



**8524 PL - THE ODRA-VISTULA FLOOD PROTECTION PROJECT**

**LA&RAP – LAND ACQUISITION AND RESETTLEMENT ACTION  
PLAN**

**COMPONENT 2 Kotlina Kłodzka flood protection**

**Subcomponent 2A Active protection**

**2A.2/2 construction of “Krosnowice” - a dry flood control reservoir on  
Duna stream.**



**B ENVIRONMENTAL CATEGORY - IN ACCORDANCE WITH WB OP 4.01**

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## 1 Abbreviations and Acronyms

ARPA	Agricultural Real Property Agency
AP	Affected Population
2A.2/1	Task 2A.2/2 Construction of "Szalejów Górny" - a dry flood control reservoir on the Bystrzyca Dusznicka River
World Bank	The International Bank for Reconstruction and Development
PCU	Odra and Vistula River Basins Flood Protection (ODVI) Project Coordination Unit
WB	See <i>World Bank</i>
GDOŚ	General Director for Environmental Protection
GIS	Geographic Information System - a terrain information system comprising a database with terrain information pertaining to a given area as well as procedures and techniques for systematic capturing, updating and presenting data.
CSO	Central Statistical Office
Joint Venture	The joint venture comprising: AECOM Ltd, Halcrow Group Ltd, BRL Ingenierie, AECOM Polska sp. z o.o.
PIU	Odra and Vistula River Basins Flood Protection (ODVI) Project Implementation Unit at the Regional Water Management Authority in Wrocław
Investor	The Regional Water Management Authority in Wrocław
Engineer	See <i>Consultant</i>
Consultant	Consultant for the Regional Water Management Authority in Wrocław contracted under " <i>Design and Construction Supervision. Project Management, Technical Assistance and Training as well as Technical Support for the Project and PIU Institutional potential strengthening</i> "
C.C.	The Civil Code of April 23 <sup>rd</sup> , 1964 (consolidated text, Journal of Laws 2016 item 380 as amended)
CAP	Code of Administrative Procedure of June 14 <sup>th</sup> , 1960 (consolidated text, Journal of Laws 2016 item 23)
LARPF	Land Acquisition and Resettlement Policy Framework
MaxDUL	Maximum damming-up level
NBP	National Bank of Poland
NGO	Nongovernmental Organization
SAC	Supreme Administrative Court
OVFM	Odra-Vistula Flood Management
EA	Environmental Assessment
OP 4.12	Designation of the document which contains the principles for involuntary resettlements required for World Bank financing of the Task: Operational

	Policy 4.12 - Involuntary Resettlements.
PAP	Project Affected Person(s)
IPIP	Investment project implementation permit
OVFMP	Odra-Vistula Flood Management Project
LA&RAP	Land Acquisition and Resettlement Action Plan
Project	See OVFMP
Valuator	A natural person with state professional qualifications within the scope of property valuations
RDOŚ	Regional Director for Environmental Protection
RZGW WR	The Regional Water Management Authority in Wrocław
Special Flood Act	The law of July 8 <sup>th</sup> , 2010 on specific rules for the implementation of flood structures (consolidated text Journal of Laws 2015 item 966 as amended)
PR	Permanent restrictions to real property use
EU	The European Union
RPM	The Law of August 21 <sup>st</sup> , 1997 on the real property management (consolidated text, Journal of Laws 2015 item 1774 as amended)
a.f.g.a.	The Law of December 13 <sup>th</sup> , 2013 on Family Garden Allotments (Journal of Laws 2014 item 40 as amended)
PAC	Provincial Administrative Court
Contractor	An entrepreneur or joint venture contracted to perform 2A.2/2 task: construction of "Krosnowice" - a dry flood control reservoir on the Duna stream.
Task	Construction of "Szalejów Górny" – a dry flood control reservoir on the Bystrzyca Dusznicka River
Employer	The Regional Water Management Authority in Wrocław

## 1.1 KEY DEFINITIONS

The following key definitions are used in this document:

**Real property price** - the amount negotiated with the property owner payable to the owner for the given real property or part thereof based on the property value as defined by the certified property auditor.

**Economic resettlement** - loss of benefits, revenue or livelihood stemming from purchase of lands or access obstructions (to land, water or forest) as a result of construction or use of planned structures or associated devices.

