilities, rights and obligations of the previous National Water Management Authority and the regional water management authorities have become receivables, liabilities, rights and obligations of Polish Waters. Therefore, it was a general succession from the previous regional boards to Polish Waters.

The reform of the water management was caused by the Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 (the so-called Water Framework Directive), which establishes a framework for Community action in the field of water policy. The reform was a condition which Poland had to satisfy in order to use the resources from the European Union operational programmes for 2014–2020.

The Project Implementation Unit (PIU) for this Task is the State Water Holding „Polish Waters”, which has legal personality and exercises the ownership rights for and on behalf of the State Treasury. The Regional Water Management Authority in Szczecin is an internal unit of Polish Waters. In consequence, the State Water Holding „Polish Waters” will be the Investor in this Task.

3. Basic principles adopted in the LA&RAP³

The principal objective of this Land Acquisition and Resettlement Action Plan is to acquire real properties necessary to implement the Works Contract in line with Polish legal regulations and the World Bank's Operational Policy OP 4.12, in a way to minimise the adverse impacts on the project affected persons, improve or at least restore their living conditions and ensure long-term and sustainable use of environmental resources in that area.

Unless adequate mitigation and prevention measures are planned and implemented, land acquisition may generate and strengthen inequalities and cause social exclusion and permanent environmental damage. Therefore, in planning and implementing the property acquisition process, it is required to apply the following principles:

1. Permanent and involuntary land acquisition shall be minimised or avoided where possible. Where permanent acquisition is unavoidable, the procedures and requirements outlined in this LA&RAP shall be followed to mitigate the impact of the land acquisition on the parties interested.
[http://www.odrapcu.pl/doc/OVFMP/Ramowy dokument dotyczacy Przesiedlen i P ozyskiwania Nieruchomosci.pdf](http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf)
2. The land acquisition procedures shall ensure that the living conditions of people are improved or at least restored to pre-project level.
3. All project affected persons (PAPs) shall be properly consulted and given the possibility to actively and effectively participate in improving the Project, and shall be given access to mechanisms enabling the submission of complaints and applications. The public consultation should account for the needs of vulnerable groups and those arising from participants' gender identity.
4. Project Affected Persons shall be provided access to fair, just and inexpensive appeal procedure conducted before an independent authority or before a court, which should be carried out without undue delay.
5. All land acquisition processes, whether permanent or temporary, shall be conducted in line with the procedures set forth in Polish legal regulations and in OP 4.12, as per the LA&RPF, and shall be elaborated in specific LA&RAPs. The LA&RAPs must be consistent with the LA&RPF.
[http://www.odrapcu.pl/doc/OVFMP/Ramowy dokument dotyczacy Przesiedlen i P ozyskiwania Nieruchomosci.pdf](http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf)
6. This LA&RAP concerns permanent or temporary acquisition of real property, as well as permanent or temporary restrictions in using the property, which may in particular result in the (permanent or temporary) loss of revenue or the reduction of living standards.
7. The implementation of the LA&RAP shall be monitored and documented, and evaluated upon completion.
8. The process of public participation and the protective and mitigation measures shall be carried out in line with the principle of equal treatment regardless of age, sex or disability of the project affected persons. Particular attention must be paid to the households where a member or members belong to the vulnerable groups.
9. Land Acquisition and Resettlement Action Plans are prepared and implemented as integral parts of the Project. All costs of planning and implementing the compensation measures shall be included in the costs and benefits of the Project.

³ The contents of this section are in line with the LA&RPF.

10. The persons economically affected by the Project, in particular those who have been subject to expropriation, shall be compensated before the start of construction works on the expropriated property.
11. Within the compensation measures, a priority shall be given to the 'land for land' compensation, that is by giving a property of a similar production potential. Monetary compensation shall be used where the acquisition of the property or a part thereof has no impact on the possibility to use the property for its previous purposes as well as where the person economically affected by the project expresses their will to receive monetary compensation.
12. The properties subject to temporary acquisition upon the completion of works shall be restored to their previous condition, so to enable their owners or users to use the properties as before the Project implementation.
13. Regardless the title to the property, all project affected persons shall receive various forms of support, according to the Compensation Measures Matrix included in the LA&RPF. The absence of a title to the property should not be a bar to the compensation and/or any other form of support. Detailed rules of acquiring real properties, conducting the public participation procedure and carrying out the mitigating, preventive, protective and compensating measures are set forth in this LA&RAP.

The purpose of the LA&RAP is, *inter alia*, to gather basic social and economic information on the project affected persons, to identify the impacts, to determine the mitigating and compensating measures taken against any adverse impacts, and to assess whether the conditions for further management on the properties covered by the project have been restored (both for properties owned by natural persons and public entities). The LA&RAP also specifies the procedures, budget and deadlines to achieve the said purposes.

Based on determined indicators, the LA&RAP shall be subject to continuous monitoring and updates conducted by the Consultant's team and by the PIO, as the works proceed and in case any new factual or legal circumstances which affect the implementation of its provisions. This will allow, *inter alia*, for the provision of relevant information to the project affected persons, early identification of risks, and the implementation of methods that will enable the mitigation or elimination of those risks. The results of the monitoring will be presented in monthly and quarterly reports.

An *ex-post* assessment will be conducted six months after full implementation of the LA&RAP and evaluating and documenting its outcomes.

4. Minimising the impact

4.1 Social impacts – general

In the light of OP 4.12, a social impact associated with property acquisition is defined as any direct loss, whether social or economic, which arises out of the expropriation of a real property or the permanent restriction in the manner of using or access to the real property.

The social impacts caused by the Investment Project, and thus by the land acquisition which often leads to resettlement, may be classified into the following categories:

- 1) **Impacts caused by the Investment Project:**
 - a/ direct impacts,
 - b/ indirect impacts,
- 2) **Impacts caused by the Investment Project's severity:**
 - a/ significant impacts,
 - b/ minor impacts,
- 3) **Subjective impacts:**
 - a/ favourable impacts,
 - b/ adverse impacts.

Re. 1. According to §3 of the World Bank's Operational Policy OP 4.12 *Involuntary Resettlement*, the said Policy covers only direct impacts which are caused by the involuntary taking of land or the involuntary restriction of access to parks and protected areas, resulting in adverse impacts on the livelihood of the project affected persons.

'Direct social impact' means any consequence immediately related to the taking of a parcel of land or to

restrictions in the use of legally designated parks or protected areas, during the Investment Project financed or co-financed by the World Bank. People directly affected by land acquisition may lose their home, farmland, property, business, or other means of livelihood; a reduction in living standard is also possible. In other words, they lose their ownership, control over the property and the rights of use.⁴

OP 4.12 does not apply to long-term indirect impacts caused by the Investment Project, for example on customer loyalty (for people running a business), differences in local tastes, or other forms of intangible cost caused by the Investment Project.⁵

Re. 2. The severity of the Investment Project's impact on land properties largely depends on the type and purpose of the property.

Therefore, the basic criterion to assess the severity of social impacts is the percentage share of the expropriated part of the property in its entirety. However, we should also take into account the data obtained during the socioeconomic study.

To assess the social impacts, for the purposes of this LA&RAP, we have adopted the following criteria, according to OP 4.12:

⁴ See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Chapter 1, page 4*

⁵ See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Chapter 1, page 19*

- minor impacts – for properties intended for purposes other than agriculture, and for wasteland, minor impacts are such impacts where less than 20% of the land or resources of the household is lost, and there is no physical resettlement,

- significant impacts – for real properties intended for purposes other than agriculture, and for wasteland, significant impacts are such impacts where the household loses more than 20% of its land.

In assessing the severity of impact, we have also considered the information acquired from the socioeconomic study, and the social sensitivity of the analysed household, defined as the exposure to risk and severity of the impact, sensitivity to those risks and effects, and adaptation capabilities; we have also considered whether the PAP belongs to a vulnerable group.

Therefore, when assessing the impacts for their severity, it is required to assess the size, purpose, use and production capacity of the land owned by the household and its part being lost. Often the land subject to acquisition is the family's only source of income, and sometimes it is not used whatsoever. In such cases, the acquisition of the same area will be subject to different compensation amounts, based on the purpose and production capacity of the land. Therefore, an important aspect to be determined during the socioeconomic study is the percentage ratio of the acquired part of land composing the household to the remaining area, and whether the part acquired generates any revenue.⁶

Sometimes, despite acquiring 100% of land, that is the whole but small land belonging to a given household, which was used by the PAP only for leisure purposes, and it is impossible to determine that the land was the family's source of revenue, the impact must be deemed minor.

For those people already in poverty, however, loss of even a small percentage of holdings may render the rest of their land unviable. In these cases, where the loss of less than 10% of the land owned by the household (which could indicate a minor impact) will only deepen poverty – for such PAPs, adequate additional measures should be taken aside from monetary compensation.⁷

Re. 3. The implementation of flood protection projects which have an impact on the entities located at the site or within the range of the Investment Project, as well as their long-term impact, may be classified as favourable. This is because the communities living in the areas of Investment Projects will benefit from the improvement of flood safety. Therefore, we may claim that the outcome of the Investment Project (the improvement of flood protection level) will only have a favourable impact.

However, in the event of acquiring a private real property being, the subjective impressions of the project affected persons will be usually negative. There may arise adverse impacts relating to the relocation of households, but in some cases a change in the place of residence brings improvement of the PAP's living standard, and thus an impact that is initially considered adverse turns out to be favourable in the long term. In any case, attention must be paid to the psychological adverse impacts, especially for persons from the vulnerable groups.

4.2. Social impacts identified for the purposes of Contract 1B.5/1.

For the implementation of Contract 1B.5/1, land for the project will be acquired under the Railway Transport Act of 28 March 2003, so under a railway line location decision issued by the Governor of

⁶ See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Chapter 3, page no. 38*

⁷ See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Chapter 5, page no. 74*

Zachodniopomorskie Province. Despite the implementation of this Task without applying the provisions of the Flood Act, the implementation of the Task will be carried out taking into account the policy of OP 4.12 of the World Bank, as described in Chapter 3. Basic principles adopted in the LA&RAP.

According to land and mortgage registers and excerpts from the LBR, the properties are owned by the State Treasury and the Municipality of Szczecin. A vast majority of the properties are owned by the State Treasury, being under perpetual usufruct by a state-owned company, PKP S.A. On the other hand, the project site covers no property owned by a legal or natural person. However, we have established that one of the properties is under perpetual usufruct by a natural person and one under perpetual usufruct by a legal person (the analysis of properties stating the number of properties under perpetual usufruct of land and the number of properties analysed, divided by owners, is presented in **Section 5.4. Particulars of the real properties**).

It should be emphasized that the purpose of this LA&RAP is to set the frameworks and rules to prevent direct, significant and adverse impacts on the community, due to property acquisition and involuntary resettlement.

One of the properties under perpetual usufruct of natural persons is plot no. 3/25 in precinct 4124, owned by the State Treasury, having a total area of 0.0968 ha. According to the land and mortgage register, the land was given to a PAP for perpetual usufruct on 27 October 2099. At a meeting arranged as part of public consultation, the PAP pointed out that the property under perpetual usufruct was intended from the beginning for his transport business and is still used for this purpose. The property owner was also requested for information on the persons who use the property. Once the information is obtained, we will conduct a detailed analysis on the method and purpose of using the property. At this stage, given the data from the Central Registration and Information on Business, which state that the PAP indeed runs a transport business (PKD code 49.41.Z – Freight transport by road), and the information acquired at the meeting with the PAP, we have assumed that the property is actually used for business purposes. However, this assumption will be verified when the land owner provides the contract for perpetual usufruct. The property is to be divided and, as such, will be partially dispossessed for the project. The anticipated acquisition area is around 306 m², which represents 31.6% of the entire property. The plot will also be a site of construction works involving the construction of access road to a water meter well and the relocation of power and telecommunication networks.

Considering the planned partial expropriation, we should regard the social impacts due to the acquisition of that part of property to be direct and significant, not only since the PAP's household area will be acquired in over 20% but also given the fact that the land is used for business, and thus the PAP may at least partly lose his right to generate income. During the public consultation, the PAP highlighted that due to the project-related works the land would no longer be usable for the business purposes which the PAP planned when signing the contract for perpetual usufruct. The PAP is considering a disposal of his right of perpetual usufruct in the whole property and then moving his business to another location. Therefore, the PAP has requested a proposal in two different variants: the acquisition of a part of the property intended for the project, and the acquisition of the whole property, that is including the part remaining after division. We are currently analysing the options that may be presented to the PAP, including the possible acquisition of the whole plot no. 3/25 in precinct 4124. Negotiations with the PAP also concern a possible 'land for land' compensation.

Perpetual usufruct by legal persons is established on one property, designated as plot no. 3/2, precinct 4124 (after division: plot no. 3/57 and plot no. 3/58), for the benefit of a company with a majority (85%) share of the State Treasury, that is the hydro-engineering construction company.

The total area of the property is 0.5422 ha, and its classification as per the Land and Building Register is 'urbanised areas not developed or under development', 'industrial areas' and 'land covered by flowing surface water'. Plot no. 3/2 will be divided, and the anticipated area to be taken is 379 m2, which represents 7% of the entire land. That property will also be restricted in use in order to secure the right to enter the property for project purposes, with the area of approx. 950 m2, so 17.52% of the whole property and 18.84% of the property after it is acquired and divided.

Based on the foregoing, we should regard the impact on the legal person to be minor due to a small share of the acquisition (7% of the whole land).

In addition, perpetual usufruct for a legal person is established on two properties, designated as plots no. 3/21 in precinct 4124 and no. 3/22 in precinct 4124. These properties include a facility used for business purposes.

For plot no. 3/21 in precinct 4124, the designed area to be taken is 334.90 m2, which represents 13.14% of the entire land. There is also restriction in use to secure the right to enter the land to carry out the project, i.e. temporary acquisition of an area of approx. 112.29 m2 for the alteration of telecommunication network, which represents 4.49% of the entire land. For plot no. 3/22 in precinct 4124, the designed area to be taken is 841.25 m2, which represents 28.16% of the entire land.

Given the above, the social impacts on the company due to the partial acquisition of the property designated as plot no. 3/21, being less than 20%, should be regarded to be minor. However, considering that the plot is used for business purposes and that the acquisition is to cover two properties used by the same entity and being directly adjacent to each other, we have determined that the social impacts on that entity due to the Task are direct, significant and adverse. Nevertheless, physical relocation is not required.

It must be emphasized that once the PAP had been notified on the planned project and the land to be taken for its purpose, and on the scope and type of the works planned, the PAP accepted the proposed solutions and stated that the scope and method of works was acceptable for the company. Therefore, despite the significant impacts identified, the Investor expects no complications or complaints.

Having analysed the details and information about the owners and perpetual usufructuaries of the properties to be taken, and the share of the areas to be acquired, we have concluded that the direct and significant impacts will only concern two PAPs: a natural person running a business on one of the plots, and a legal person (limited liability company), which also runs a business on the property to be partially acquired. In other cases, the impact will be minor given a small share of acquisition and the absence of physical relocation of households.

The total area of the aforesaid properties which is under perpetual usufruct of natural or legal persons and which is to be acquires is approx. 1.638,54 m2.

In the case of PAPs conducting business activity, the subject of which is road transport of goods, physical resettlement may take place due to a possible loss of usefulness of the property for the purposes for which the perpetual usufruct agreement was concluded, as indicated during public consultations. However, the nature of the business activity allows this activity to continue in alternative locations accepted by PAP.

No.	PAP category	Direct / indirect impact	Significant / minor impact	Favourable / adverse impact
1.	Perpetual usufructuary of land - natural person actually running a business	Direct	Significant	Adverse

2.	Perpetual usufructuary of land – legal person (limited liability company)	Direct	Minor	Adverse
3.	Perpetual usufructuary of land – legal person (limited liability company)	Direct	Significant	Adverse

Table 2 – Types of impact of the Investment Project on the PAPs identified in the socioeconomic study

With regard to the properties owned by the Municipality of Szczecin, the impacts have been considered to be minor, as the acquisition of property from that entity does not materially affect its position and operations.

Additionally, the Municipal Office of Szczecin has been requested to provide information on the properties located at the site and within the range of the investment project, which are covered by lease or other agreements of transfer for use, or possessed by third parties without a contract. We have received a reply that the request had been forwarded to the Municipal Buildings and Premises Board (organisational unit of the Municipality of Szczecin) and to Towarzystwo Budownictwa Społecznego “Prawobrzeże” Sp. z o.o. in Szczecin, which are involved in the matters of lease and contractless use. According to the data provided, it was established that on two properties owned by the State Treasury, which are under perpetual usufruct of PKP S.A. (number 3/23, precinct 4124, 3/24, precinct 4124) lease agreements for parcel gardens are concluded. The remaining properties constituting investment plots are not covered by any lease or other agreements concerning transfer for use or possessed by third parties without a contract. We have additionally established that plot no. 22 in precinct 4122, which will be restricted in use to secure the right to enter the land, is covered by 45 land lease agreements, and plot no. 19 in precinct 4122, which will also be restricted in use, is covered by one land lease agreement. On plot no. 3/30, precinct 4124, thirty-one garage rental contracts are concluded.

The Municipal Buildings and Premises Board in Szczecin has also pledged to independently notify the lessees of the planned investment project and the possibility to apply directly to PGW WP RZGW Szczecin, or to obtain a consent for the provision of personal data for the purposes of the Task. Currently, the Consultant is in constant contact with the applicant tenants. The Consultant is currently awaiting the information that the letters have been forwarded. We have also requested PKP S.A. for information on whether the properties being investment plots are covered by a lease agreement or any other agreement for lending the land for use, or whether they are used by a third party without a contract. It has been replied that on two investment properties there are four agreements for plot gardens, while on properties intended for temporary occupation of thirty-one tin and brick garages. Due to the lack of response as to the content of the agreements and data of the entities that are parties of the agreement, PKP S.A. was asked to provide more detailed information. Despite several reminders to PKP S.A. until the date of preparation of this document, no response was received. In the absence of a response from PKP S.A., field inspections were carried out. The identified buildings and structures were devastated and abandoned, with no traces of use. In the event that entities that will be classified as PAP are identified at the stage of the Task implementation, they will be determined and paid due compensation in accordance with the principles set out in Chapter 6.5 of the Valuation Principles. However, in the event of failure to determine the entities entitled to compensation, in order to protect their interests, detailed inventories of properties, buildings and structures will be prepared together with photographic documentation in order to ensure the possibility of preparing a future valuation determining compensation without prejudice to PAP. In such a situation, regardless of the date of identification of the entitled entity, the material enabling the determination and payment of compensation to the entitled entity will be secured.