**Groups requiring particular help** - people, who on account of: gender, ethnicity, age, mental or physical disability, difficult financial situation or social status are more exposed to the negative

consequences of resettlements than other groups and those who may have a limited ability to report claims or take advantage of help during resettlement or participate in the benefits associated with the investment.

**Resettlement cost** - the scope of compensation for lost assets / real property encompassing the market value of the goods / real property as well as resettlement costs.

**Compensation** - paid in cash or in the form of a replacement real property for the real properties which were acquired or which are affected by the Project. Compensation is disbursed at the time the owner has to hand over the real property to the investor. According to the applicable Polish law, as a rule, compensation may be disbursed from the moment the expropriation decision becomes final and in all cases before taking over the real property and their acquisition for construction purposes.

**OP 4.12 Involuntary resettlements** - the Operational Policy contains the main principles and procedures which constitute the basis of IBDR approach to involuntary resettlements associated with investment projects.

**Project Affected Person** - means every person who, as a result of the project implementation, loses the right to property or is affected by a loss of other benefits associated with built up infrastructure (residential, agricultural or farm), loss of annual perennial harvests and crops or other associated or current assets, in its entirety or partially, permanently or temporarily.

**Involuntary resettlement** - resettlement is involuntary when it takes place without consent of the resettled person (against their will) or pursuant to a forced consent (without an option to object to the resettlement) e.g. by expropriation.

**Expropriation** - entails limiting or depriving a given person of their property rights to a defined real property by virtue of an individual legal act.

**Purchase / voluntary sale** - a transaction entailing an acquisition of a right to a real property from its owner / proprietor in exchange for a price accepted by both parties, where the owner has a possibility to refuse to execute the transaction. If the project takes recourse to expropriation, then the purchase is not considered as voluntary (i.e. willing buyer / willing seller).

**Replacement value** - compensation for loss of assets valued based on their market value together with any transaction costs (e.g. taxes, fees), which aims to constitute a sufficiently effective substitution for the lost assets (replacement value) Estate depreciation is not taken into account by this value.

## 2 Introduction

### 2.1 TASK DESCRIPTION

The present document constitutes a Land Acquisition and Resettlement Action Plan for Task 2A.2/2 Construction of “Krosnowice” - a dry flood control reservoir on the Duna stream performed within the framework of Component 2: Kotlina Kłodzka flood protection part of the Odra-Vistula Flood Management Project. The Odra-Vistula Flood Management Project (OVFMP) is executed with the aid of international financial institutions, including the International Bank for Reconstruction and Development (also referred to as the World Bank) and the Council of Europe Development Bank, and also with the support of funds from the Cohesion Fund and the state budget.

The objective of the OVFM Project is the improvement of flood protection for inhabitants of selected Odra and upper Vistula river basin areas and strengthening institutional capacity of public administration institutions to resolve the consequences of floods more effectively. Flood management infrastructure will be established as a result of Project implementation together with the associated technical facilities in three designated areas of Poland: (i) middle and lower Odra river basin; (ii) Kotlina Kłodzka (Nysa Kłodzka river basin); and (iii) upper Vistula river basin.

Within the scope of the executed real property acquisitions, the formal framework of the Project is defined by the Land Acquisition and Resettlement Policy Framework available at:

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

The scope of Kotlina Kłodzka flood protection entails flood protection for its inhabitants (approximately 234 thousand people) and inhabited areas with a total area of approximately 497 ha. The investment also foresees the individual protective measures for approximately 250 households. Kotlina Kłodzka flood risk is primarily a result of insufficient capacity of river beds and streams and transport infrastructure, insufficient number of flood reservoirs, insufficient number and height of embankments. This is exasperated by a poor technical condition of existing flood protection structures which do not provide sufficient flood protection to inhabitants of riverbank areas. The scope of works associated with Kotlina Kłodzka flood protection entails the performance of actions both within the scope of active protection - subcomponent 2A as well as passive protection - subcomponent 2B.

The actions performed within the scope of Component 2: Kotlina Kłodzka with the highest potential to impact the Affected Population (AP) include the construction of dry retention reservoirs, as well as actions entailing the construction of embankments, embankment modernisation and demolition of structures. A physical relocation of some households and residential buildings may be necessary. Business (in urban areas) and agricultural (in rural areas) activities may also be affected.

## **Subcomponent 2A - Active protection**

Active protection encompasses the construction of four dry flood control reservoirs: Boboszów on Nysa Kłodzka river, Roztoki Bystrzyckie on Goworówka stream, Krosnowice on Duna stream and Szalejów Górny on Bystrzyca Dusznicka river. The quantity and capacity of current reservoirs is not sufficient to mitigate the flood hazard within the Kotlina Kłodzka, actions to increase the active protection are necessary.

## **Subcomponent 2B - Passive protection**

Passive protection encompasses flood protection for areas located along the course of four main Kotlina Kłodzka rivers: Nysa Kłodzka, Ścinawka, Biała Łądecka with the main left bank tributary – Morawka, and Bystrzyca Dusznicka with the main left-hand side bank tributary - Kamienny Potok.

Passive protection entails: reconstruction and renovation of existing bank protection and increasing the flow capacity of river beds and streams, construction of new or refurbishment of the existing embankments and protection walls, increasing flow capacity of the existing weirs and regulation barrages, increasing the capacity of existing bridge structures and pedestrian bridges, individual protective measures for households or reallocation of structures that cannot be protected beyond the boundaries of flood areas.

The Task *Investor* is the Regional Water Management Authority in Wrocław, acting on behalf of the State Treasury in acquiring the real property necessary to execute the Task. Real property acquired within the scope of the Task will be handed over for permanent management to the Regional Water Management Authority in Wrocław.

Task 2A.2/2, construction of “Krosnowice” - a dry flood storage reservoir on the Duna stream, is located on the confluence section of the Duna stream. The reservoir will be created by damming the valley with an earth dam located at chainage km 1+375 from the confluence to Nysa Kłodzka river (measuring along the axis of the current streambed). Measuring along the new stream axis (once the regulation works are complete), the dam is located at chainage km 1+120.

A characteristic property of a dry retention reservoir is that the stream flows freely across the reservoir basin and bottom outlets, until such time as the flow exceeds the capacity of the outlets - during a flood. Larger water influxes are then stored in the reservoir, and the biggest flood waves may utilise spillways. After the passage of a flood wave, the reservoir will gradually empty. It is possible to use a part of the reservoir bowl as e.g. a pasture between the flood waves.





Map 1 - Location of the dry flood reservoir on the Duna stream, town of Krosnowice



PL	EN
Zapora ziemna	Earth dam
Łapacz rumoszu	Rock rubble trap
Odcinkowa regulacja w czaszy zbiornika	Reservoir basin section regulation
Max PP	MaxDU
Droga powiatowa	District road
Odcinkowa regulacja	Regulation along a section
Droga dojazdowa	Access road
Istniejąca asfaltowa droga gminna przewidziana do użytkowania na czas budowy	Existing municipal asphalt road to be used during the construction phase.
Zbiornik Krosnowice	„Krosnowice” reservoir

As a part of Task performance, it will be necessary to expropriate 111 real properties, constituting a total of 53.9498 ha of expropriated land. It will also be necessary to permanently acquire 6 real properties constituting the property of the State Treasury managed by the State Treasury Agricultural Property Agency with a total area of 6.6962 ha.

It is not necessary to physically move households in conjunction with construction of the Reservoir. However, economic resettlement of 1 household will take place.

The undertaking entails:

- development of an earth dam (frontal dam) with reinforced concrete sluice and spillway devices together with infrastructure, as well as development of inflow and outflow channels;
- reservoir basin preparation;
- construction of the dam's technical auxiliary building with connection of automatic control, water pipeline including a filtered uptake, discharge of waste-water to the holding tank, and fencing of the area;
- construction of asphalt access roads and gravel service roads in the reservoir basin;
- construction of a cobblestone car park next to the auxiliary building;
- construction of fords across Duna Górna and Duna Dolna within the boundary of the reservoir, along service roads;
- construction of a rock rubble trap together with an outlet box;
- flowing capacity enhancement and bank strengthening of Duna stream bed using river-walls constructed out of rip-rap, downstream of the dam to the stream confluence into Nysa Kłodzka, and reinforcement of eroded Duna Dolna and Duna Górna stream banks (using rip-rap river-walls) in the reservoir basin together with levelling of slopes;
- felling of trees and shrubs within the area of the reservoir up to the flooding level for a theoretical flood wave Q10% flood wave (up to 314.60 m a.s.l.), and locally along Duna stream channel and under the structures;
- backfill of the current Duna and Duna Dolna stream beds from km 0+824 to 1+490 (upstream and downstream of the dam) and at chainage from km 1+548 to 1+685 (upstream of the dam);
- backfill of the Duna Górna stream channel from km 0+000 to 0+375;
- reconstruction of the underground optical fibre line (ITC) at the junction with the Duna stream downstream of the dam;