As at the date of this LA&RAP, we still do not know the entities for which the interference would affect the land they lease. If we find that the properties being investment plots are covered by lease agreements or any other agreements for the use of land, and the project affects the lessees in any way, we will apply the rules specified herein, in particular in section 6.3. *Property acquisition under the Railway Act.*

Twelve properties will be restricted in use to secure the right to enter the property, which is indicated in Table 1 being a list of properties covered by the project, both those to be dispossessed and those to be restricted in use. This applies to 12 properties for which Table 1 under the heading 'acquisition planned' indicates a 'restriction of use to secure the right to enter the land ' together with the area of restriction. In accordance with Article 9q(1)(6) of the Railway Act, the railway line location decision shall specify *inter alia* the restrictions in using the property to secure the right to enter it in order to carry out a railway project, including to conduct a related construction or reconstruction of a road system or water facilities, or to install or lay thereon a drainage channel, duct or equipment used for transmitting or distributing liquids, steam, gases or electrical energy, as well as communication and signalling equipment or other underground, on-ground or aboveground facilities or equipment necessary to use these ducts and equipment, as well as to conduct works involving maintenance or failure elimination. The said restrictions are governed by the Real Property Management Law, which stipulates that the entity which applies for the RLLD must restore the property to its previous condition immediately after installing or laying the ducts, lines or equipment. Where the previous condition may not be restored, the property owner is entitled to compensation for any damage incurred as a result of such activity. In this case, pursuant to Article 128(4) of the Real Property Management Law of 21 August 1997, the compensation should correspond to the value of damage. If such an event reduces the value of the property, the compensation shall be increased by an amount corresponding to such reduction. It is also important that where as a result of the installation or laying of the aforesaid ducts, lines or equipment, the owner or perpetual usufructuary is unable to continue to use the property as before or according to its previous purpose, then the owner or perpetual usufructuary may demand the entity applying for the RLLD to purchase from him the ownership or perpetual usufruct of the property for the benefit of the State Treasury.

It is possible that the entities which are restricted in using the property as above file an application for a contract under which ownership or perpetual usufruct of the land will be acquired for the benefit of the State Treasury. However, this would require a thorough analysis of the actual impact of the installation or laying of the ducts, lines or equipment on the use of the land. We should also notice that if the contract is not concluded despite meeting the conditions specified in Article 124(5) of the Real Property Management Law (the installation or laying of ducts, lines or equipment, as indicated above, which makes it impossible to continue to use the property as before or according to its previous purpose) and despite that the entitled entity has lodged a relevant application, the entity may file a claim with a common court for issuing a judgment replacing a statement of will, as we deal with a civil-law demand. Then we should consider that, in view of Article 6 of the Civil Code of 23 April 1964, the burden of proving a fact shall lie with the person who asserts legal consequences arising from this fact, so with the owner or perpetual usufructuary who demands the contract.

Below we present a table showing the properties that will be restricted in use to secure the right to enter them in order to carry out the railway project, including to conduct a related construction or reconstruction of a road system or water facilities, or to install or lay thereon a drainage channel, duct or equipment used for transmitting or distributing liquids, steam, gases or electrical energy, as well as communication and signalling equipment or other underground, on-ground or aboveground facilities or equipment necessary to use these ducts and equipment, as well as to conduct works involving maintenance or failure elimination. Thus, the owners or perpetual

usufructuaries of the properties which may become subject, if the conditions referred to Article 124(5) are fulfilled, to the entitlement to file the application for the contract under which the ownership or perpetual usufruct of the property will be acquired for the benefit of the State Treasury.

No.	Commune	Plot No. before division	Plot No. after division	Precinct	Owner / perpetual usufructuary	Owner Private – Pr Public – Pu Commune – Co Forests – Fr	Land use as per the LBR	Restriction of use to secure the right to enter the land [m2]
1.	Szczecin	3/2	3/57 0.0379 ha	4124	Owned by the State Treasury, under perpetual usufruct by a legal person	Pu	Bp – urbanised areas not developed or under development	950.17
			3/58 0.5043 ha				Ba – industrial areas Rw – land covered by running surface water	
2.	Szczecin	22	-	4122	Owned by the Municipality of Szczecin	Co	R – arable land	112.29
3.	Szczecin	19	-	4122	Owned by the Municipality of Szczecin	Co	R – arable land	132.48
4.	Szczecin	3/21	3/44 0.0334 ha	4124	Owned by the State Treasury, under perpetual usufruct by a legal person	Pu	Bp – urbanised areas not developed or under development	112.29
			3/45 0.2214 ha					
4.	Szczecin	11/1	-	1114	Owned by the State Treasury under perpetual usufruct of the Municipality of Szczecin	Pu	TP – land intended for the construction of public roads or railway lines	3.88

Table 3 – List of entities which may become entitled to apply for concluding a contract for the acquisition of ownership or perpetual usufruct of property, given the restriction in use to secure the right to enter the property.

Where it is necessary to temporarily acquire for project purposes any property other than those listed in the RLLD, a contract will be made between the works contractor and the entity that makes the property available and holds a title (ownership, perpetual usufruct or beneficial ownership) in that property. The contract⁸ will authorise the contractor to temporarily acquire the land, and specify the remuneration for the entity which made the land available. Based on the contract, the

⁸ The model contract and appendices agreed with the World Bank will be an obligatory attachment to the contract between the Investor and the Works Contractor.

remuneration will therefore be paid not by the Investor but directly by the contractor taking a given area of land, according to the arrangements between the parties.

We should also indicate Article 9ya of the Railway Act: where the railway project must cross an area of flowing water or public road, PLK S.A. is entitled to acquire that area free of charge for the duration of the project. It should be noted that the entitlements for the free seizure of immovable property set out in Article 9ya of the Railway Act will not apply to private property owners. This situation is a consequence of the granting by the Polish legislator of ownership of waters flowing exclusively to the State Treasury, and of public roads to the State Treasury or local governments. The decision on taking the right-of-way free of charge shall be issued by the road manager within 30 days from submitting the application. In addition, PLK S.A. shall, no later than 30 days prior to the scheduled acquisition of the area of flowing water, arrange on the scope, conditions and period of such acquisition by a written agreement with 'Polish Waters' (for inland flowing waters and underground waters) or with the minister competent for water management (the MME – Ministry of Maritime Economy and Inland Waterways) (for territorial seas and inland maritime waters).

Furthermore, pursuant to Article 9yb of the Railway Act, the State Forest Management Authority 'Lasy Państwowe', which manages plot no. 414, precinct 1114, shall clear any trees and bushes free of charge and remove them within a period set in a separate agreement to be made between 'Lasy Państwowe' and PLK S.A., and any timber acquired as a result of the clearing referred to in paragraph 1 shall be transferred free of charge to 'Lasy Państwowe'. What is also important, the costs of clearing and removing any trees or bushes up to 20 years old shall be covered by the Investor.

4.3. Minimising the impact – organisational measures.

1. The design works are carried out in a way to minimise the area of land that must be acquired, that is within the boundaries of the plots that will be objects of the voluntary contract for transfer of real property, and of the properties already owned by the State Treasury.
2. All costs of the measures mitigating and compensating for the adverse impacts will be included in the costs of the Project as eligible expenditure.
3. Each expropriated person will be entitled to the free use of the land in the same manner until the payment of the compensation or (if no agreement is reached as to its amount) an indisputable part thereof.
4. The party appealing against the decision setting the amount of compensation shall, at its own request, be paid the amount stated in the decision. Payment of such amount does not affect the appeal proceedings.
5. To allow the commencement of such an important project and mitigate as far as possible any inconvenience that the PAP may often suffer as a result of a long-lasting anticipation of any administrative decision regarding the amount of compensation, the Investor will offer the PAP that, irrespective of the pending administrative proceedings, PGW 'Polish Waters' will pay the PAP a certain indisputable part of the compensation for the acquired land even before the administrative decision is issued.

Such a proposed payment will correspond to 70% of the property value as stated in the appraisal report made at the Investor's request. If the PAP accepts the payment, this will not imply acceptance of the compensation amount specified in the report, nor will it affect the proceedings conducted by the Province Governor for setting the amount of compensation for the dispossessed property.

The remainder of the compensation will be settled and paid to the PAP (if the value exceeds the compensation we offer) upon issuing the decision setting the amount of compensation, up to the amount stated in the decision.

The proposed payment of the indisputable share of compensation may take place at any stage of the proceedings for setting the compensation amount, until issuing of the final decision. If the PAP decides to accept the offer made by the Investor, a relevant agreement will be signed to make the payment to the PAP.

6. The Employer will notify the PAPs of the actual commencement of works in time to allow them to finish their activities on the real property, however no later than 30 days in advance.
7. During the construction works, the required distances to overhead power lines will be maintained. This will mitigate the social impacts caused by the influence on energy infrastructure (power supply interruptions). Power distribution systems on the construction site will be designed, built, maintained and used in such a way not to pose a fire or explosion hazard, and to sufficiently protect the personnel against electric shock.
8. All works carried out near the existing underground utilities will be performed manually to prevent damage. This will mitigate the social impacts caused by damage to utilities.
9. All the works that cross or are conducted on or near utility networks will be supervised by the owner of those networks. The network owners will be notified in advance of the start date of the works.
10. Proper arrangement of construction and erection works will be ensured: the construction works may be carried out only from 6:00 a.m. to 10:00 p.m.; limitation of transports without load; limiting the idle operation of vehicle combustion engines during construction; limiting the speed of vehicles near the investment project site; limiting the operation of equipment that generates the highest noise; the construction site will only be supplied during the day. This will mitigate the social impacts caused by the nuisance generated by the Investment Project.
11. Before commencing the works, the Employer will conduct a broad information campaign on the investment project, and will establish an information point for the Project Affected Persons, where they can file their requests and comments regarding the conducted construction works and planned acquisitions. An information brochure will be prepared and sent to all PAPs, which will inform them about the option to submit complaints (according to the LA&RAP and EMP) and contain relevant contact details.

A broader description of the measures to mitigate/minimise adverse impacts, including those regarding environmental resources, is contained in the 'Environmental Management Plan' (EMP).

5. Socioeconomic study

5.1. Sources and methodology

The socioeconomic study has been conducted by the real property team being part of the Consortium – Consultant responsible for preparing this LA&RAP.

The principal source of information about the development and use of the occupied properties was the analysis of GIS data, excerpts from the land and building register of the properties, and entries in land and mortgage registers, and an on-the-spot verification on the Task site. The possession status of the acquired real properties has been determined based on the land and building register and land and mortgage registers, and by way of on-the-spot verification at the Task site. The existence of infrastructure was confirmed by analysing the GIS data, LBR excerpts and design documents, satellite images from geoportal.gov.pl, and by an on-the-spot verification at the Task site.

As regards social impacts, the basic source of information was the data acquired from available registries (such as the National Court Register) as well as data and information obtained by visiting the site of the Task. We have also based on the CSO statistics and materials available on the Internet. The collected data made it possible to perform social profiling, that is to classify the PAP to a specific group of beneficiaries entitled in connection with the Task.

The Consultant first took measures to inform all the owners and users of the properties located on the project site about the range of the project and the possibility to receive compensation for a part of their property being dispossessed for project purposes. To this end, we have distributed notices to all disclosed entities having their properties on the site or within the impact range, specifying the scope of the project, the scheduled date of work commencement and the contact person from the Real Property Team in case of questions or doubts regarding the Investment Project. On the other hand, the investor has initiated an information campaign targeted at the institutions whose properties are located on the site and within the impact range of the project. All project affected persons will be assisted in getting civic support from relevant offices and institutions.

Based on a preliminary analysis of information and the scope of the Task, we found it necessary to survey the owners of the land subject to expropriation. The survey was conducted using standardised questionnaires. The questionnaires were in-depth – aside from answering the standard questions contained in the questionnaire, the respondents could express their views on the Task in the form of free statements. The information so collected were also analysed. In addition, the legal persons located within the project impact range were distributed questionnaires to assess the Task and the whole OVFMP. At the meeting arrange as part of public consultation, the PAPs were presented the project assumptions and boundary lines within the range of the project. The persons invited did not submit any comments on the documentation. There were doubts as to the occupied properties, which were clarified by the distributed notices.

The issue that emerged in the socioeconomic study conducted by the Real Property Team was that the respondents would often refuse to participate in the survey and reluctantly answer the questions asked in the questionnaires. However, none of the respondents has indicated that the Contract will adversely affect their economic standing or reduce their revenue. Most respondents had a positive view on the flood management project, indicating that the City of Szczecin and its administrative neighbourhoods must be protected against flood.

The occupied properties covered by the Task are owned by the State Treasury and the Municipality of Szczecin, and are under perpetual usufruct by legal persons, natural persons and institutions. All these entities have been notified of the investment project. The questionnaires

have been distributed to the natural person who holds the right to perpetual usufruct in the land situated on the site or within the direct impact range of the project.

The reconstruction of the railway bridge at km 733.7 of Regalica river in Szczecin will be carried out along Railway Line 273 from Wrocław Główny to Szczecin Główny, at km 349.120 (Szczecin Podjuchy station), over Regalica river channel (at km 733.7 of the river). The range of the investment project will cover the administrative neighbourhoods of Podjuchy and Żydowce-Klucz.

The project concerns in particular the reconstruction of a railway bridge – demolition of three fixed spans of the existing railway bridge crossing the waterway, including supports, and the construction of a new railway bridge in the new track, together with the reconstruction of railway infrastructure and existing utilities within the access paths to the facility. Today the existing railway bridge links Podjuchy neighbourhood with the isle of Zaleskie Łęgi (Śródmieście district). On the right bank of Regalica river, the bridge is neighboured by urbanised and industrial areas, and on the left bank, by isolated buildings.

As of today, the bridge hinders and often prevents anti-ice protection in winter and the circulation of icebreakers taking part in ice-breaking operations. It stops the flow of ice in the key moments of such operations, cutting off the icebreakers staying downstream of the bridge from the ice-breaking area on Odra river and stopping ice floe on the pillars.

5.2. General socio-economic data

City of Szczecin

Szczecin is a city with district rights, the capital and the largest city in Zachodniopomorskie province, situated by Odra river and Dąbie lake, on Szczecin Coastland. As of 30 June 2019, the number of inhabitants was 402,100, of which 52.5% were women and 47.5% were men.

59.1% of Szczecin inhabitants are of working age, 16.1% – of pre-working age, and 24.8% of inhabitants are of post-working age.

According to the data from 2018, 295 per 1,000 inhabitants of Szczecin are employed. It is significantly more than the value for the Zachodniopomorskie Province and much more than the overall value for Poland. Out of all working persons, 52.8% are women and 47.2% are men. The number of unemployed persons as at 31 December 2019 was 4,300, which gave a registered unemployment rate of 2.4%.

According to the REGON record, in 2019 Szczecin had 69,200 registered enterprises. The average employment in the business sector is 52,700 employees.

According to the National Heritage Board of Poland (NID), as of 15/12/2017 Szczecin had 411 heritage sites listed in the register of monuments.

There are 9 public roads crossing the city of Szczecin, which are classified as provincial or of a higher category.

There are 14 railway lines crossing the city of Szczecin, which are used for passenger or cargo traffic.

The administrative neighbourhood of Podjuchy

Podjuchy is an administrative neighbourhood of Szczecin located in Prawobrzeże district, which is the city's auxiliary unit separated under the Resolution of Szczecin City Council dated 28 November 1990, No. VIII/53/90, on establishing districts and neighbourhoods in the City of Szczecin. Podjuchy is situated in Prawobrzeże, between Regalica river, the neighbourhoods of Zdroje and Żydowce, and A6 motorway, near national road 31 and the railway line Szczecin – Gryfino – Kostrzyn nad Odrą – Rzepin – Zielona Góra – Wrocław. In Podjuchy, the railway track branches off in three directions: Szczecin Central, Szczecin Dąbie and Gryfino. Podjuchy is the last station within the city boundaries, located on the route to Gryfino (until recently, Szczecin Klucz station was also active).

In Podjuchy there is also a railway terminal and a hub station. The terminal is situated at Metalowa street (a section of national road 31).

Podjuchy covers a useful area of 5.1 km². As of 22 January 2018, the district is inhabited by 8,508 residents, including 1,431 minors and 7,077 adults. The population of Podjuchy includes 4,045 men and 4,463 women.

The City of Szczecin is linked with Podjuchy neighbourhood by Floriana Krygiera and Batalionów Chłopskich streets.

Podjuchy is the location of Post Office No. 18. There are also the following educational institutions: Public Kindergarten No. 79, Primary School No. 12 named after K.I. Gałczyński, Catholic Primary School named after John Paul I and Public Junior High School No. 15. In addition, there is the Municipal Public Library, Branch No. 14.

Transport services from the neighbourhood to the city are provided by Szczecińskie Przedsiębiorstwo Autobusowe 'Dąbie' Spółka z o.o. In Podjuchy, there are stops of the following bus lines: 61, 64, 66 and 95.

The neighbourhood also has a family medical centre and is home to the Apostles Peter and Paul Roman Catholic church. The local monuments include the historic villa situated at ul. Metalowa 42. The neighbourhood is also the site of amphitheatre ruins.

The administrative neighbourhood of Żydowce-Klucz

Żydowce-Klucz is an administrative neighbourhood of Szczecin located in Prawobrzeże district, which is the city's auxiliary unit separated under the Resolution of Szczecin City Council dated 28 November 1990, No. VIII/53/90, on establishing districts and neighbourhoods in the City of Szczecin. Żydowce-Klucz is located in Prawobrzeże district, situated in the south-western part of Szczecin. The neighbourhood adjoins Podjuchy and the communes of Stare Czarnowo, Gryfino and Kołbaskowo. Until recently, Klucz had an active railway station named 'Szczecin Klucz'.