- construction of 20kV cable power lines to power the auxiliary building and dam devices, together with a transformer station;
- reconstruction of the medium voltage power line - replacement of 2 pylons and replacement of cables along an approximately 260m section of the existing 20kV overhead power line, crossing the Duna river at chainage km 0+745;
- construction of low voltage cable power lines to power the devices associated with the dam and street lighting, together with the construction of lighting;
- construction of ITC lines connecting devices on the dam with the auxiliary building;
- moving the 110kV Kłodzko – Bystrzyca Kłodzka overhead power line which collides with the reservoir, together with construction of five new pylons and removal of the current overhead power line section within the reservoir area;
- development of an alarm system in the event of a dam fault;
- compensation planting along the reservoir basin boundaries.

## 2.2 RESERVOIR CONSTRUCTION AREA

The reservoir basin is primarily used by agriculture (meadows, pastures, farmland). In backwater sections of both watercourses (i.e. Duna Górna and Duna Dolna) and along the shores small tree stands are to be found.

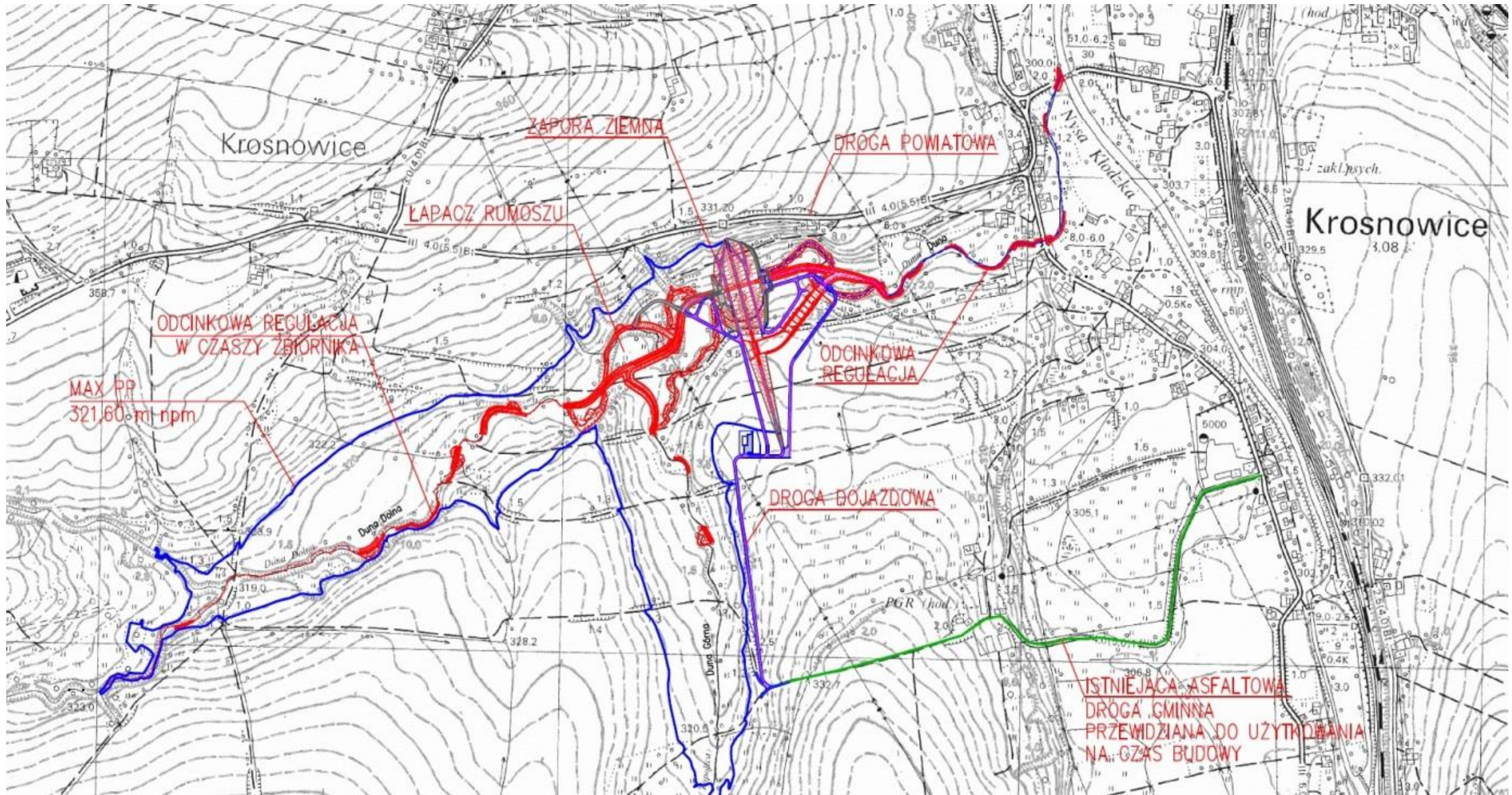
The planned reservoir is located on non-developed land. In the backwater part of the basin in the Duna Górna valley, there is a wooden summer cabin with fencing. However, the building is outside of the reach of floodwaters, and its fence will be flooded only sporadically under MaxDUL and thus its demolition is not foreseen.

The nearest residential building is building no. 62 which is located 188 m downstream of the reservoir dam to the East. Residential and farm buildings located along an asphalt road are located 600 m to the East of the dam.

The total planned area for the Reservoir is approx. 49.8 ha, with the flood area under maximum water damming level (MaxDUL = 321.60 m a.s.l.) is **44.12 ha**.

AREAS FOR GIVEN LAND DEVELOPMENT TYPES	
Description	Area [ha]
1. Dam and structures by the dam (dam, spillway, beds, charges)	5.25
2. Rock rubble trap (in the basin)	0.95
3. Regulation structures	0.42
4. Roads	5.13
5. Auxiliary area	0.20
6. Compensation plantings	7.20
7. Reservoir basin	44.12





Map 2 - Land development of the "Krosnowice" dry flood control reservoir on the Duna stream

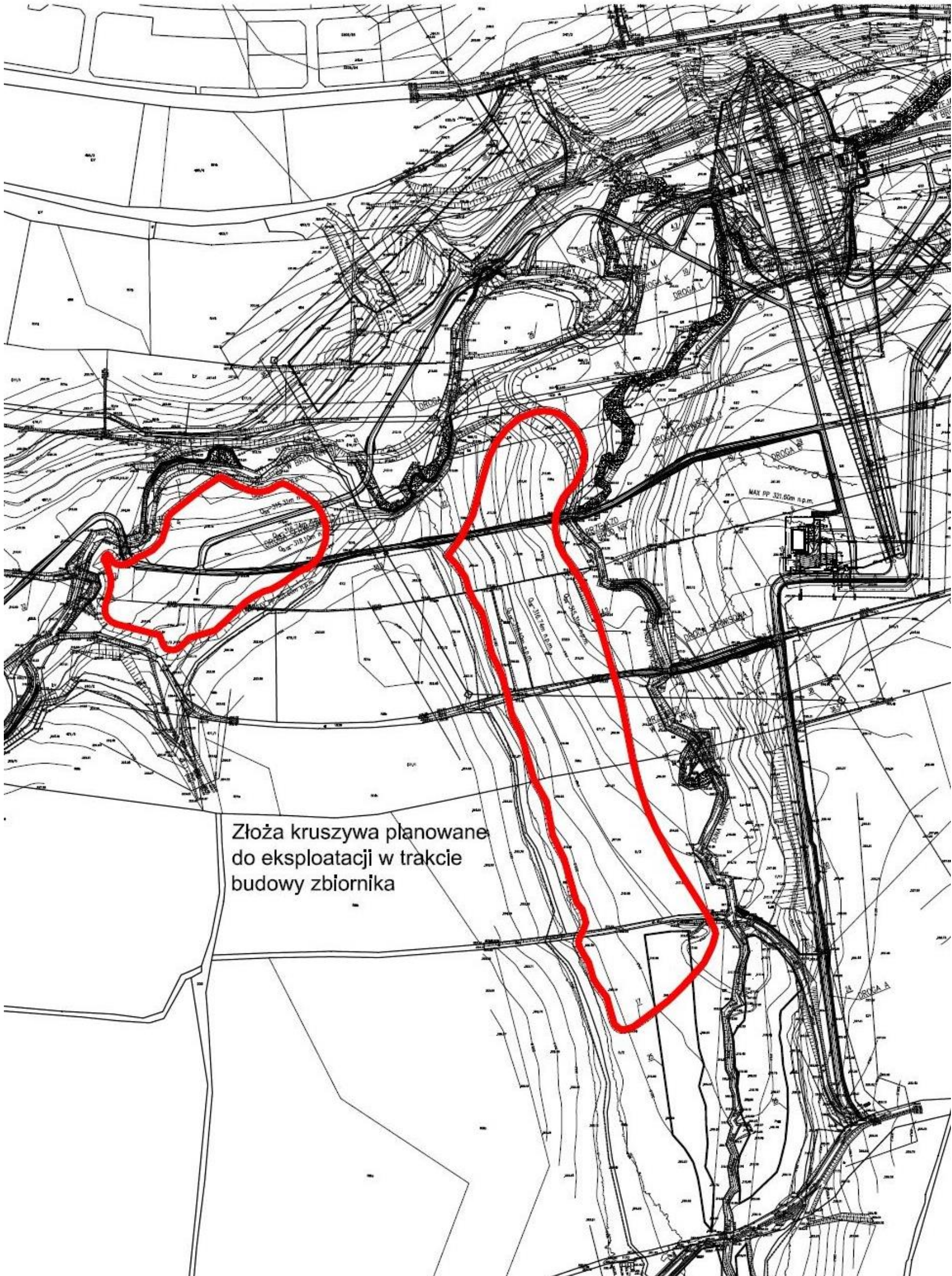


PL	EN
Zapora ziemna	Earth dam
Łapacz rumoszu	Rock rubble trap
Odcinkowa regulacja w czaszy zbiornika	Reservoir basin section regulation
Max PP	MaxDU
Droga powiatowa	District road
Odcinkowa regulacja	Regulation along a section
Droga dojazdowa	Access road
Istniejąca asfaltowa droga gminna przewidziana do użytkowania na czas budowy	Existing municipal asphalt road to be used during the construction phase.

During the Reservoir construction stage, uptake of aggregate from the basin for construction needs is planned. It will not be possible to use the area from which the aggregate will be taken up from as meadows or pastures for a period of approx. 4 years from the completion of the Reservoir. Also, it has to be taken into account that once aggregate use is complete, some of the re-cultivated area will not be suitable for agricultural use.