Żydowce-Klucz covers a useful area of 10.3 km². As of 22 January 2018, the neighbourhood is inhabited by 2290 residents, including 374 minors and 1916 adults. The neighbourhood is inhabited by 1,096 men and 1,194 women. The City of Szczecin is linked with Żydowce-Klucz by Floriana Krygiera and Batalionów Chłopskich streets. Żydowce-Klucz has an educational institution, which is the Primary School No. 24. There are also the buildings of the now inactive textile factory Wiskord Spółka Akcyjna under liquidation (a state-owned company) as well as a cemetery chapel from 1892 situated at Chocimska street. Since 2018, the neighbourhood also has the city's first public cemetery for small pets named "The Rainbow Land".



Fig. 2 The cemetery chapel from 1892 at Chocimska street;
source: encyklopedia.szczecin.pl



Fig. 3 Buildings of WISKORD S.A. under liquidation – present status

The link with the city centre is provided by bus lines no. 64 and 66. Transport services from the neighbourhood to the city are provided by Szczecińskie Przedsiębiorstwo Autobusowe 'Dąbie' Spółka z o.o.

5.3. Gender equality

Poland has introduced a legal prohibition of discrimination, which is expressed in the Constitution of the Republic of Poland of 2 April 1997. Article 32 stipulates that no one shall be discriminated against in political, social or economic life for any reason whatsoever. Discrimination against women means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979).

Willing to join the European Union, Poland had to adopt its legislation to the regulations applicable in the EU, including those governing gender equality. This has mainly brought amendments to the Labour Code, but also a change in the approach of politicians and public administration.

According to the Human Development Index (HDI) for 2012, applied by the United Nations Development Programme (UNDP), Poland is amongst the countries with a very high Human Development Index. It is ranked 39th among 187 countries, so above the average for the counties covered by EBRD activity and at a level similar to the average for Central Europe and the Baltic States. The Human Development Index consists of three components: health, education and standard of living. According to the UNDP's Gender Inequality Index (GII), Poland is classified even higher – on the 24th position in the world rank. The Gender Inequality Index is a measure representing the loss of development opportunities in a given country caused by unequal treatment, which covers three elements of evaluation: reproductive health, empowerment and labour market participation.

As regards women's participation in public life, the share of women in the elected public authorities is low. This also refers to the low percentage of female Members of Parliament. Similar

negative trends are presented by other elected authorities: commune councils, district councils or province assemblies (women represent around 1/4 of all councillors). We should also highlight the noticeably low share of women among heads of communes and town mayors. What is interesting is the increase in the number of women acting as village administrators – this position is one of important functions in terms of civic participation and social capital building. Experience also shows that women are equal participants in public consultation procedures, and often even leaders due to their engagement and local activity. To conclude, we should indicate that in order to promote women and increase their representation in decision-making committees and business management, there are many citizens' initiatives and declarations by political parties, the examples set by other countries are popularised, the European Commission takes their own initiatives *ex officio*, etc., which should improve the equality of men and women in terms of participation in labour market and decision-making committees. The results for the last 10 years show a gradual progress in this field.

5.4. Particulars of the real property

The bridge is located along Railway Line 273 from Wrocław Główny to Szczecin Główny, at km 349.120 (Szczecin Podjuchy station), over the Regalica river channel (at km 733.7 of the river).

The investment project requires modifications in the existing rail corridor. The plots which the State Treasury (PKP PLK S.A. and PGW WP RZGW Szczecin) is not entitled to use for construction purposes will have to be partially dispossessed under the Railway Transport Act of 28 March 2003 (Polish Journal of Laws 2003, item 789, as amended). The procedure of property acquisition for project purposes is specified in Section 6.3. 'Property acquisition under the Railway Act' and in Subsection 13.2.1. 'Procedure for issuing the RLLD'.

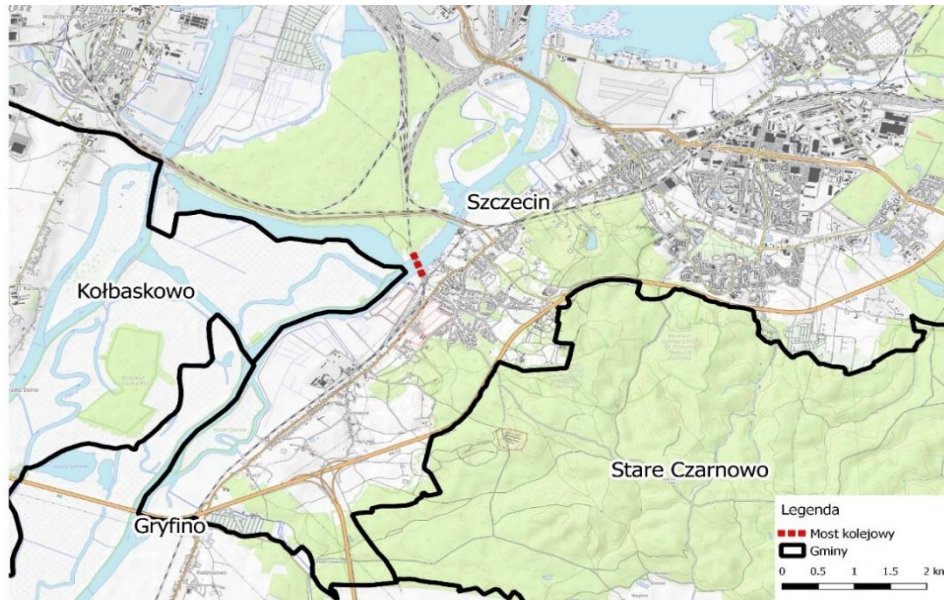


Fig. 4 – Site of the investment project.

The table below presents a list of plots to be covered by the investment project. The colour marks the owners or perpetual usufructuaries of land, for whom it is required to establish whether they are entitled to compensation for permanent acquisition of land.

No.	Commune	Plot No. before division	Plot No. after division	Precinct	Owner / perpetual usufructuary	Owner Private - Public - Commune - Co Forests - Fr	Land use as per the LBR	Acquisition planned [ha]
1.	Szczecin	3/15	-	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Bp - urbanised areas not developed or under development	0.0539
2.	Szczecin	3/18	-	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	rd - roads	0.194104
3.	Szczecin	3/19	-	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Ba - industrial areas	0.024535
4.	Szczecin	3/20	-	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Ba - industrial areas	0.058056
5.	Szczecin	3/27	-	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	rd - roads	0.082682
6.	Szczecin	3/29	-	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	rd - roads	0.2127
7.	Szczecin	3/2	3/57 0.0379 ha	4124	Owned by the State Treasury, under perpetual usufruct by a legal person	Pu	Bp - urbanised areas not developed or under development Ba - industrial areas Rw - land covered by running surface water	100%
8.	Szczecin	3/26	3/54 0.1260 ha	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	rd - roads	100%
9.	Szczecin	3/25	3/52 0.0305 ha	4124	Owned by the State Treasury, under perpetual usufruct by a natural person	Pu	Bp - urbanised areas not developed or under development	100%

10.	Szczecin	3/24	3/50 0.0664 ha	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Bi – other developed land	100%
11.	Szczecin	3/23	3/48 0.0468 ha	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Bp – urbanised areas	100%
12.	Szczecin	3/22	3/46 0.0841 ha	4124	Owned by the State Treasury, under perpetual usufruct by a legal person	Pu	Bp – urbanised areas	100%
13.	Szczecin	3/21	3/44 0.0336 ha	4124	Owned by the State Treasury, under perpetual usufruct by a legal person	Pu	Bp – urbanised areas not developed or under development	100%
14.	Szczecin	13	13/1 0.1503 ha	1114	Owned by the Municipality of Szczecin	Co	W – wasteland	100%
15.	Szczecin	414	414/1 0.3986 ha	1114	Owned by the State Treasury, under perpetual usufruct by the State Forest Management Authority 'Lasy Państwowe', Branch in Gryfino	Pu/Fr	W – wasteland Fr – state forests Tr – miscellaneous	100%

Table 4 – List of investment plots.

According to the table above, it will be necessary to acquire, under the Railway Act (the method of acquisition is described in **Section 6.3. Property acquisition under the Railway Act**) properties marked blue, that is those which are owned by the Municipality of Szczecin and those which are owned by the State Treasury and being not under perpetual usufruct by PKP S.A.

The following table shows the properties which will be restricted in use under the RLLD to secure the right of access.

No.	Commune	Plot No. before division	Plot No. after division/ Plot area	Precinct	Owner / perpetual usufructuary	Owner Private – Pr Public – Pu Commune – Co Forests – Fr	Land use as per the LBR	Restriction of use to secure the right to enter the land [ha/%]
1.	Szczecin	3/2	3/58 0.5043 ha	4124	Owned by the State Treasury, under perpetual usufruct by a legal person	Pu	Bp – urbanised areas not developed or under development Ba – industrial areas	0.095017 (18.8%)

							Rw – land covered by running surface water	
2.	Szczecin	3/26	3/56 0.1114 ha	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	rd – roads	0.0282 (25.31 %)
3.	Szczecin	3/24	3/51 0.1424 ha	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Bi – other developed land	0.006427 (4.51 %)
4.	Szczecin	3/21	3/45 0.2214 ha	4124	Owned by the State Treasury, under perpetual usufruct by a legal person	Pu	Bp – urbanised areas not developed or under development	0.011229 (5.07 %)
5.	Szczecin	14	- 9.8841 ha	1114	State Treasury RZGW Szczecin	Pu	Rw – land covered by running surface water	0.5795 (5.86%)
6.	Szczecin	3/13	- 0.4845 ha	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	Tk – railway areas	0.002262 (0.467%)
7.	Szczecin	1/8	- 10.0268 ha	4112	State Treasury RZGW Szczecin	Pu	Rw – land covered by running surface water	0.1255 (1.252%)
8.	Szczecin	3/30	- 0.1577 ha	4124	Owned by the State Treasury, under perpetual usufruct by PKP S.A.	Pu	BI – other developed areas	0.008519 (5.402%)
9.	Szczecin	22	- 3.4526 ha	4122	Owned by the Municipality of Szczecin	Co	R – arable land	0.011229 (0.325%)
10.	Szczecin	19	- 0.5678 ha	4122	Owned by the Municipality of Szczecin	Co	R – arable land	0.013248 (2.333%)
11.	Szczecin	1	- 10.2459 ha	4124	State Treasury RZGW Szczecin	Pu	Rw – land covered by running surface water	0.401134 (3.916%)

12.	Szczecin	11/1	- 1.3839 ha	1114	Owned by the State Treasury under perpetual usufruct of the Municipality of Szczecin	Pu	TP - land intended for the construction of public roads or railway lines	0.0005 0.036%
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Table 5 – List of properties to be restricted in use.

The entity applying for the RLLD must restore the property to its previous condition immediately after installing or laying the ducts, lines and equipment, which measures have been carried out during the restriction in use to secure the right to enter the property in order to implement the railway project. Where the previous condition (existing before the interference) may not be restored, the property owner is entitled to compensation for any damage incurred as a result of such activity. In this case, pursuant to Article 128(4) of the Real Property Management Law of 21 August 1997, the compensation should correspond to the value of damage. If such an event reduces the value of the property, the compensation shall be increased by an amount corresponding to such reduction. It is also important that where, as a result of the installation or laying of the aforesaid ducts, lines or equipment, the owner or perpetual usufructuary is unable to continue to use the property as before or according to its previous purpose, then the owner or perpetual usufructuary may demand the entity applying for the RLLD to purchase from him the ownership or perpetual usufruct of the property for the benefit of the State Treasury. The blue colour in Table 5 marks the entities which, if the said actions prevent further proper use of the property as before or according to its previous purpose, will be entitled to apply for the conclusion of a contract for the acquisition of ownership or perpetual usufruct of the property.

Additionally, plots no. 1 in precinct 4124, no. 1/8 in precinct 4124, and no. 14 in precinct 1114, owned by the State Treasury (RZGW Szczecin), are the areas of flowing water, which, pursuant to Article 9ya(1) of the Railway Act, where the railway project must cross an area of flowing water or public road, may be acquired free of charge for the duration of the project.

If a property must be temporarily acquired for the purposes of the project⁹, the works contractor and the owner, perpetual usufructuary or beneficial owner of the property will make an appropriate contract due to the required temporary use or the plot or a part thereof. The contract will authorise the contractor to temporarily acquire the land, and specify the remuneration for the entity which made the land available. Based on the contract, the remuneration will therefore be paid not by the Investor but directly by the contractor taking a given area of land, according to the arrangements between the parties.

The list of plots, including their respective owners, is set out as Appendix 2 hereto, and will be published upon the anonymisation of personal data. On the other hand, the type of impact on PAPs was specified above in Table 2 – type of impact of the Project on the PAPs identified in the socioeconomic study.

5.5. Conclusions

The analysis of documents and the site inspections at the site of the project have shown that the site covers no public buildings such as schools, offices or churches.

⁹ This applies to temporary acquisitions other than those defined in the RLLD

The project will involve the demolition of a part of the existing railway bridge that crosses the waterway and the construction of a new railway bridge to ensure minimum clearance for effective ice-breaking operations with the use of icebreakers. The purpose of the new structure will remain unchanged – the bridge will serve as a railway crossing over Regalica river at km 733.7.

The existing railway bridge to be demolished is presently the only facility of this type in Poland and the only such motorised bridge in Europe. It was built in 1877 and then rebuilt in 1936 with the use of its original span. In accordance with the decision No. L.dz.DZ-4140/47/O/K/2008/2009 made by the Heritage Conservation Officer for Zachodniopomorskie Province, the heritage protection covers the liftable span of the bridge, which constitutes its movable section. Consequently, the specific scope of the works on the listed facility will be given in the Conservation Work Programme; this section of the bridge will be preserved and secured. Additionally, the Investment Project is situated near a historic villa at Metalowa street.

The project site is diversified in terms of ownership rights. The properties located in the area to be dispossessed are owned both by the State Treasury and by local government entities, with one property owned by the State Treasury and being under perpetual usufruct by a natural person, and three properties owned by the State Treasury and being under perpetual usufruct by two legal persons. The project will partly be carried out near so-called enclosed areas (railway lines).

Although there are no properties owned by natural or legal persons, but the expropriations for project purposes will also concern properties being under perpetual usufruct of natural and legal persons. A vast majority of the properties to be dispossessed for project purposes are under perpetual usufruct by the state-owned company PKP S.A.

Based on the LBR, the land and mortgage registers for each property, satellite images from geoportal.gov.pl, and inspections on the site of the Task, the investment project will also cover developed land.

Detailed characteristics of the PAPs, contained in Appendix 1, will be published after the anonymisation of personal data.

6. Applicable legal provisions and valuation methodologies

This LA&RAP for the specified Task included in Sub-Component 1B (Flood protection on Middle and Lower Odra) is based on Polish laws and, as it is funded by the World Bank, on Operational Policy OP 4.12. Involuntary Resettlement.

By entering into the Loan Agreement with the World Bank, Poland undertakes to apply the World Bank policies.

In the event of discrepancy between Polish legal provisions and the WB policies, it is required to apply the provisions being more favourable to the community affected by the Project.

6.1 Obligations arising from OP 4.12¹⁰

The obligations arising from OP 4.12 apply if the Project implementation requires:

- a) the involuntary taking of land resulting in:
 - (a) relocation or loss of shelter,
 - (b) loss of assets or access to assets,
 - (c) loss of income sources or livelihood,

¹⁰The section is consistent with the LA&RPF.

- b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the Project Affected Persons.

To reduce the impacts of these activities, the borrower is obliged to prepare a LA&RPF and a LA&RAP, depending on whether specific interventions and related impacts have been identified or not.

OP 4.12 also states that:

- All feasible alternative projects should be implemented in such a way to avoid or minimise resettlement, and where resettlement may not be avoided, actions should be taken to minimise their scale and impact.
- Resettlement process should be planned and implemented as a development activity, by providing adequate means and assets allowing PAPs to participate in benefits resulting from Project implementation. The assistance should be offered to social groups affected by resettlement, in order to improve their economic status, income and livelihood, or at least to restore their previous status.
- Before the resettlement, the displaced persons should receive full compensation at replacement value, assistance in relocation as well as assistance and support in the transition period.
- The lack of title to the land should not bar compensation.
- Particular attention should be paid to vulnerable groups and individuals (e.g. single mothers, the disabled, the poor).
- The communities should be given opportunity to participate in planning, implementation and monitoring of the resettlement process.
- The resettled should be assisted in integration with the host community.
- The resettlement process should be closely linked to the schedule of the main Task, so that the resettled receive compensation before starting the construction or other activities covered by the Project.
- The resettlement should be monitored and evaluated.
- For rural or farming land, even when it is possible to apply financial compensation, land-for-land compensation is recommended, if economically feasible. The farms that completely lost their fixed assets and became entirely unprofitable should receive compensation equal to the value of the entire farm.
- For losses that are difficult to compensate for financially, such as access to public services, access to clients or suppliers, fishery areas, access to pastures and forest areas, efforts should be made to grant access to equivalent and culturally relevant resources and income opportunities.

6.2 Polish law requirements

The most important normative acts governing the acquisition of rights in real property necessary to implement the Tasks are as follows:

- The Constitution of the Republic of Poland of 2 April 1997 (Polish Journal of Laws 1997, item 483, as amended),
- The Civil Code of 23 April 1964 (consolidated text: Polish Journal of Laws 2019, item 1145, as amended) – hereinafter: CC,

- The Real Property Management Law of 21 August 1997 (Polish Journal of Laws 2020, item 65, as amended) – hereinafter: RPM Law,
- Regulation of the Council of Ministers of 21 September 2004 on the appraisal of properties and preparing appraisal reports (Polish Journal of Laws 2004, No. 207, item 2109, as amended),
- The Railway Transport Act of 28 March 2003 (consolidated text: Polish Journal of Laws 2019, item 710, as amended) – hereinafter: Railway Act,
- The Water Law of 20 July 2017 (Polish Journal of Laws 2020, item 310) – hereinafter: WL,

The Civil Code governs the legal relations between natural persons and legal persons, including the conclusion of real property transfer agreements. The principle of freedom of contract applies, which also covers the freedom to decide whether and with whom the contract should be made. The agreement is concluded by unanimous declarations of the parties. The Civil Code provides for a special form of concluding contracts concerning a real property. They should be made in the form of a notarial deed, otherwise being null and void. In addition to the general regulations for trading in real property, the CC introduces the rules of settlement between property possessors and owners. These regulations are semi-imperative, so the parties to the contract may settle them otherwise.