A map of the aggregate beds to be used during reservoir construction is shown below.





Map 3 - Location of aggregate beds to be used during reservoir construction

PL	EN
Złóża kruszywa planowane do eksploatacji w trakcie budowy zbiornika	Aggregate deposits to be exploited during reservoir construction



### **2.3 ISSUED ADMINISTRATIVE DECISIONS:**

- decision of the Regional Director for Environment Protection in Wrocław of 13 March 2015, WOOŚ.4204.2.2013.ŁCK.24, on the environmental conditions for the project entitled: Construction of 'Krosnowice' - a dry flood control reservoir on the Duna stream near Krosnowice, Kłodzko Municipality, Lower Silesia
- decision of the Marshal of the Lower Silesia of 06 June 2016 DOW-W-I.7322.39.2015.JL granting a Water Law permit for the project entitled: Construction of 'Krosnowice' - a dry flood control reservoir on the Duna stream near Krosnowice, Kłodzko Municipality, Lower Silesia

### 3 Primary principles adopted for LA&RAP

Unless appropriate minimisation and preventative measures are planned and taken, taking over of real property may cause and exasperate social inequalities, cause social exclusions and result in permanent environmental damage. In conjunction with the above, in real property acquisitions and resettlement process planning and implementation, the following principles should be adopted:

1. Minimise, and as far as possible - avoid permanent real property acquisitions. Wherever permanent acquisitions cannot be avoided, the procedures and requirements of the present LA&RAP shall apply, pertaining to the minimisation of the impact of real property acquisitions on the interested parties.
2. The expropriation procedures should not worsen the living conditions of the population, but should ensure, at least, a restoration of the pre-Project levels.
3. All project affected persons take part in social consultations pursuant to equal right, taking into consideration the needs of particularly vulnerable groups. They will also be presented with an opportunity to actively participate in Project development and access to the grievance redress mechanism.
4. Project Affected Persons have access to a fair, unbiased and affordable appeals procedure to an independent authority or a court and to perform this procedure without undue delay.
5. All cases of land acquisitions and resettlement, either permanent or temporary, will undergo procedures based on the Polish law and OP 4.12. LA&RAP in accordance with LARPF  
(see:  
[http://www.odrapcu.pl/doc/OVFMP/Ramowy\\_dokument\\_dotyczacy\\_Przesiedlen\\_i\\_Pozyskiwania\\_Nieruchomosci.pdf](http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf)).
6. The LA&RAP applies to permanent or temporary real property acquisitions, as well as to permanent or temporary limitations to the access to the property, in particular resulting in the loss of business revenue (permanent or temporary) or worse standards of living.
7. Implementation of the LA&RAP will be monitored and documented, and once complete it will be evaluated by the World Bank.
8. The social participations process, protective and minimisation activities will be conducted under an assumption of the need to provide equal treatment regardless of age, gender or disability of project affected persons. Particular attention should be paid to those households, which member(s) remain a part of particularly vulnerable social groups.
9. The LA&RAP is designed and completed as an integral part of the Project. All costs associated with the need to plan and implement compensatory actions will be included in the budget as well as the advantage of the project.
10. Compensation for persons affected economically by the project should be paid prior to commencement of construction works on the expropriated real property.
11. A priority is given to the compensation according to the "land for land" rule - allocation of alternative land of equivalent productive potential. Cash compensation will be used in cases where land acquisition has no impact on the



use of land for its former purposes, as well as in cases where affected persons express their will in cash compensation. Financial compensation will also be applied wherever there is no suitable replacement real property.

12. In case of temporary acquisition of the assets, after the works they will be returned in the same condition as beforehand to enable the owners or users the business activities on the same level as before.
13. All PAPs, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix included in this LA&RAP. Lack of legal title should not be a bar to compensation and/or rehabilitation. A detailed procedure of land acquisition, social participation and minimising, preventive, compensatory and mitigation measures will be established in the LA&RAP.

If needed, the LA&RAP will be updated together with the project progress as new factual and legal circumstances appear.

## 4 Impact minimisation

### 4.1 SOCIAL IMPACTS

In light of OP 4.12, the social effect associated with expropriation is considered to include all direct economic and social losses stemming from the real property expropriation, permanent or temporary real property use or access limitation. Therefore, to assess the relevance of social impact, the basic criterion is assumed to be the percentage ratio of the real property owned by PAP to their expropriated part. Data collected as a part of socio-economic studies should also be taken into account.

To estimate the social impact for the needs of this LA&RAP the following criteria were adopted in line with OP 4.12:

- secondary impact - for households this will be impacts, where less than 10% of land or assets are subject to a takeover, with no physical relocation. For other real property, secondary impact will be impact, where less than 20% of land or assets are subject to an acquisition, with no physical relocation.
- significant impact – in case of households the significant impact refers to the impact, where more than 10% of land or assets is lost or the split line for the property disables agricultural / horticultural production. In case of wasteland and non-agricultural properties the significant impact refers to the loss of more than 20% of land.

The threshold value of 10% was adopted to differentiate between significant and insignificant impact, as the investment is performed in a rural setting. In conjunction with that for the most of inhabitants who run households, the loss of more than 10% of real property area used for agricultural production will result in decreased household revenue. In assessing the impact, relevant information obtained during socio-economic study and environmental impact assessment was also taken into account, and in particular associated with the possibility of conducting the current activities on the area planned to be taken over temporarily, or impact on environmental elements (water, noise, air, etc.) The social vulnerability of the analysed household was also taken into account, understood as exposure to risk and relevance of impact, the risk attitude as well as adaptation consequences and abilities.

#### 4.1.1 Significant impact

Significant impact was identified on the basis of conducted field studies, public meetings and individual meetings with PAP, conducted within the framework of the commitment of interested parties to the LA&RAP preparation process. These impacts are discussed in detail in Appendix No. 2 to this LA&RAP. That Appendix is not subject to publication due to the protection of personal data.