It must be highlighted that the project will not be carried out under the Act of 8 July 2010 on special rules of preparing projects involving flood prevention structures. The Act lays down detailed rules and conditions for preparing flood prevention structures and weather radar stations. The investment project does not fall within the term ‘flood prevention structure’ as defined in the Act.

The properties will be acquired for the Investment Project under the Railway Act.

6.3. Property acquisition under the Railway Act

In accordance with the Railway Transport Act of 28 March 2003, the acquisition of a real property or a part thereof, as well as a permanent or temporary restriction in using a property or a part thereof, shall be affected by way of the Railway Line Location Decision (RLLD). The decision shall be issued by the province governor at the request of PKP Polskie Linie Kolejowe Spółka Akcyjna or the competent local government entity, with a proviso that the province governor must have the draft Railway Line Location Decision approved by the director of the Regional Water Management Authority – State Water Holding „Polish Waters” as regards the development and spatial planning of any terrain located on an area of particular flood risk. The approval of the draft decision shall then be issued by decision within 14 days from the date the draft decision was delivered. If the director of the Regional Water Management Authority – State Water Holding „Polish Waters” does not take a position within the said time, the draft decision shall be deemed approved.

The Railway Line Location Decision determines the time limit for releasing the property or vacating the premises and other spaces. The time limit may not be shorter than 30 days from the date the Railway Line Location Decision became final. Until the issue of the construction permit, the land covered by the boundaries set in the RLLD may be used free of charge by the current owners or holders or other titles in the land. This is except where the RLLD is given the order of immediate enforceability, which will not be applied in the execution of Contract 1B.5/1.

By operation of law, when the RLLD becomes final, it produces the following legal effects: the State Treasury acquires the ownership of the properties delimited with the boundaries set in the RLLD;

the limited proprietary rights or the right to perpetual usufruct in the property expire; PKP PLK S.A. acquires the right to perpetual usufruct in the land and the ownership of the buildings, other facilities and premises located on the land; PLK S.A. acquires the right of disposal of the land for construction purposes, which allows for submitting a statement of the right of disposal of the land for construction purposes; and it becomes required to set the amount and payment of compensation in particular cases. Once the RLLD becomes final, it is additionally a basis to disclose the title in the properties in the land and mortgage registers and in the cadastre.

A party is entitled to appeal against the Railway Line Location Decision. The appeal body is the minister competent for construction, housing and spatial development and planning, so presently the Minister of Development. The appeal against the Railway Line Location Decision is examined within 21 days of delivery, and the complaint filed with an administrative court, within 60 days of delivery. In proceedings before the appeal body and administrative court, the decision may not be repealed in full or declared void if a defect only affects the part of the decision that concerns a section of a railway line, a property or a plot.

Compensation for properties and limited proprietary rights in properties

The setting of the amount and payment of compensation is governed accordingly by the Real Property Management Law (RPM Law), with certain stipulations arising from the Railway Act, as specified below.

Compensation may be granted with regard to those properties which, under the RLLD, are located within the site delimited by the boundaries of the railway project. This applies to the properties:

- which were acquired by the State Treasury on the date the decision became final,
- for which any previously existing limited proprietary rights expired on that moment, including the limited proprietary rights established on the right to perpetual usufruct,
- owned by the State Treasury or a local government entity and intended, under the RLLD, as the right-of-way for the railway line, for which any previously existing right to perpetual usufruct and the ownership of buildings, other facilities and premises located thereon expired on the date the RLLD became final.

Additionally, compensation for any losses incurred as a result of terminating the contract applies if the land intended as the right-of-way for the railway line, owned by the State Treasury, was previously leased or lent for use, and the RLLD constitutes a basis for PLK S.A. to terminate the contract of lease or lending for use with an immediate effect. However, the compensation granted on that basis should be set under the procedure defined in the Real Property Management Law.

The amount of the compensation is determined by the province governor, by decision to be made within 30 days of the date the Railway Line Location Decision became final. The compensation amount is set on the basis of an appraisal report prepared by a licensed appraiser as of the date when the authority of first instance issued the RLLD and as per the value of the property on the date of issue of the decision setting the amount of compensation. It must be emphasized that the amount of compensation is set as of the date of issuing the compensation decision, not as of the date the RLLD became final, the latter being the date of actual dispossession and deprivation of other proprietary rights. The compensation is subject to indexation as at the date of payment, according to the rules applied to the return of dispossessed properties. For compensation for the properties for which the previously established limited proprietary rights have expired, the amount of the compensation due to the current owner or perpetual usufructuary is reduced by

the amount of such expired limited proprietary rights. In addition, if the properties which have been transferred by virtue of law to the State Treasury or to a local government entity, or the right to perpetual usufruct of such properties, are under a mortgage, the amount of compensation for expiry of the mortgage corresponds to the amount of principal performance of the claim secured by the mortgage, including any interest secured by that mortgage. In this case, the compensation is counted towards the repayment of the principal performance of the claim secured by the mortgage, including interest.

In accordance with the Railway Act, the aggregate amount of compensation due to the current owner or perpetual usufructuary may not exceed the value of the property or of the right to perpetual usufruct. The amount shall exclude any sums arising from:

- increasing the compensation by 5%, as specified below;
- increasing the compensation due to the fact that the decision concerns a property developed with a residential building or a building in which a dwelling unit was separated, as specified below;
- compensation for the expiry of limited proprietary rights established on the property or on the right to perpetual usufruct.

The amount of compensation set according to these rules shall be increased by 5% of the value of the property or of the right to perpetual usufruct, if the current owner or perpetual usufructuary of the property covered by the RLLD releases the property or, respectively, releases the property and vacates the dwelling unit and other rooms, immediately but no later than 28 days from:

- the date when the notice of the decision was delivered,
- the date of delivery of the order of immediate enforceability given for the Railway Line Location Decision,
- the date when the Railway Line Location Decision became final.

Furthermore, where the RLLD concerns a real property developed with a residential building or a building in which a dwelling unit was separated, the amount of compensation due to the current owner or perpetual usufructuary residing in that building or dwelling unit is increased by PLN 10,000 with reference to such property.

The compensation is paid within 14 days from the date the decision setting the compensation amount became final. According to OP 4.12, the compensation should be paid before the property is actually taken. Negotiations will be conducted as to the form of the compensation and the terms of acquiring the property. The rules and guidance contained in the WB's OP 4.12 will be applied in the process of negotiation and acquisition of properties. Additionally, the PAPs will be given all necessary assistance with the formalities implied by the acquisition of properties and their obligation to abandon the land. To reach an agreement, the Investor will offer the PAPs that, irrespective of the pending administrative procedure, PGW 'Polish Waters' will pay the PAPs the indisputable part of compensation for the acquired plot even before issuing the administrative decision on the compensation. Such a proposed payment will correspond to 70% of the property value as stated in the appraisal report ordered by the Investor. The remainder of the compensation will be settled and paid to the PAP upon issuing the decision setting the amount of compensation, up to the amount stated in the decision. If the PAP decides to accept the offer made by the Investor, a relevant agreement will be signed to make the payment to the PAP.

If the Railway Line Location Decision concerns family allotments established under the Family Allotments Act of 13 December 2013, the party for whose benefit the family allotment or a part thereof is liquidated shall pay compensation to the allotment holders for their plants, equipment and facilities located on the allotment and for the right to a plot in the family allotment, as well as to the gardening association for its plants, buildings and structures.

The party appealing against the decision setting the amount of compensation shall, at its own request, be paid the amount stated in the decision. Payment of such amount does not affect the appeal proceedings.

Claim for the purchase of the remainder of property

Where a part of the property is acquired and the remaining part is no longer suitable for proper use for previous purposes, then, upon application of the owner or perpetual usufructuary of that property, the local government entity or PLK S.A. (on behalf of the State Treasury) shall purchase that part by way of a contract.

This regulation therefore introduces the obligation of PLK S.A. (on behalf of the State Treasury) or local government entity to purchase, at the request of the owner or perpetual usufructuary, that part of the land which was covered by the site boundaries but is unsuitable for proper use by the current owner or perpetual usufructuary. In consequence, the obligation gives rise to a civil-law claim for concluding a contract for the acquisition of ownership or perpetual usufruct. The purchase price may not exceed the market value of the rights in that property, as assessed by a property appraiser based on the 'previous development', but the term 'previous development' is defined as the manner the land had been developed before its part was dispossessed for the purposes of the railway project.

Restriction of use to secure the right to enter the land

In accordance with Article 9q(1)(6) of the Railway Act, the railway line location decision shall specify *inter alia* the restrictions in using the property to secure the right to enter it in order to carry out a railway project, including to conduct a related construction or reconstruction of a road system or water facilities, or to install or lay thereon a drainage channel, duct or equipment used for transmitting or distributing liquids, steam, gases or electrical energy, as well as communication and signalling equipment or other underground, on-ground or aboveground facilities or equipment necessary to use these ducts and equipment, as well as to conduct works involving maintenance or failure elimination. These restrictions are regulated accordingly by Article 124(4) to (7) and Article 124a of the Real Property Management Law of 21 August 1997.

Pursuant to these provisions, the entity applying for the RLLD must restore the property to its previous condition immediately after installing or laying ducts, lines or equipment. Where the previous condition may not be restored or would be excessively difficult, the property owner is entitled to compensation for any damage incurred as a result of such activity. In this case, pursuant to Article 128(4) of the Real Property Management Law, the compensation should correspond to the value of damage. In addition, if such an event reduces the value of the property, the compensation shall be increased by the amount corresponding to such reduction.

It is also important that where as a result of the installation or laying of the aforesaid ducts, lines or equipment, the owner or perpetual usufructuary is unable to continue to use the property as before or according to its previous purpose, then the owner or perpetual usufructuary may

demand the entity applying for the RLLD to purchase from him the ownership or perpetual usufruct of the property for the benefit of the State Treasury.

Agreement between PKP PLK S.A. and PIU – RZGW Szczecin.

The project has been covered by the agreement made between the State Water Holding „Polish Waters” – RZGW Szczecin and PKP Polskie Linie Kolejowe S.A. As indicated above, PKP PLK S.A. is an entity responsible for managing the national railway lines. Among the tasks of this entity there is also the investment activity consisting in the modernisation of railway lines, the purpose of which is to strive to improve the technical standards of railway lines. Modernizations carried out by PKP PLK S.A. directly contribute to increasing driving comfort for passengers, improving train traffic safety and reducing travel time.

According to the agreement between designated entities agreements, the representatives of RZGW Szczecin were given powers of attorney from PKP PLK S.A., which will be a basis to obtain the RLLD and the construction permit to allow for the works defined in **Section 2.1. Specification of Contract 1B.5/1** and the functionally related works on the construction of station infrastructure involving the alteration of track system at Szczecin-Podjuchy station, including:

- a. construction of span sections on the bridge for the second track on Line 273,
- b. construction of the second track from the bridge over Regalica to Szczecin Port Centralny station,
- c. works on Track 30 at the entire length covered by the document,
- d. construction of a station system up to km 348.320 of Line 273.

Given the guidelines of the World Bank applicable to the Project, and therefore the Investor's obligation to apply OP 4.12, the agreement between PGW WP and PKP PLK S.A. stipulates that PKP PLK S.A. will acknowledge that PGW WP, in paying the compensations, will be required to use the rules defined in the Land Acquisition and Resettlement Plan prepared for Contract 1B.5/1 carried out by RZGW, titled 'Reconstruction of a bridge to ensure minimum clearance – Railway bridge at km 733.7 of Regalica river in Szczecin', and the rules set out in the World Bank's Operational Policy OP 4.12. 'Resettlement'. It is particularly important that the obligation to use OP 4.12 will only cover the entities affected by the OVFMP. However, only the provisions of Polish law will apply to other entities subject to works carried out by PKP PLK S.A.

At the stage of preparation of the investment under the OVFMP, the investment assumptions were separate and in no way related to the railway modernisation of the projects, which led only to an increase in the clearance of the bridge span. The investment covered by Contract 1B.5/1 was not dependent on the investment intentions of PKP PLK S.A. and could therefore be carried out independently, i.e. independently of any investment plans regarding railway infrastructure. This is evidenced by the objectives of each investment project, which are completely separate. Contract 1B.5/1 carried out under the OVFMP aims to ensure proper clearance of the bridge for effective ice-breaking operations with the use of icebreakers, which is to contribute to flood protection. On the other hand, the task carried out by PKP PLK S.A. is to modernise the existing railway infrastructure in order to improve the quality of infrastructure, raise the standard and reduce travel time.

When the Investor was taking actions to implement the Investment Project, we were informed that PKP PLK S.A. intended to carry out a separate and independent project located near the site of Contract 1B.5/1. It is important that even if the investment project planned by PKP PLK S.A. had

not entered the implementation phase, the Contract 1B.5/1 could have been carried out independently and would have led to the achievement of the intended goal, i.e. increasing the clearance of the bridge span.

Therefore, the Investor has decided to coordinate and adjust the actions and works planned to the separate PKP PLK S.A. investment, which will be funded entirely by PKP PLK S.A. from its own resources (financing of this part of the task is completely separate from the funds from the loan). Detailed division of the sources of financing for both investments is contained in the agreement. It should be noted that, due to the separate scope of the investment carried out by PKP PLK S.A., as well as for functional reasons of the project, we may not assume that PKP PLK S.A. will be required to apply the rules and guidelines stated in OP 4.12. The fact of implementing a related investment, which may alone constitute a separate investment task, and furthermore aims to achieve objectives separate from the OVFMP, means that only the provisions of Polish law are applicable to any expropriations related to it.

Regardless of the fact that PKP PLK S.A. is not obliged to apply the OP 4.12 policy, owners and perpetual usufructuaries of properties are also entitled to receive compensation on the basis of national regulations, i.e. the Railway Act, i.e. on very similar principles as in the case of persons affected by the implementation of Contract 1B.5/1. Therefore, the lack of obligation to apply the OP 4.12 policy does not mean that entities affected by expropriation or limitation of rights to property in connection with the implementation of the investment project PKP PLK S.A. are in a worse legal situation and will not receive compensation. Pursuant to Article 9s of the Railway Transport Act, owners or perpetual usufructuaries of immovable property will be entitled to compensation for expropriation in accordance with the principles set out in the provisions of the Real Property Management Law.

Both projects will be covered by the same common RLLD and construction permit only because both entities cooperate in carrying out their tasks, which allows for simplifying and streamlining administrative procedures. This also makes the public spending more efficient, as the scope of works and the adverse environmental impact of the project will be minimised. It is also important to minimize the negative social impact associated with the necessity to implement these investments at different times.

However, despite the anticipated acquisition of common permits, the bridge and the station projects are disparate in terms of scope and financing. Each of them could constitute an independent and separate project, which would achieve its objective without the need to implement the other. Nevertheless, due to the temporal identity in their implementation, elements have been introduced that overlap with each other. Each of these investments adapts its design solutions to the other part, so that the whole outcome creates a combined and functionally unified entirety. It is planned that the construction works for both parts will be conducted by the same contractor.

However, we should highlight that the project carried out by PKP PLK S.A. is not a part of the OVFMP and is not related thereto in any aspect except the time. The Investor has decided to adjust the works on this Task to the works to be performed by PKP PLK S.A. only due to the small distance, that is the fact that the works will be conducted in an immediate vicinity and both projects can be interrelated, which is also reasonable in terms of economy. It should be emphasized that if PKP PLK S.A. did not take any measures associated with its project, the Investor

would not extend the works to the site of the project planned by PKP PLK S.A., nor would it make any other modifications in the scope of Contract 1B.5/1.

Given the foregoing, we should conclude that Contract 1B.5/1 and the project implemented by PKP PLK S.A., despite the common stage of design and execution, are two completely separate projects. However, it should be highlighted that since the project is carried out by an entity other than PGW WP and, besides, it is not a part of the OVFMP, the procedures for the acquisition of properties and the payment of compensations will be conducted only under Polish laws, in particular the Railway Transport Act of 28 March 2003. The fact that a third party is implementing at a close distance a different project that is linked with Contract 1B.5/1 only by time may not oblige that third party to apply the rules and guidelines stated in the policies of the World Bank. Therefore, we must conclude that PKP PLK S.A. may not be obliged to apply the rules laid down in OP 4.12 regarding compensations for the entities affected by their project. However, it should be noted in the margin that any differences in the compensatory measures applied, if any, will not be significant due to the complementarity of national rules as regards the amount of compensation due to property owners or perpetual usufructuaries.

6.4. Adopted mechanisms of acquiring rights in property¹¹

The LA&RPF identifies a number of inconsistencies between OP 4.12 and Polish law:

OP 4.12	Polish law	Corrective instruments
<p>The lack of title to the land should not bar compensation. Persons not holding a title receive compensation.</p>	<p>The Polish legal system does not provide for the right to compensation of land owners/possessors who do not have a title to it (except for persons whose certificate of title to the property has been lost or who have acquired the right to the property by acquisitive prescription, that is by uninterrupted possession of the property for the period defined in the CC).</p>	<p>For persons not holding a title to the property affected by the Task, each such case should be, however, analysed on an individual basis for whether it is allowed to use the general mechanisms provided for in the Civil Code to reach the objectives of OP 4.12.</p> <p>According to OP 4.12, the project affected persons who do not hold a title to the property are not entitled to receive monetary compensation for that property. However, they have the right to receive compensation for any structures, plantings and improvements made on the property prior to the cut-off date, and to benefit from appropriate solutions if they must be physically or</p>

¹¹ The contents of this section are in line with the LA&RPF

		economically displaced. In such cases, adequate mitigating measures will also be used.
The WB policy requires compensation for income loss ¹² (e.g. from business activity or agriculture etc.) due to the acquisition of property	Polish legal provisions do not provide for compensation for income lost due to the implementation of investment project.	Persons who have lost their income or employment will receive support (health insurance, vocational training, etc.) from employment offices. For entrepreneurs, it is possible to apply the general mechanisms set forth in the Civil Code (compensation for actual damage and lost profits).
Particular attention should be paid to the needs of vulnerable groups, especially the poor, the elderly, single mothers, children and ethnic minorities.	Polish law does not require planning of particular measures to provide additional support to vulnerable groups (the elderly, the disabled, the poor and others who may have special needs).	The persons to be expropriated will be given all assistance in obtaining the support provided to citizens by authorities and institutions. Additional actions will also be taken to ensure attainment of the objectives defined in OP 4.12.
The WB policy requires additional compensation for expenses incurred by the PAPs due to their physical relocation (e.g. transport of materials) as well as assistance in the resettlement.	There is no assistance provided for citizens and enterprises to cover their removal expenses and other similar costs of involuntary relocation to a new place.	In order to cover the removal expenses and other similar costs, it is possible to apply the general mechanisms set forth in the Civil Code to attain the objectives defined in OP 4.12.
The compensation should be paid before the actual taking of the land for the purposes of the investment project.	The Flood Act allows for a seizure of land and commencement of works before compensation is paid. Other cases are governed by provisions the CC and CL, which do not impose such a condition.	In any case, works may be started only upon confirmation that the PAP has been notified in advance of the commencement of works, that the remuneration has been paid and that the consent for entering the land has been granted. An exception is where appeal proceedings have been instituted as a result of unsuccessful negotiation, absence of owners or impossibility to identify them. To minimise the risk of commencing the works before compensating for losses, the seizures of properties should be planned and carried out in advance, before the works begin.
The compensation for the loss of goods is based on their market value increased by any transaction costs (such as taxes or charges), and should be	Standard valuation methods may cause the property value to be understated relative to the prices for similar properties existing on local market.	The valuation will be commissioned to an independent and experienced appraiser. The opinion by the licensed property appraiser

¹² Defined as revenue in the Polish economic environment

sufficient to effectively reinstate the lost goods (replacement value).		<p>should be verified by the PIU. The expropriated party should be given an appropriate time limit to read the extract from the appraisal report prepared by the appraiser.</p> <p>In the event of doubt as to whether the due compensation amount is sufficient, the property may be valued by an independent property appraiser at the request of the expropriated person.</p> <p>In any case, the appraisal must specify the replacement value.</p>
It is required to prepare a socioeconomic study, prepare a LA&RAP, monitor the compensating measures, resettlements and measures aimed to reinstate the quality of life, and measure the effectiveness of all the said measures.	Polish legal regulations do not impose the obligation to prepare the socioeconomic study or to prepare the LA&RAP as such. It is also not mandatory to monitor and evaluate the implementation of those measures.	Socioeconomic studies and LA&RAPs are prepared according to the LA&RPF, OP 4.12 and good practices.

6.5 Valuation principles¹³

A current owner or perpetual usufructuary of land or a part of land necessary to carry out the Contract is entitled to compensation for the transfer of ownership of the property to the State Treasury or a local government entity.

In all cases, the compensation must be equal to the **replacement value**, which means the amount necessary to replace the assets, excluding their depreciation due to age, condition or any other factor. This is usually based on the market value of the property and related goods (such as plantings or other elements) plus any transaction costs required to replace it, such as taxes or fees. Compensation is determined on the basis of a valuation by a licensed property appraiser or a team of property appraisers (e.g. including an agricultural property appraiser), as required.

According to OP 4.12, with regard to real property and structures, '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 productive potential or use, located in the vicinity of the land affected by the Task, plus the cost of preparing the land for the functions similar to those of the taken land, plus transaction costs;
- 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 taken land, plus transaction costs;
- c) for houses and structures, it is the market value of the materials to be installed in new houses or structures replacing the affected houses and structures, at a quantity and quality similar to or better than those installed in the houses and structures expropriated or partially affected, plus the cost of transport of materials to the construction site,

¹³The contents of this section are in line with the LA&RPF

remuneration for construction workers, transaction costs, and taxes and fees related to the construction of new structures.

In determining the replacement value or the depreciation of assets and values of survived materials are not taken into account, nor is the value of benefits to be derived from the Project, deducted from the valuation of assets affected by the Project. Where Polish laws do not impose the obligation to pay compensation amounting to the replacement value, the compensation provided according to Polish laws is supplemented by additional measures so as to meet the replacement value standard, such as support in the transition period after resettlement, being a reasonable time necessary to reinstate the standards of living (including livelihood), etc. Compensation is paid in the amount agreed between PGW WP RZGW and the current owner, perpetual usufructuary, person holding a limited proprietary right in the property or person using a property given by the State Treasury. In any case, the compensation should be equal to at least the replacement value of the property or lost goods.

The amount of compensation is based on a valuation made by a professional property appraiser.

NOTE: Valuation methods are defined by a regulation, that is the Regulation of the Council of Ministers of 21 September 2004 on the appraisal of properties and preparing appraisal reports, which contains details on such matters as the methods and techniques of estimating the compensation value.

6.5.1 Real property valuation ¹⁴

The amount of compensation is determined on the basis of the market value of the real property. In accordance with the Real Property Management Law of 21 August 1997, in determining the market value of a property, the following factors in particular are taken into consideration: its type, location, use and zoning, existing technical infrastructure, overall condition and current market prices. The market value is based on the current use of the property, unless its zoning according to the purpose of the investment project increases its value. If the data from the local or regional real property market allow the appraiser to ascertain the market value of the property, the appraiser should determine the value using one of the market approaches: sales comparison approach, income approach or combined approach. Should the zoning according to the purpose of expropriation increase the property value, then its value for compensation purposes is ascertained according to the alternative use resulting from the new zoning. In such a case, the expropriated person should receive compensation which should be based not on the value of the property given its current use but on a higher value of the property, determined for the alternative use arising from the zoning of the property for the purposes of the project. If during valuation the appraiser determines that the value of the property according to the zoning specified in the decision is higher than its value according to the current use, then its value should be determined according to the planned manner of use, for the benefit of the person being expropriated. If the data from the local or regional real property market are insufficient to ascertain the market value of the property, the appraiser should determine its replacement value using the cost approach.

6.5.2 Valuation of movable assets¹⁵

Movable assets will be compensated for in cases where:

¹⁴ The contents of this section are in line with the LA&RPF

¹⁵ The contents of this section are in line with the LA&RPF

- a) they are unsuitable for use in the new location; and/or
- b) the project affected persons will no longer use them as a result of the resettlement (e.g. moving from a rural to an urban dwelling).

The appraiser values movable assets (such as machines or appliances) on the basis of the following data: brand, model, type, year of manufacture, manufacturer, place and date of manufacture, as well as other data necessary to identify the movable asset. The book value of such movable assets may increase or decrease during the valuation. The causes of the decrease may be in particular technical (wear and tear), functional (modifications in material or design) or economic (lack of particular material or workforce, changes in legal provisions, decreased demand). When valuing the property, the appraiser uses the cost or sales comparison approach.

To determine the value of civil structures being property separated from the land, it is possible to apply the cost approach, replacement value approach and index method technique. The cost approach consists in determining the value of property assuming that it is equal to the cost of its replacement (substitution).

The value of land components is assumed as the amount equal to the cost of their replacement or substitution.

The essence of the cost approach is an assumption that the purchaser will not be ready to pay for the property more than the cost of its erection using the same technology, for the same purpose and in the same location. In consequence of this approach, we may distinguish two types of cost:

- replacement cost,
- substitution cost.

To apply the replacement cost method, we need to have technical information on the civil structures to be valued and on the prices of materials and construction works. Replacement cost is defined as the cost of building a structure identical to the structure to be valued (exact copy). In determining the value, the property appraiser takes into account the same design, equipment and quality of construction works, and the costing should include all defects, deficiencies, unnecessary items of equipment or structure or materials that are falling out of use. The replacement cost also includes the cost of building associated facilities closely related with the valued structure, the cost of preparing and clearing the site, the cost of preparing design documentation and the cost of construction supervision. Therefore, when determining the replacement cost, it is necessary to specify the cost of building its replica as at the date of valuation. The prices of materials most similar to those used should be applied only if the materials used to build the structure are no longer available on the market.

6.5.3 Valuation of plants and crops¹⁶

When valuing tree stands or tree covers, if they contain suitable resources, it is necessary to value the timber included in the tree stand. If the tree stand includes no usable resources, or the value of acquirable timber is lower than the cost of reforestation and maintenance of the tree stand, the valuation should cover the costs of reforestation and maintenance of the tree stand until the day of expropriation.

¹⁶ The contents of this section are in line with the LA&RPF

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

6.5.4 Valuation of other assets¹⁷

The remaining assets related to the real property are civil profits, that is income from real property gained on the basis of a legal relationship. When valuing the rights under contracts (including the right of lease, lending and life annuity) and their impact on the real property, the appraiser may in particular consider the following elements:

- type, nature, scope and duration of the contract,
- relevant provisions of law,
- form of payment,
- type and amount of other benefits,
- method and dates of payment of rent and other benefits,
- the rights and obligations arising out of contracts,
- the parties' claims related to the settlement of expenditures on the real property, and
- available information concerning the valuated real property and the particular type and section of the market involving obligations.

¹⁷ The contents of this section are in line with the LA&RPF

7. Eligibility criteria and catalogue of beneficiaries.

7.1. Eligibility criteria

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

- (a) those who have formal legal rights to the land or other assets affected by the Project (including customary or traditional rights);
- (b) those who do not have such formal legal rights at the time the census begins but have a claim to such land or assets, provided that the claims are recognized under the laws of the country or become recognized during preparation of the LA&RAP;
- (c) those who have no recognizable legal right or claim to the property they are occupying.

The persons specified in paragraph (a) or (b) above should receive compensation for the land they lose, and other assistance. The persons specified in paragraph (c) should be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives of OP 4.12, if they occupy the Project area prior to the cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons specified in paragraphs (a), (b), or (c) should be compensated for the loss of assets other than land.

Thus the lack of a title in the property as such should not preclude the eligibility for compensation or other assistance offered in connection with the involuntary acquisition of property.

In this case, the persons entitled to compensation are only those who hold an official title to the land (ownership or right to perpetual usufruct).

The following groups of PAPs are also deemed eligible for compensation or protective measures in connection with the implementation of the Project:

- a) the owners and perpetual usufructuaries of properties (including buildings), owner-like possessors as well as persons who dispose of the properties as their owners, perpetual usufructuaries or owner-like possessors, but without a title;
- b) lessees, annuitants and other limited right possessors of the properties as well as persons who dispose of the properties as limited right possessors, but without a title;
- c) persons who hold limited proprietary rights in the properties, such as an easement, mortgage, lien, usufruct or cooperative member's ownership right to dwelling unit, as well as persons who exercise those rights in the properties without a title;
- d) the owners of crops, plants, facilities or other structures attached to the land;
- e) PAPs who lose their revenue, workplace, pay or ability to carry out business activity as a result of the Project.

The method of assessing the impact on PAPs is described in Section 4.1. Social impacts.

7.2. Catalogue of beneficiaries

The eligibility for compensation and assistance will be based on the following principles:

- PAPs legally possessing a real property on the Project site shall receive full compensation with due account of the 'land for land' rule,

- PAPs being lessees, tenants, life annuitants or other dependent possessors of a real property on the Project site shall receive full compensation for the loss of these rights,
- PAPs holding limited property rights in real property shall receive full compensation for the loss of these rights,
- the owners of crops, plants, structures and other constructions attached to the land shall receive compensation for such crops, plants, structures and constructions,
- residents of houses and flats to be displaced shall receive compensation according to the rules specified above as well as assistance in the resettlement, adequate access to social infrastructure and, if necessary, a package of individually selected protective measures,
- PAPs who lose their revenue, pay or ability to carry out business activity due to the Project shall receive adequate compensation and, if necessary, a package of individually selected protective measures,
- PAPs illegally possessing real properties on the Project site, who have no title or expectant right to acquire such title, shall receive no compensation for the expropriation from the real property, as this is not allowed under Polish law. However, they will receive compensation for the plants, structures and facilities being their property and, where necessary, a package of specially selected protective measures to restore or improve their quality of life.

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

- **Permanent loss of property** – where feasible and where the PAP expresses such a wish, he or she will be compensated on the ‘land for land’ basis by assigning a real property of a similar value, location and functions to those of the property that was dispossessed. If it is impossible to find a real property that meets the requirements of adequate compensation, the PAP does not wish to obtain a ‘land for land’ compensation or only a small portion of the plot is acquired, the compensation will be paid in cash and will correspond to the market value of the expropriated property or its part. In addition, if the property is released immediately, it will be possible to increase the compensation by an amount corresponding to 5% of the value of the expropriated property on the terms of the Flood Act. The PAPs who are not owners or perpetual usufructuaries but hold title to the real property (e.g. tenants, lessees) will receive compensation corresponding to the value of the lost rights. At the request of a PAP, the Investor shall acquire the entire real property and compensate for the acquisition of such property on the terms mentioned above. Any transaction costs, including taxes related to granting the compensation for expropriation, will be covered by the Investor. The PAPs who possess properties located on the site of the project without a title (illegally) will not be granted any compensation for the expropriation of the land. However, such persons will receive compensation for plantings and structures they own and, if necessary, a package of protective measures to restore or improve their quality of life;
- **Permanent restriction in the current use of property** will, as a rule, be compensated in cash, taking into account the loss of market value of the property. Tailored protective measures will also be offered on a case-by-case basis. At the request of PAP, the property to be permanently restricted in use for project purposes is to be dispossessed, and the PAP will receive compensation under the terms applicable to the permanent loss of property;
- **Residential buildings** – the compensation process will be carried out as for the permanent loss of property. In addition, the relocated PAP will receive an additional payment in the amount of PLN 10,000. Depending on the case, such persons can opt to receive replacement residential accommodation from the Investor. If any squatters are found, they will not be entitled to compensation, but in certain cases the investor must

award them adequate replacement accommodation. Such persons will be offered a package of protective measures, including assistance in finding their place of residence, and if they are unemployed or addicted, they will be offered measures supporting their position in the labour market, and they will receive a proposal of appropriate treatment;

- **Buildings and non-residential structures (stables, fences, technical infrastructure)** – as a rule, the owners and users of such buildings and structures will be compensated as for the permanent loss of property. Amongst the protective measures, the Investor will offer the reconstruction of service utilities and, where appropriate, the reconstruction of structures and buildings at Investor's expense. Additionally, for the local government units which have built or are building the affected facilities or structures using funds from the European Union or other foreign sources, the monetary compensation will be increased by the amount of reimbursable funds acquired from the co-financing entities, including due interest;
- **The loss of plants** will be compensated to the legal possessors of properties in cash, taking account of the costs of creation and care of the plantings as well as the value of lost benefits from the date of expropriation till the date of completion of full yielding;
- **The loss of tree stand** will be compensated as the the loss of plants. Depending on the case, compensation may also be paid according to the estimated value of obtainable wood;
- **The impact on enterprises** will be compensated in cash by compensating for the damage actually incurred by the entrepreneurs and the profit they lost due to Project. The values should be determined based on the billing and accounting documents or corporate income tax returns. Should employees lose their work, they will receive unemployment benefits. Both the employees and the contractors working under civil-law contracts, in case of loss of earning capacity, will receive free-of-charge health insurance, assistance in search for work and help in the form of vocational retraining aimed at finding new employment;
- **The loss or limitation of access to social infrastructure** (e.g. parks) will be compensated as far as possible by restoring the infrastructure on the new appropriately located site. Where it is impossible or unnecessary to restore the infrastructure on the new site, the PAPs will be given access to existing social infrastructure; Cost of moving to a new location – in order to cover the costs of resettling households, the PAPs will receive the amount of PLN 10,000. They will also be offered a package of protective measures including, if necessary, assistance in search for the transport company and the coverage of transport costs exceeding PLN 10,000;
- Vulnerable groups will be covered by a tailored package of protective measures (the schedule of implementation of these measures will be determined on an individual basis). With reference to children and school teenagers, the assistance will cover finding a new resettlement site which will enable them to continue education in the current school; the same rule applies to children attending nurseries and kindergartens. The elderly will be relocated to places devoid of architectural barriers which hinder movement and having equal or better access to health care, and which at the same time make it possible for the elderly to preserve their existing habits and lifestyle. The poor will be offered assistance in obtaining additional institutional support from government agencies, local government units and non-governmental organisations competent for their issues.
- **Temporary loss of property** determined in the RLLD will be compensated in cash through the payment of monthly amounts corresponding to the market prices of tenancy or lease of the real property. Moreover, if due to the temporary loss of property, the PAP incurs a loss, such a loss will be separately compensated according to the aforementioned principles. After the completion of construction activities, all properties will be restored to their original state;

- **Damage to houses, buildings and structures due to construction works** (e.g. vibration, accidents, etc.) will be compensated based on their nature in order to enable the restoration of the full substance of the affected facility or the purchase of a new facility. Depending on the situation, appropriate rules for the payment of compensation for the foregoing impacts will be applied.

For Contract 1B.5/1, we have identified and qualified for compensation for the project-related impacts the owners and perpetual usufructuaries of properties, which can be classified as follows:

- a) owner – Municipality of Szczecin
- b) perpetual usufructuary – natural person
- c) perpetual usufructuary legal person
- d) perpetual usufructuary legal person
- e) perpetual usufructuary – State Forest Management Authority ‘Lasy Państwowe’, Branch in Gryfino.

When preparing to implement the Task, we did not identify any case of unsettled legal status of real property, nor did we find any person from a vulnerable group.

A detailed catalogue of persons entitled to compensation is contained in Appendix 1. The appendix will be published after anonymisation.

Additional entitlements, including identification of the social group, mitigating measures and assistance offered, are listed in the following table.

7.3 Eligibility matrix¹⁸

Impacts/losses	PAP	Compensation
Permanent loss of property	Owners, perpetual usufructuaries, owner-like possessors	<ul style="list-style-type: none"> • ‘land for land’ compensation, • If ‘land for land’ compensation is not feasible or undesired, then cash compensation, • coverage for all transaction costs,
	Illegal possessors of the real property	<ul style="list-style-type: none"> • no compensation for the loss of property
	Holders of easement, mortgage or lien on property	<ul style="list-style-type: none"> • Cash compensation for lost rights, • for land easement holders – support in finding a solution allowing for using their property (holding the expropriated property), for example in establishing another right of way, • coverage for all transaction costs.
	Illegal easement holders	<ul style="list-style-type: none"> • For illegal easement holders – support in finding a solution allowing for using their property (holding the expropriated property).
Restrictions in the use of property	Owners, perpetual usufructuaries, owner-like possessors	<ul style="list-style-type: none"> • cash compensation caused by restriction in the use of property, • in the event of a reasonable request by the owner for the purchase of remainder of the property, acquisition of the property upon compensation, • covering transaction costs, • offering institutional support and advice on the possibility to use the property otherwise.
	Illegal possessors of the real property	<ul style="list-style-type: none"> • offering institutional support and advice on the possibility to use the property otherwise,

¹⁸ The contents of this section are in line with the LA&RPF

	Illegal easement holders	<ul style="list-style-type: none"> • support in finding a solution allowing for using their property (being the dominant property relative to the expropriated property).
Non-residential buildings and structures (utility buildings, fences, service infrastructure, etc.)	Owners or owner-like possessors of buildings and structures	<ul style="list-style-type: none"> • monetary compensation at the replacement value for lost assets, • relocation or reconstruction of lost assets.
	Usufructuaries	<ul style="list-style-type: none"> • monetary compensation at the replacement value for lost assets, • relocation or reconstruction of lost assets.
	Illegal possessors of buildings and structures	<ul style="list-style-type: none"> • monetary compensation at the replacement value for lost assets, • relocation or reconstruction of lost assets.
	Lessees and tenants of buildings and structures	<ul style="list-style-type: none"> • monetary compensation at the replacement value for lost assets, • relocation or reconstruction of lost assets.
Loss of plants	Owners and owner-like possessors	<ul style="list-style-type: none"> • monetary compensation, including the costs of arranging and maintaining the plants, and lost benefits, • allowing the collection of crops.
	Usufructuaries	<ul style="list-style-type: none"> • monetary compensation, including the costs of arranging and maintaining the plants, and lost benefits, • allowing the collection of crops.
	Lessees, tenants	<ul style="list-style-type: none"> • monetary compensation, including the costs of arranging and maintaining the plants, and lost benefits, • allowing the collection of crops.
	Illegal possessors	<ul style="list-style-type: none"> • allowing the collection of crops.
Loss of trees	Owners and owner-like possessors	<ul style="list-style-type: none"> • monetary compensation including, if necessary, the costs of arranging and maintaining the tree stand as well as the lost trees and benefits.
	Usufructuaries	<ul style="list-style-type: none"> • monetary compensation including, if necessary, the costs of arranging and maintaining the tree stand as well as the lost trees and benefits.
	Lessees, tenants	<ul style="list-style-type: none"> • monetary compensation including, if necessary, the costs of arranging and maintaining the tree stand as well as the lost trees and benefits.
	Illegal possessors	<ul style="list-style-type: none"> • allowing for the cutting of trees and the collection of timber.
Municipal assets	Commune	<ul style="list-style-type: none"> • Restoration or replacement of damaged facilities upon consultation with the municipality.
Temporary acquisition of properties	Owners, perpetual usufructuaries, owner-like possessors	<ul style="list-style-type: none"> • cash compensation, • reinstating the previous status of property.
	Illegal possessors of the real property	<ul style="list-style-type: none"> • reinstating the previous status of property.
	Lessees, usufructuaries	<ul style="list-style-type: none"> • cash compensation, • reinstating the previous status of property.

8. Public consultation

This draft document will be subject to a public consultation procedure carried out in line with the World Bank's Operational Policy OP 4.12.

To date, the local community has been informed on the project by relevant information notices and at the meetings to which we have invited the parties interested with the aim to present the planned project and the design documents.

Third-party stakeholder	Type of impact on the LA&RAP
Minister of Development	1. Examines appeals against the RLLD; 2. Examines appeals against the decision setting the amount of compensation.
Zachodniopomorskie Province Governor	1. Issues the RLLD; 2. Issuing the decision setting the amount of compensation.
Mayor of Szczecin	1. Represents the Municipality of Szczecin; 2. Informs the PAPs on the public consultation conducted by the Consultant; 3. Participates in the public consultation.
Entities to be expropriated	1. Participate in the public consultation and socioeconomic study; 2. Submit comments, requests and reservations concerning the investment project. 3. Identify the needs and losses attributable to the investment project. 4. Choose the form of compensation.
Residents of Szczecin	1. Indicate the needs relating to the investment project and actions taken with respect to the construction of flood protection. 2. Participate in the public consultation.

Table 6: Preliminary identification of stakeholders participating in public consultation and the entities having impact on the preparation and implementation of LA&RAP.

Once the draft LA&RAP was completed, its electronic version, a notice of public debate over the draft LA&RAP and of its place and date were posted on publicly available websites of:

- RZGW in Szczecin: <https://szczecin.wody.gov.pl/>
- PGW WP RZGW Szczecin (Project website): <http://bs.rzgw.szczecin.pl/>
- Project Coordination Unit: <http://odrapcu2019.odrapcu.pl/>

The printed version is available for view at:

- PGW WP RZGW Szczecin, ul. Tama Pomorzańska 13A, 70-001 Szczecin;
- Project Implementation Office, ul. Teofila Firlika 19, 71-637 Szczecin,

given the impossibility to see clients in offices.

Additionally, detailed information on the possibility to review the document and to file requests and comments, along with specific contact details (e-mail and address of the places where the draft may be reviewed, office hours, phone number and name of the contact person) have been published in local press, such as "Kurier Szczeciński" and on the websites of the unit implementing Contract 1B.5/1.

Due to the constraints on social life in Poland caused by the emergence of the SARS-CoV-2 virus causing COVID-19 disease, and taking into account the recommendations of the World Bank and the need to ensure safety of, it was decided that there would be no public consultation meeting.

In order to carry out the obligation to conduct public consultations and to provide PAP with the opportunity to read the LA&RAP and to submit requests and comments, it was decided to conduct consultations by way of correspondence.

Given the above, an electronic version of this draft LA&RAP has been sent to all PAPs, to the e-mail addresses provided by the Consultant and used so far to contact the PAPs. Along with the LA&RAP we have also sent a form for submitting requests, comments and questions as well as a cover letter containing in particular:

- presentation and information brochure concerning the Project and the Contract for Contract 1B.5/1,
- full name of the person handling the case,
- contact data – telephone number, e-mail address, correspondence address,
- information that after the expiry of the deadline for getting acquainted with the submitted project, which is 7 days, the designated person will contact PAP by phone or e-mail in order to discuss the content of the document and answer any questions.

The said documents have been sent by e-mail. In addition, the PAPs were provided by registered mail with cover letters including information about the Project, the full name of the person conducting the case, contact details and all information on the public consultation, including on the possibility to submit comments, complaints and requests, on the planned webinar, and that a designated person will contact the PAPs 7 days after the draft document is delivered.

The LA&RAP publication period started on 15 June 2020 with distributing the documents listed above in the said manner, and lasted for 21 days until 6 July 2020. Seven days after the documents were submitted, the process of direct telephone conversations with PAP began, the aim of which was to present the impact of the investment on their situation and to provide information on the properties occupied for the purposes of the Task, as well as to clarify any doubts regarding the content of the LA&RAP.

An online consultation meeting in the form of a webinar was held on 6 July 2020 from 3 p.m. to 4.30 p.m. A link to the webinar, as well as step-by-step instructions showing what steps you need to take to attend an online meeting, are available on the Project website. 6 people took part in the meeting, including two people from the Consultant Team, a representative of the PIU – RZGW in Szczecin and two people from the Coordination Office of the Project. In addition, one PAP participated – a natural person who is a perpetual usufructuary of the property.

The public consultation conducted by correspondence, including the webinar, was summarised in a detailed report describing the method it was conducted and the reason why that method was chosen, which report will be sent to the World Bank and is attached hereto.

During the consultations, one additional PAP was identified – a limited-liability company, which is a perpetual usufructuary of two plots. Later identification of the PAP results from the acquisition of the right of perpetual usufruct by this PAP after the date of the Consultant's collection of data concerning the property and determination of its legal status. The change of perpetual usufructuary was disclosed as part of the update of the property data. In view of the above, the Consultant provided the LA&RAP document by post and to the e-mail address, an information letter about the Project and the Task together with an indication of the impact of the Investment

on the Company's perpetual usufruct properties. There was also information about the ongoing process of making the document public and the public consultation, including that due to the determination of perpetual usufruct established for the benefit of the Company already after the start of publication of the document, it was not included in its content as the project affected person(s) (PAP). It has also been indicated that once the LA&RAP publication process is complete, the contents of the document will be revised by including the Company's right of perpetual usufruct and the right to compensation. In addition, it was informed that all other information resulting from the content of the LA&RAP, in particular the procedures related to the acquisition of properties and entitlement and the provision of possible compensation, the possibility of submitting comments, complaints and applications will also apply to the Company, as described in individual chapters. A person representing the Company was also invited to a planned webinar.

Considering the above, this document and its appendices have been revised to include the new PAP. The document has also been revised by adding the areas of restriction in use to secure the right to access certain properties. However, the differences are minor and do not affect the position of the land owners. We have also added the information on any contracts covering the properties owned by the State Treasury and being under perpetual usufruct by PKP S.A.

Specific information on the public consultation, related discussions with the PAPs, and the webinar arranged at the end of the LA&RAP publication procedure is contained in the report set out as Appendix 4 hereto.

During the public consultation, we received no requests, comments or complaints regarding this document.

Once the final LA&RAP obtains the WB's "no objection" clause, its printed version will also be made available to the persons interested (if it is possible to make it available in such a way given the existing restrictions) by presenting it in the working hours (7:30 a.m. to 3:30 p.m.) of the following offices:

- PGW WP RZGW Szczecin, ul. Tama Pomorzańska 13A, 70-001 Szczecin,
- Project Implementation Office, ul. Teofila Firlika 19, 71-637 Szczecin,

and by publication on the websites of:

- PGW WP RZGW Szczecin: <https://szczecin.wody.gov.pl/>
- PGW WP RZGW Szczecin (Project website): <http://bs.rzgw.szczecin.pl/>
- Project Coordination Unit: <http://odrapcu2019.odrapcu.pl/>

and will remain published until completion of the Contract. The contact details of the person(s) responsible for publication will be provided in the LA&RAP publication notice. Any revisions of the LA&RAP will also be available to the parties interested on the website of PIU and PCU. Each PAP will be notified by a separate letter of their option to read the final version of the LA&RAP.

Any modification in the consultation procedure, including the arrangement of a public debate, may be introduced if the circumstances change in such a way that they ensure safety of all stakeholders. If this is decided, each PAP will be notified by a separate letter of such a modification, the options to read the LA&RAP, and the place and date of the public debate. In addition, the said information will be posted on the following websites:

- RZGW in Szczecin: <https://szczecin.wody.gov.pl/>

- PGW WP RZGW Szczecin (Project website): <http://bs.rzgw.szczecin.pl/>
- Project Coordination Unit: <http://odrapcu2019.odrapcu.pl/>

The PAPs have been informed on the planned Contract 1B.5/1 by letters sent to the addresses disclosed in the land and mortgage registers and in the LBR as well as to the updated residence addresses given by other PAPs and provided to the Consultant during the public consultation. Due to the acquisition of a property owned by the Municipality of Szczecin, we have requested the Municipal Office to provide information on the present or past lessees and contractless users of the property. The Municipal Buildings and Premises Board in Szczecin has replied that the investment plots are not covered by any valid lease agreement. However, plot no. 22 in precinct 4122, which will be restricted in use to secure the right to enter the land, is covered by 45 land lease agreements, and plot no. 19 in precinct 4122, which will also be restricted in use, is covered by one land lease agreement. Other properties to be used for the project are not concerned by any lease or other agreement of transfer for use. The ZBiLK in Szczecin has undertaken to provide the information on the Project to the lessees of those properties, indicating the option to contact the Investor.

In April 2019, they sent the first notices to 57 entities to inform them about the Project and the related Contract 1B.5/1, including the information that the property is situated on the site or within the impact range of the project.

Then, in November 2019, they arranged a meeting and invited the entities which had been given the notices in April. The meeting was arranged as part of the public consultation procedure, so the PAPs may submit their comments, requests and complaints. Additionally, the parties interested were presented the design documents indicating the scope of the investment project and the plots to be acquired.

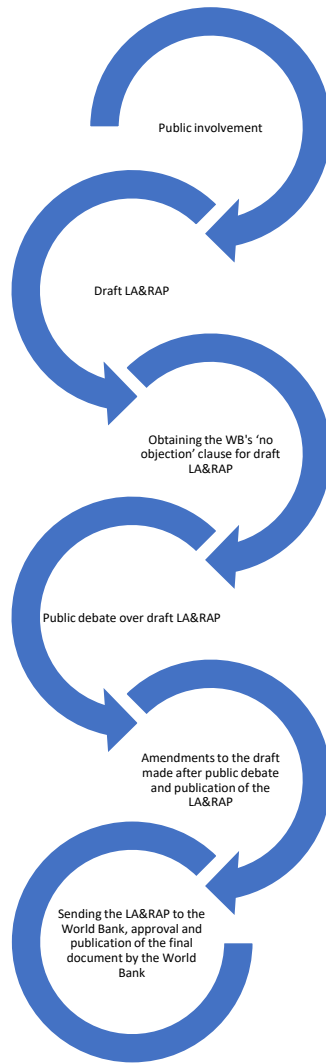


Diagram 1. Public involvement in LA&RAP preparation

9. Summary – actions requiring the application of OP 4.12.

The World Bank's Operational Policy OP 4.12 applies where the project execution requires the involuntary taking of land resulting in relocation or loss of shelter, the loss of assets or access to assets, the loss of income sources or means of livelihood, or in the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the project affected persons. Pursuant to the Railway Transport Act of 28 March 2003, the acquisition of a real property or a part thereof, as well as a permanent or temporary restriction in using a property or a part thereof, shall be effected by way of the Railway Line Location Decision (RLLD). The decision shall be issued by the province governor at the request of PKP Polskie Linie Kolejowe Spółka Akcyjna or the competent local government entity. As regards transferring the ownership of the real property to the State Treasury, the owner or perpetual usufructuary is entitled to monetary or land-for-land compensation.

As indicated in the previous sections, the project will be carried out on fifteen properties. The plots which the State Treasury is not entitled to dispose of will have to be partially dispossessed under the Railway Act. None of those fifteen properties is owned by a natural person, all of them belong either to the State Treasury or to the Municipality of Szczecin. One property (plot no. 3/25 in precinct 4124) is under perpetual usufruct of a natural person, who runs a business thereon. On plot no. 3/2 in precinct 4124, the right of perpetual usufruct for the benefit of a legal person is established. It was also established that properties constituting plots No. 3/21, precinct 4124 and 3/22, precinct 4124 are under perpetual usufruct by a limited liability company. In addition, one property owned by the State Treasury, that is plot no. 414 in precinct 1114, is held in perpetual usufruct by the State Forest Management Authority 'Lasy Państwowe', Branch in Gryfino.

For this project, the direct and significant impacts exist for two PAPs: a natural person being a perpetual usufructuary and a legal person (limited liability company) also being a perpetual usufructuary. For the natural person, the impacts are classified as significant, as the acquisition for project purposes covers 31.6% of plot no. 3/25 held in perpetual usufruct by the PAP, and the PAP actually carries on a business on that land. Additionally, at the meetings arranged as part of public consultation, the perpetual usufructuary of that property indicated that it was possible to apply for the purchase of the whole plot no. 3/25 for the benefit of the State Treasury. Where a part of the property is acquired and the remaining part is no longer suitable for proper use for previous purposes, then, upon application of the owner or perpetual usufructuary of that property, the local government entity or PLK S.A. (on behalf of the State Treasury) shall purchase that remaining part by way of a contract. For the limited liability company, the impact is classified as direct and significant due to the fact that the plot is used for business purposes and that the same entity uses two properties that are adjacent to each other. The impact on each entity is specified in **Section 4.2. Social impacts identified for the purposes of Contract 1B.5/1.**

Based on the information obtained, we have found that the compensation may apply to 5 entities: three perpetual usufructuaries (one natural person and two legal persons), the Municipality of Szczecin, and the State Forest Management Authority 'Lasy Państwowe', Branch in Gryfino. Furthermore, three entities (two legal persons being perpetual usufructuaries of a property owned by the State Treasury, and the Municipality of Szczecin) may possibly claim for a contract for the purchase of ownership or perpetual usufruct for the benefit of the State Treasury with respect to the properties to be restricted for project purposes. The restriction consists in providing access to the land in order to carry out the railway project. Another restriction will involve entry onto the land to build or relocate underground, aboveground or overhead transmission and service lines and equipment.

The said entitlement arises when the property becomes restricted in such a way that its owner or perpetual usufructuary may not continue to properly use the property as before or according to its original purpose. Where these conditions are met, and the application for the contract is actually submitted, the applicant for the RLLD must enter into the contract with the owner or perpetual usufructuary of that property. However, this would require a thorough analysis of the actual impact of the installation or laying of the ducts, lines or equipment on the use of the land. If the contract is not concluded despite meeting the conditions specified in Article 124(5) of the Real Property Management Law, the party interested may (as this is a civil-law demand) file a claim with a common court for issuing a judgment replacing a statement of will. Then we should consider that, in view of Article 6 of the Civil Code of 23 April 1964, the burden of proving a fact shall lie with the person who asserts legal consequences arising from this fact, so with the owner or perpetual usufructuary who demands the contract.

10. Institutional structure and implementation team

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

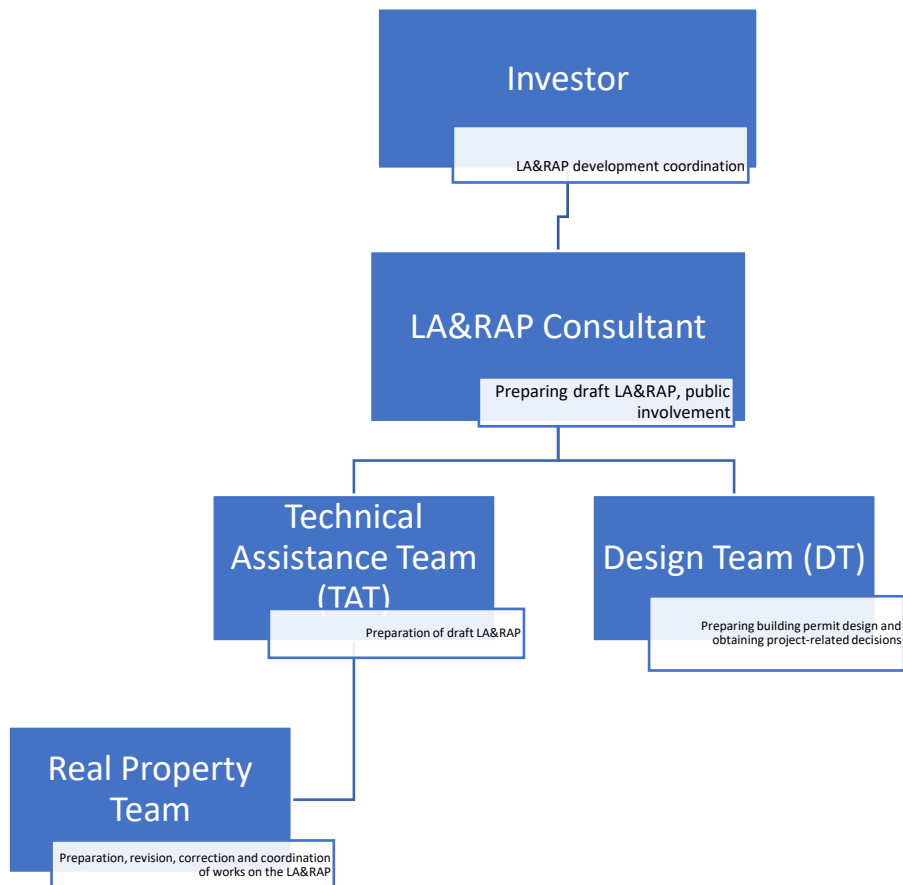


Diagram 2. Institutional structure of LA&RAP implementation

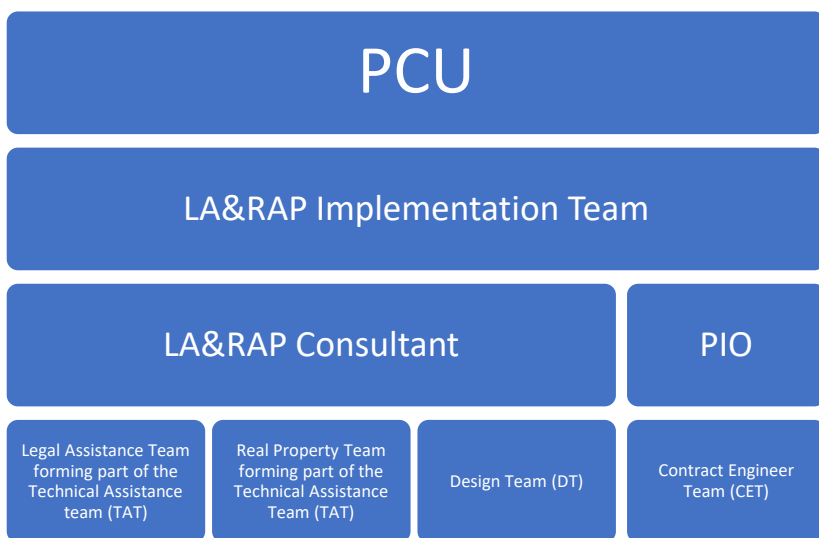


Diagram 3. Institutional structure of LA&RAP implementation, presenting the PCU position

Joint Venture Sweco Consulting Sp. z o.o./ Sweco Nederland B.V./ Sweco Engineering Sp. z o.o./ Ekocentrum – Wrocławski Ośrodek Usług Ekologicznych Sp. z o.o.

Competencies of the LA&RAP development team are as follows:

1. PGW WP RZGW – LA&RAP development coordination:

- a. supervising the preparation of draft and final LA&RAP,
- b. ensuring the flow of information between LA&RAP Consultant and PCU,
- c. procuring introduction of the amendments found necessary during LA&RAP preparation,
- d. supervising the public consultation,
- e. monitoring the LA&RAP preparation process.

1. Consultant – preparation of draft LA&RAP:

- a. conducting socioeconomic studies and preparing the study report,
- b. gathering and analysing the information on development and use of the property,
- c. drafting the plan of public involvement and consultation; coordinating the public consultation process,
- d. preparing impact mitigation proposals and analysing the proposals; providing RZGW with proposed amendments to the building permit design,
- e. analysing eligibility,
- f. preparing compensation packages,
- g. preparing the draft LA&RAP,
- h. conducting public consultation,
- i. preparing the final LA&RAP.

The Consultant’s LA&RAP development team is not placed in the organisational structure of PGW WP RZGW. Competencies of the LA&RAP implementation team are as follows:

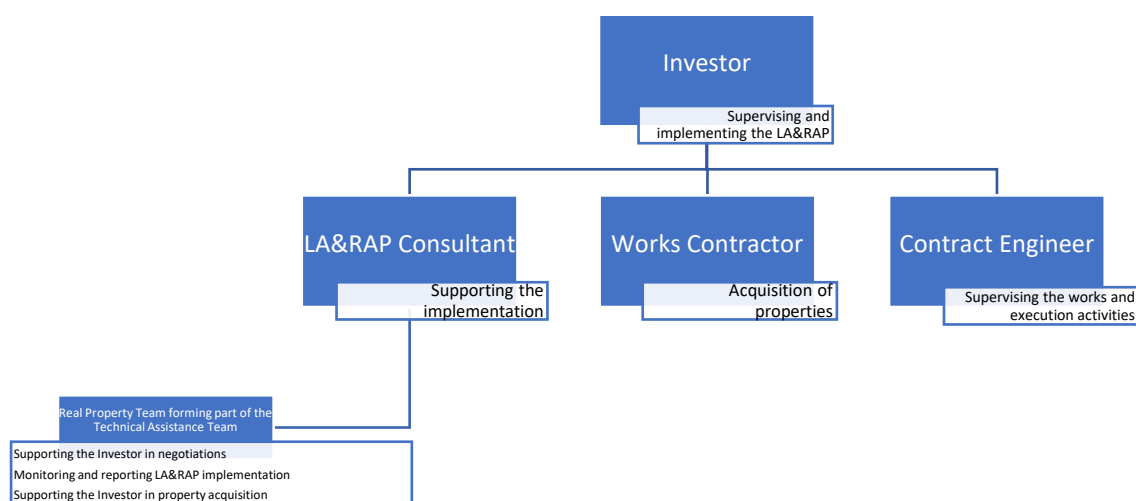


Diagram 4. Institutional structure of LA&RAP implementation during Contract execution

Competencies of the LA&RAP implementation team are as follows:

1. PGW WP RZGW

- a. supervising LA&RAP implementation,
- b. concluding compensation payment agreements based on negotiations,
- c. payment of compensation,
- d. ensuring the flow of information between LA&RAP Consultant, Engineer and Contractor,
- e. acquiring properties with support by the Consultant,
- f. ensuring the absence of impact on the properties that were not acquired and compensated for as properties to be used during the works.

2. Consultant

- a. planning and participating in negotiations,
- b. employing appraiser(s) who will carry out appropriate valuations and prepare appraisal reports,
- c. verifying the valuations / appraisal reports made by licensed appraisers in terms of form,
- d. monitoring the implementation of LA&RAP by the Contractor and Engineer,
- e. suggesting remedial actions in case of issues,
- f. supervising the commencement and execution of works,
- g. supervising Contractor's compliance with the obligations stated in the Construction Works Contract, including those related to any temporary seizure.

3. Contractor

- a. acquiring properties for temporary acquisition,
- b. paying compensations for the properties acquired for temporary acquisition,
- c. carrying out works on the properties acquired permanently,
- d. restoring original condition of the properties acquired temporarily.

4. PCU

- a. coordinating the actions taken by the PIO in implementing the Project, including those taken to comply with the LA&RAP,
- b. submitting the draft LA&RAP to the World Bank in order to obtain the 'no objection' clause.

11. Mechanisms for managing complaints and requests

In principle, the PIU will take all measures possible to settle amicably all complaints that may be filed with respect to the Task. However, the complaint management procedure must be diversified for integration with the administrative procedures applied at various stages of preparing the Task.

11.1. General rules of managing complaints and requests

One of the overriding general principles for submitting complaints is that anyone may submit a complaint regarding the Task, whether or not his property, rights or other goods are located on the site of the Investment Project.

Additionally, the complaints and requests are filed free of charge. The person submitting a complaint or request may not be exposed to any detriment or charge due to the submission.

The general mechanism for managing complaints and requests will be applied to requests and complaints:

- a.** submitted prior to applying for the RLLD,
- b.** submitted during public consultation over the draft LA&RAP,
- c.** submitted after the issue of the RLLD and the decision setting the amount of compensation for the dispossessed property,
- d.** submitted directly to PIO, PCU, SWM, WB or any other entity acting on behalf of PAPs, while applying for the IPIP.

Complaints and requests may be filed in writing, in electronic form or verbally for the record. They may be submitted directly at the office of:

- PIO (address: PGW WP RZGW Szczecin, ul. Tama Pomorzańska 13A, 70-001 Szczecin, by phone: +48 91 441 12 00 or by e-mail: projektBS@wody.gov.pl)
- Consultant (address: Sweco Consulting Sp. z o.o., ul. Łyskowskiego 16, 71-641 Szczecin, by phone: +48 605 071 242 or by e-mail: odra.szczecin@sweco.pl)
- Contractor to be selected for implementation of the Task.

Complaints and requests will be archived in a separate register, including the dates of submission, dates of response and manner of handling.

If the consideration of a request or complaint requires a previous explanation, the process will include collection of materials as well as analysis, studies, etc. In such an event, a reply to the complaint or request will be given in 14 days from the date of submission. Where no explanatory procedure is required, a reply to the complaint or request will be given in 7 days from the date of submission.

In particularly complex cases or if acceptance of the request or complaint requires amendments to the LA&RAP, the time limit for replying to the complaint or request will be extended to 30 days. If that period is too short, the party will be notified of the reason for the failure to meet the time limit for reply, along with a new term in which the reply will be sent.

If the demands expressed in the complaint or request are rejected, the person lodging the complaint or request will be exhaustively informed of the reasons. The diagram of the general mechanism for managing complaints and requests is presented below.

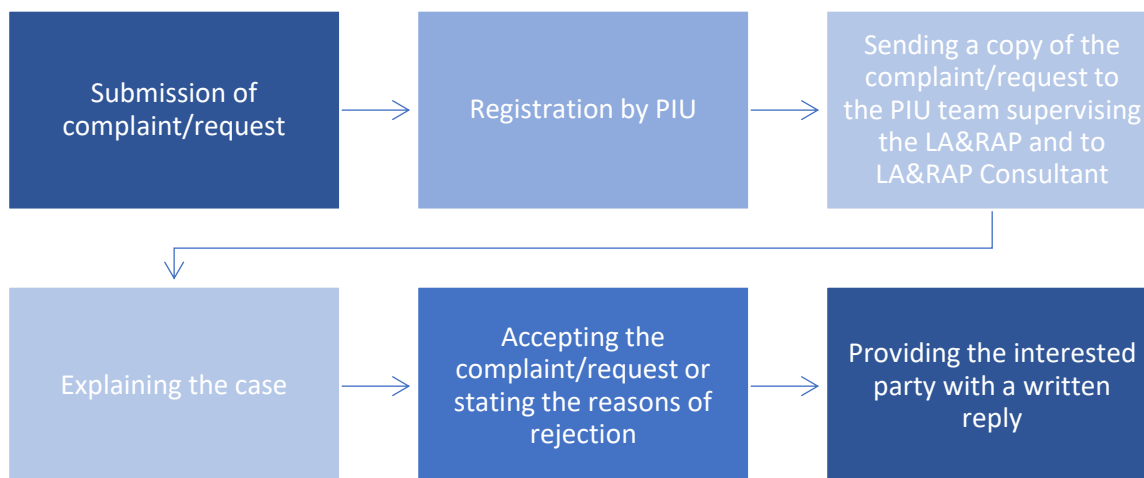


Diagram 5. General mechanism for managing complaints and requests.

11.2. Special mechanisms for managing complaints and requests

Special rules for managing complaints and requests are directly linked with the administrative procedure for issuing the RLLD and setting the amount of compensation for the lost title to the property and related goods, such as civil-law profits, machinery or equipment, which are unsuitable in another location.

11.2.1. Procedure for issuing the RLLD

The Railway Line Location Decision is issued by the province governor at the request of PKP PLK S.A. or the competent local government entity.

The province governor sends a notice of initiation of the proceedings for issuing the Railway Line Location Decision to the applicant and to the owners or perpetual usufructuaries of the properties covered by the application for the RLLD, to the address stated in the land catastre, and notifies other parties of initiating the proceedings by way of announcements posted at the provincial office and the offices of the communes where the railway line will run, on the websites of those communes and of the provincial office, and in local press.

The authority should issue the Railway Line Location Decision within 3 months from submitting the request.

Appeal

A party, that is the owner or perpetual usufructuary of the land, and the entities holding limited proprietary rights and other titles to the properties covered by the decision, may lodge an appeal against the RLLD. The appeal body is the minister competent for construction, housing and spatial development and planning, so presently the Minister of Development.

The appeal against the Railway Line Location Decision is examined within 21 days of delivery, and the complaint filed with an administrative court, within 60 days of delivery. In proceedings before

the appeal body and administrative court, the decision may not be repealed in full or declared void if a defect only affects the part of the decision that concerns a section of a railway line, a property or a plot. If the 21 days' term is exceeded, the party may file an appeal for a failure to settle the case and lodge a relevant complaint with the administrative court. If the court breaches the 60 days' term for examining the complaint, as stated in the cited provision, the complainant (and a participant to the proceedings having the rights of a party) may file a complaint to have ascertained that the proceedings before the provincial administrative court were lengthy.

If the party is dissatisfied with the minister's decision, it may file a complaint with the Provincial Administrative Court within 30 days from the date of receiving the decision. In case the party is dissatisfied with the PAC's judgment, it has the right to file a cassation appeal to the Supreme Administrative Court (SAC).

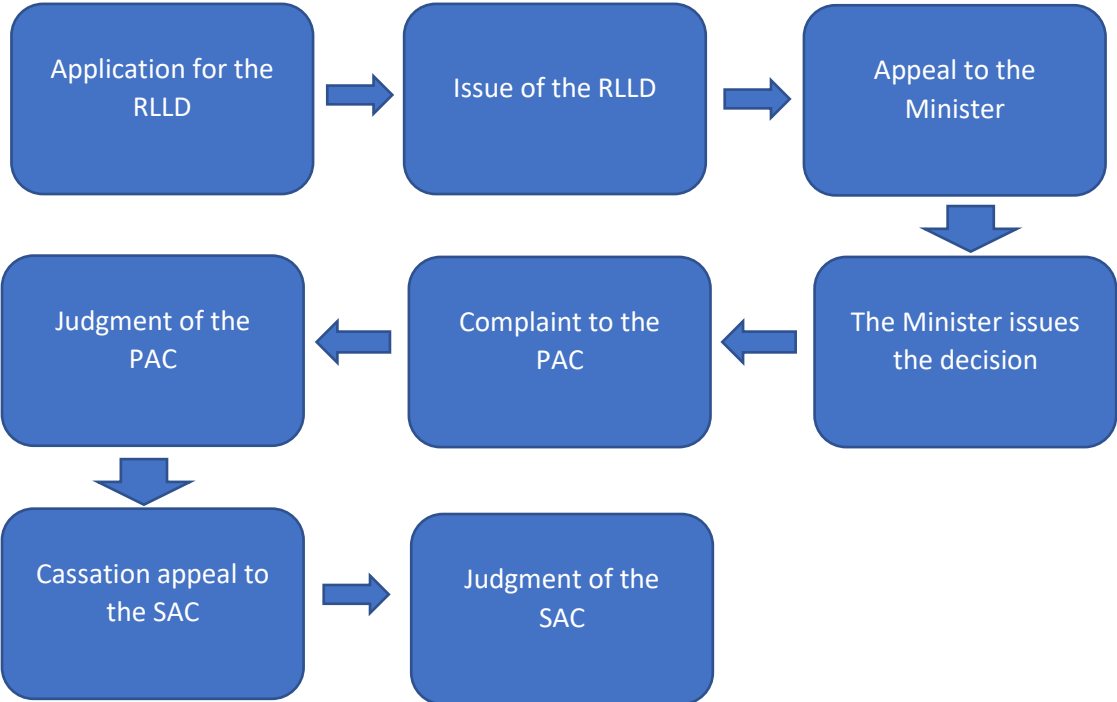


Diagram 7. Mechanisms of managing complaints at the stage of RLLD

Please also note that the province governor gives the decision the order of immediate enforceability at the request of PKP PLK S.A. or the competent local government entity, if this is reasoned by social or economic interest. In addition, the RLLD is assigned the order of immediate enforceability if this is necessary to prove the right to dispose of the property for construction purposes within the meaning of the Construction Law.

11.2.2. Proceedings for setting the amount of compensation

The party is entitled to compensation for a property dispossessed by operation of law. The setting of the amount and payment of compensation is governed accordingly by the Real Property Management Law, with certain stipulations arising from the Railway Act, as specified below.

Compensation may be granted with regard to those properties which, under the RLLD, are located within the site delimited by the boundaries of the railway project. This applies to the properties:

- which were acquired by the State Treasury on the date the decision became final,
- for which any previously existing limited proprietary rights expired on that moment, including the limited proprietary rights established on the right to perpetual usufruct,
- owned by the State Treasury or a local government entity and intended, under the RLLD, as the right-of-way for the railway line, for which any previously existing right to perpetual usufruct and the ownership of buildings, other facilities and premises located thereon expired on the date the RLLD became final.

Additionally, compensation for any losses incurred as a result of terminating the contract applies if the land intended as the right-of-way for the railway line, owned by the State Treasury, was previously leased or lent for use, and the RLLD constitutes a basis for PLK S.A. to terminate the contract of lease or lending for use with an immediate effect. However, the compensation granted on that basis should be set under the procedure defined in the Real Property Management Law.

The amount of the compensation is determined by the province governor, by decision to be made within 30 days of the date the Railway Line Location Decision became final. The compensation amount is set on the basis of an appraisal report prepared by a licensed appraiser as of the date when the authority of first instance issued the RLLD and as per the value of the property on the date of issue of the decision setting the amount of compensation. It must be emphasized that the amount of compensation is set as of the date of issuing the compensation decision, not as of the date the RLLD became final, the latter being the date of actual dispossession and deprivation of other proprietary rights. The compensation is subject to indexation as at the date of payment, according to the rules applied to the return of dispossessed properties. For compensation for the properties for which the previously established limited proprietary rights have expired, the amount of the compensation due to the current owner or perpetual usufructuary is reduced by the amount of such expired limited proprietary rights. In addition, if the properties which have been transferred by virtue of law to the ST or to a local government entity, or the right to perpetual usufruct of such properties, are under a mortgage, the amount of compensation for expiry of the mortgage corresponds to the amount of principal performance of the claim secured by the mortgage, including any interest secured by that mortgage. In this case, the compensation is counted towards the repayment of the principal performance of the claim secured by the mortgage, including interest.

It should be indicated that since the Railway Act was amended in 2015, it does not allow the investor and the owner or perpetual usufructuary to agree on the amount of compensation. Negotiations will be conducted as to the form of the compensation and the terms of acquiring the property. However, the amount will be set by decision of a competent authority, that is the competent province governor. Additionally, the total compensation due to the current owner or perpetual usufructuary (excluding the amounts increasing the compensation by 5%, and the increase resulting from the fact that the decision concerns a property developed by a residential building or a building in which a dwelling unit was separated, which increments are specified below; and the amount of compensation for the expiry of limited proprietary rights established on the property or on the right to perpetual usufruct) may not exceed the value of the property or of the right to perpetual usufruct.

The amount of compensation set according to these rules shall be increased by 5% of the value of the property or of the right to perpetual usufruct, if the current owner or perpetual usufructuary of the property covered by the RLLD releases the property or, respectively, releases the property and vacates the dwelling unit and other rooms, immediately but no later than 28 days from the date when the notice of the decision was delivered, or the date of delivery of the order of immediate enforceability given for the Railway Line Location Decision, or the date when the Railway Line Location Decision became final. Furthermore, where the RLLD concerns a real property developed with a residential building or a building in which a dwelling unit was separated, the amount of compensation due to the current owner or perpetual usufructuary residing in that building or dwelling unit is increased by PLN 10,000 with reference to such property.

The compensation is paid within 14 days from the date the decision setting the compensation amount became final.

The party appealing against the decision setting the amount of compensation shall, at its own request, be paid the amount stated in the decision. Payment of such amount does not affect the appeal proceedings.

If the party is dissatisfied with the decision setting the amount of compensation, it may lodge an appeal with the competent minister and then file a complaint with the Provincial Administrative Court. Please note that during the proceedings for setting the amount of compensation, the investor and the complainant may make a settlement regarding that amount. This may constitute an implementation of the rules and guidelines stated in OP 4.12, as the provisions of the settlement will be a consequence of the parties' negotiations.

If the Railway Line Location Decision concerns family allotments established under the Family Allotments Act of 13 December 2013, the party for whose benefit the family allotment or a part thereof is liquidated shall pay compensation to the allotment holders for their plants, equipment and facilities located on the allotment and for the right to a plot in the family allotment, as well as to the gardening association for its plants, buildings and structures.

12. Mechanism for filing complaints and requests regarding the Implementation of the works contract

The mechanism for filing complaints and requests regarding the construction works carried out by the Contractor will be implemented before the commencement of the construction works, and will remain in force throughout the time of execution, functioning and closing of the Task.

12.1. Place for submitting complaints and requests

A party may file a complaint or request in one of the following three places:

1. Directly at the Project main office, which will also serve as a point of consultation:
Office of the Consultant Engineer:

SWECO Consulting Sp. z o.o.
ul. Łyskowskiego 16
70-641 Szczecin

2. Directly at the Employer's office:

State Water Holding „Polish Waters”
Regional Water Management Authority in Szczecin
ul. Tama Pomorzańska 13A,
70-001 Szczecin

3. Directly at the site office (the address will be published on the Investment Project website, 1 month before the commencement of works).

Additionally, complaints and requests may be submitted:

by mail to the addresses indicated above; or

online:

by e-mail: ProjektBS@wody.gov.pl

by e-mail: odra.szczecin@sweco.pl

There will be also a telephone information line – complaints may be submitted by calling at: (+48) 91 430 50 70 fax: +48 91 430 50 80

12.2 Time limits for considering complaints and requests

Time limits for considering complaints and requests:

written confirmation of receipt: 7 days from delivery;

proposed solutions:

- if the examination of a request or complaint requires a previous explanation, the process will include collection of materials as well as analysis, studies, etc. In such an event, a reply to the complaint or request will be given in **14 days** from the date of submission;
- where no explanatory procedure is required, a reply to the complaint or request will be given in **7 days** from the date of submission;

- in particularly complex cases or if acceptance of the request or complaint requires amendments to the LA&RAP, the time limit for replying to the complaint or request will be extended to **30 days**.

The proposed complaint registration form is presented in Appendix 3.

12.3 Persons responsible for considering complaints and requests

PGW RZGW Szczecin will designate its employees (Social Matters Consultants), who will be responsible for communication with the public and for handling complaints. There will also be one person designated in the Consultant Engineer's team, having competence and experience in the field.

12.4 Audits and independent appeal procedure

We assume periodic internal audits (to be conducted once every six months) of the 'complaint mechanism', aimed at checking whether the implemented system is effective.

13. Project-specific data protection policy

The following principles, to be applied during the Task, aim to ensure transparency, protection and security of collected personal data of the Project Affected Persons (PAP).

Data controller

The controller of personal data is the State Water Holding „Polish Waters” – Regional Water Management Authority in Szczecin, ul. Tama Pomorzańska 13A, 70-001 Szczecin. The controller is responsible to use the data safely and in accordance with applicable laws, in particular with the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.

Contact details of the data protection officer

If you have any questions about the manner and scope of processing your personal data in connection with PGW WP operations, or about your rights, you may contact the Data Protection Officer of PGW WP on iod@wody.gov.pl.

Legal basis of processing

Personal data are processed on the basis of Article 6(1)(e) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, in conjunction with Article 6 of the Real Property Management Law of 21 August 2017.

What personal data may be collected and for what purpose

Personal data are any information of personal nature, which allows for identification of a particular person. PGW WP RZGW Szczecin only collects such data which are necessary to implement the investment projects carried out by PGW WP RZGW Szczecin (in this case, the Works Contract No. 1B.5/1, Task: 'Reconstruction of a bridge to ensure minimum clearance – Railway bridge at km 733.7 of Regalica river in Szczecin'). Such data are processed only in the

scope specified by the PAPs, based on their voluntary consent expressed by an appropriate form, and may cover:

- a) identity data: full name, surname and date of birth,
- b) contact data: telephone number, address of residence and/or legal domicile, e-mail,
- c) data related to the payment of compensation for permanent seizure of property: Personal Identification Number (PESEL), series and number of identity card, parents' names, account number. The consent for the storage and processing of personal data is voluntary, but its refusal may prevent the payment of compensations or notifying the PAPs of the commencement and course of construction works.

PGW WP RZGW Szczecin only stores the current personal data of PAPs, and the PAP should inform PGW WP RZGW Szczecin of any change in their data.

Which personal data have been acquired otherwise than from the data subject and from which source(s)

To identify the owners / perpetual usufructuaries / possessors and other persons entitled to the properties that will be subject to permanent seizure or restriction on use, PGW WP RZGW Szczecin has acquired personal data from the Land and Building Register, the electronic system of Land and Mortgage Registers and the register of inhabitants and payers of property tax maintained by the municipal offices competent for the PAP's place of residence. Such acquired data include:

- a) identity data: full name, surname, parents' names (if provided in the LBR), PESEL number (if provided in the Land and Mortgage Register),
- b) changes in the data listed above: changes of surname, information about death, changes or updates of the place of residence,
- c) contact details: address of legal domicile (if provided in the LBR).

Who may be provided personal data

The personal data of PAPs may only be disclosed to:

- a) authorised public entities, for the purposes of their proceedings, if PGW WP RZGW Szczecin is required to provide such data under relevant regulations and documents (such as court summons, judicial order or another legal or administrative procedure),
- b) the entities involved in implementing Works Contract No. 1B.5/1. Task: 'Reconstruction of a bridge to ensure minimum clearance – Railway bridge at km 733.7 of Regalica river in Szczecin', only insofar as necessary to carry out a specific activity,
- c) postal operators, in order to notify PAPs,
- d) Consultant's representatives and lawyers, in order to support implementation of the Works Contract and to pay compensations.

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

Rights of data subjects

Each PAP has the following rights:

- a) right of access to his or her personal data, their update and rectification,

- b) right to erasure ('right to be forgotten') or transmit the data to another controller,
- c) right to restriction of processing of his or her personal data – some data may be designated as restricted for processing only in certain circumstances,
- d) right to lodge a complaint for the processing of his or her data by PGW WP RZGW Szczecin, with the data processing supervisory authority, if the PAP considers that the processing of his or her personal data infringes the provisions of the General Data Protection Regulation of 27 April 2016 (as defined above),
- e) withdraw at any time the authorisation for PGW WP RZGW Szczecin to process his or her personal data.

Data of the PAPs will not be subject to automated decision-making (profiling).

Contact details of the supervisory authority competent for receiving complaints

Prezes Urzędu Ochrony Danych Osobowych
ul. Stawki 2
00-193 Warsaw
tel. 22 531 03 00 fax 22 531 03 01
Office hours: 8.00 a.m. – 4.00 p.m.
Helpline: 606-950-000 available on business days from 10.00 a.m. to 1.00 p.m.

Period of retention of personal data

Personal data will be stored until the date of prescription of PAP's claims for damages.

14. Monitoring and assessment

The monitoring of LA&RAP implementation is an integral part of the Contract monitoring and management system. In consequence, the monitoring process will use tools applied in monitoring the implementation of the Contract, which is aimed at reporting to sponsoring undertakings and delivering current information about any issues, contingencies and irregularities. The LA&RAP is an integral part of the investment process, which allows for an immediate reaction in the event of problems or irregularities. It is also fundamentally important to ensure appropriate cooperation between the Consultant, PIU and PCU. The information flow within the monitoring is presented in the following diagram. General monitoring and assessment procedures are elaborated in the 'Land Acquisition and Resettlement Policy Framework', available on

[http://www.odrapcu.pl/doc/OVFMP/Ramowy dokument dotyczacy Przesiedlen i Pozyskiwani a Nieruchomosci.pdf](http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwani_a_Nieruchomosci.pdf)



Diagram 8. Monitoring of LA&RAP implementation

An essential role for monitoring the LA&RAP implementation is played by Consultant's and PIU's recording of facts and events, in particular through a register of correspondence, register of complaints, register of progress in acquiring titles to dispose of the property for construction purposes, and register of progress in compensation payment. The information contained in the registers are taken into account when preparing a data summary on the quantity of acquired properties and the amount and type of compensations paid. Any changes must be recorded in the registers. The registers are used to thoroughly monitor the following parameters:

- a) the number of properties to be dispossessed and already dispossessed,
- b) the number of persons to be resettled and already resettled,
- c) the number of properties to be temporarily acquired (planned and achieved),
- d) the amount of all expenses on the resettlement process (planned and achieved),
- e) compensations paid for the loss of title to property,
- f) compensations paid for the loss of income source,

- g) other compensations paid in connection with the investment project,
- h) the degree and status of protective measures,
- i) substitute properties acquired and awarded,
- j) the number of complaints.

The LA&RAP monitoring system so shaped allows for a rapid response in the event of issues and for smooth reporting within the existing Contract management systems. The reports are provided by the PGW WP RZGW Szczecin to the PCU, which must regularly report to the World Bank. The document will be updated quarterly.

The main indicators to be monitored with regard to the Contract carried out by RZGW Szczecin as part of Contract 1B.5/1 are shown in the following table.

Indicator	Information source	Monitoring frequency	Progress indicator
Parameters assumed			
The number of properties acquired	Civil-law contracts , Consultant's Records	Monthly/Quarterly	Quantity (pcs.)
The number of Project Affected Persons (PAP)	Land and Mortgage Registers, excerpts from land register, lease contracts concluded, visits on task site	Continuous updates during the arrangement and payment of compensations	Quantity
The amount of all expenses on resettlement, including compensations (planned)	Consultant's Records	Monthly/Quarterly	PLN
Parameters achieved			
The amount of all expenses on resettlement, including compensations (actual)	Investor's financial records	Monthly/Quarterly	PLN
The number of properties acquired	Investor's/Consultant's Records	Monthly/Quarterly	Quantity (pcs.)
Performance indicators			
Number of complaints	Investor's/Consultant's Records	Monthly/Quarterly	Quantity (pcs.)
Number of complaints examined	Investor's/Consultant's Records	Monthly/Quarterly	Quantity (pcs.)
Compensations paid, other	Investor's financial records	Monthly/Quarterly	PLN

The results of the monitoring will be presented in monthly and quarterly reports. The *ex-post* assessment will be conducted six months after complete implementation and achieving the objectives of the LA&RAP; it will be evaluated and will cover the documenting of actions which directly affected the PAPs, to check whether we managed to restore a level of life equal to or higher than that from before the Project.

15. Costs and budget

Item	Compensation amount	Total (PLN)
Value of the ownership of or rights in the property	No data*	No data*
Removal expenses	No data*	No data*
Court fees	No data	No data
LA&RAP implementation costs**	Not applicable	No data
Unforeseen costs	No data	No data

* The compensation amount will be estimated by an independent property appraiser, set by the competent province governor, and paid prior to the actual taking of land.

** The cost of information campaign (correspondence with PAPs), the cost of postal orders sent to persons not having a bank account, etc.

The funds will be acquired from the International Bank for Reconstruction and Development, the Council of Europe Development Bank and the State Budget.

Compensations will be paid by the Investor – PGW WP RZGW Szczecin. The funds are guaranteed by the State Treasury and distributed to Polish Waters through the Ministry of Finance, the Ministry of Interior and Administration and the Ministry of Maritime Economy and Inland Waterways.

For payments to a PAP based on a final compensation decision, according to the agreement made with PKP Polskie Linie Kolejowe S.A., which PAP has the status of applicant in administrative proceedings, the compensation amounts payable by the PGW WP RZGW Szczecin will be paid to the PAP through PKP Polskie Linie Kolejowe S.A. A detailed method of transferring the funds intended for payment and the dates of making such funds available are settled in the agreement. The method of payment will meet the WB requirements defined herein.

A PAP receives compensation by transfer made to a specified bank account or, if the PAP does not have a bank account, by a cheque which the PAP uses to collect cash directly from the bank.

16. LA&RAP Implementation Schedule

The following table presents all steps necessary to prepare and implement the LA&RAP, according to the LA&RPF.

LA&RAP PREPARATION			
Steps	Activity	Responsibility	Verification of completed activities
1	Preliminary assessment of the Task's social impacts	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team
2	Setting the final scope of expropriation and drafting the building permit design	Designer/Consultant	PGW WP RZGW – LA&RAP Verification Team
3	Setting the framework of coordinating LA&RAP implementation with competent state authorities	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Verification Team
4	Collecting excerpts from the LBR and from land development plans	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Verification Team
5	Assessing the social effects of the Task	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team
6	Verification and update of collected materials, impact reports and economic analyses	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team
7	Preparation of draft LA&RAP	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team
8	Public consultation on the LA&RAP upon the Bank's approval	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team
9	As far as the comments and requests on the LA&RAP are accepted – verification and update of collected materials, impact reports and economic analyses	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team
10	As far as the comments and requests on the LA&RAP are accepted – amending the LA&RAP	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team
11	Submitting the LA&RAP to the World Bank	PIO, PGW WP RZGW	PCU
12	No comments by the World Bank	WB	-
13	Publication of the LA&RAP	PIO, PGW WP RZGW	-

LA&RAP Implementation			
Steps	Activity	Responsibility	Verification of completed activities
1	Setting a detailed schedule of LA&RAP implementation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
2	Submitting the application for the RLLD	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
3	Issue of the RLLD	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
4	Notifying the PAPs of obtaining the RLLD, of its effects, of further actions planned by the Employer, of the anticipated date of when the competent Province Governor will issue the compensation decision, and of the option to lodge an appeal.	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
5	Valuation of outlays on property performed by independent property appraisers according to applicable laws, and verification of the valuation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
6	Providing the Project Affected Persons with appraisal reports	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
7	Conducting negotiations and offering the PAP the payment of the indisputable amount representing 70% of the compensation as stated in the appraisal, and possibly signing an agreement	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
8	Conducting negotiations over the compensation amount as part of the administrative and judicial administrative proceedings.	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
9	Payment of compensation or providing substitute properties, launching other compensation and protection measures provided for in the LA&RAP	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Monitoring & Implementation Team

10	Actual takeover of the acquired properties and commencement of works	PGW WP RZGW supported by Consultant Engineer	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
11	Evaluating LA&RAP implementation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team

RECURRING TASKS			
Steps	Activity	Responsibility	
1	Continuous internal monitoring of LA&RAP implementation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
2	Reporting to the World Bank	PGW WP RZGW – LA&RAP Monitoring & Implementation Team	PCU
3	Continuous coordination with state and local government authorities	PGW WP RZGW – LA&RAP Monitoring & Implementation Team	PCU
4	Ongoing communication with PAPs	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team

FOLLOW-UP TASKS			
Steps	Activity	Responsibility	Verification of completed activities
1	Evaluating LA&RAP implementation	Independent external auditor	World Bank

17. Appendix 3 – Complaint form submitted to the consultant (based on WB guidelines)

Case no. _____	
Full name <i>Note: the complaint may be filed on an anonymous basis or you may demand that your data not be disclosed to third parties without your consent</i>	Complainant's first name _____ Complainant's surname _____ I would like to file the complaint anonymously _____ I demand that my personal data not be disclosed without my consent _____
Contact details <i>Please indicate the method you should be contacted (e-mail, telephone, regular mail)</i>	Post (please provide your correspondence address) _____ _____ _____ By phone: _____ E-mail: _____
Preferred language of communication	Polish German English Other (please specify)
Description of the subject matter the time of occurrence,	Subject-matter of the case/complaint, including location concerned by the case/complaint, persons involved in the case and the effects of the event
Date the event / subject-matter occurred	One-off event / complaint (date: _____) The event occurred more than once (please specify how many times: _____) Ongoing (the issue exists now)
What measures would solve the issue in our opinion?	
Signature: _____ Date: _____ Please forward this form to: [Full name] OHS Inspector [Company name] Address: _____ Tel.: _____ or E-mail: _____	

Appendices:

1. Appendix 1 – List of PAPs entitled to compensation;
2. Appendix 2 – List of plots including their owners;
3. Appendix 3 – Complaint form (contained in Section 17 of the LA&RAP);
4. Attachment 4 - Consultation report.