Performance of the Task will significantly affect 14 out of 25 households under expropriation. These impacts will be associated with the loss of land where agricultural activity is conducted, including breeding activities. With reference to households “land for

land” type compensation is possible, as long as suitable replacement real property is found - unless the owners of these households prefer financial compensation.

## 4.2 CONSIDERED ALTERNATIVES

During preparations to execute the Task, the performance of the assumed objective was analysed pursuant to the following variants:

- construction of a “dry” reservoir with maximum flood storage capacity of 1.92 million m<sup>3</sup> and water damming-up to 321.6 m a.s.l.

- construction of a reservoir with permanent level of damming-up at an approximate level of 318.1 m a.s.l. and capacity of 0.765 million m<sup>3</sup>, and a further approximately 1.15 million m<sup>3</sup> flood reserve. Apart from the primary function of flood control of the areas downstream of the dam in the Duna stream valley and further on in the Nysa Kłodzka valley, it would fulfil a recreational function and possibly serve as a source of water supply for the adjacent areas.

Construction of the Reservoir in the “wet” variant was considered impossible on account of environmental protection issues. In the aspect referring to expropriation problems, the construction of the Reservoir in that variant would prevent the use of the Reservoir basin by PAP (as a pasture). Thus that variant was rejected as less beneficial.

The location of the Reservoir was selected in order to reduce physical and economic resettlements.

## 4.3 MINIMISING ACTIONS

1. The project works are conducted so as to minimise the number of plots which have to be acquired. As a result of performed analyses, permanent acquisition of plots 485/5, 1529/1, no. 452, no. 440 and parts of plots no. 472/2 and 2034/2 was given up.
2. With reference to plot 2034/2 the performance of the undertaking will improve the use conditions on the plot (mitigation of periodic flooding risk).
3. The amount of compensation for the lost real property (both financial as well as “land for land” type) will be arranged, based on appraisal studies developed by independent valuers or by way of a decision of the Lower Silesian Voivode, also based on appraisal studies. A valuation constituting the basis for determining the compensation amount will be reliable, unbiased and independent so that the existing owner receives a price for the real property reflecting their actual loss and as such to minimise the negative impact of real property ownership loss on their financial situation.
4. As a part of compensatory activities, priority will be assigned to compensation based on the “land for land” rule, by allocating a real property of a similar production potential and similar market value. Financial compensation will be used in the following cases:
  - i. acquisition of real property or its part does not affect the ability to use the real property for the former purposes,,

- ii. whenever the person economically affected by the project expresses their will to receive financial compensation,
  - iii. there is a shortage of real property with a similar production potential and market value preventing the option of compensation pursuant to the "land for land" rule.
5. All costs associated with the performance of protective measures shall be included into the compensation package. At the moment there are no protective measures in the pipeline, however that may change as the project is performed.
6. For plots where agricultural activity is performed, release of a real property will take place after the harvest of the current crops, in the given vegetation year designated for every crop. If crops are not harvested, a financial equivalent will be disbursed.
7. Every expropriated person will be entitled to use the land for the former purposes free of charge as to date of receiving compensation or (in the event of a failure to reach an agreement as to the compensation amount) its undisputed part.
8. The PAP will be given a notice of the physical commencement of works of at least 30 days, which will make it possible to end use of the real property.
9. Temporarily occupied real properties will be restored to their original states after completion of works. Acquisition of a real property for the needs of temporary acquisition will be performed pursuant to the principles defined in this LA&RAP.
10. The Investor, prior to commencing the works, will conduct a wide ranging information campaign on the planned investment. An information pamphlet with information on the possibility to submit complaints (in accordance with the LA&RAP provisions) together with contact details will be prepared and sent out to all persons affected by the project.
11. As a part of the information campaign, the project affected person (PAP) will also be informed on the possibility of submitting an application to purchase the remaining part of a real property, or the so called remnant, if after the split of the real property and occupying a part thereof for the investment, the remaining part will not be suitable for further use for the current purpose (in accordance with Article 23 (2) of the Special Flood Act).
12. The lands in the reservoir basin will partially be leased as pastures without permission to build any structures. The current owners will receive a priority right for concluding lease agreements on these lands.
13. The construction site will be located in a manner which ensures the smallest possible impact on the quality of life of the inhabitants.
14. Wherever remaining real property parts following expropriation will not be suitable for use for the existing purpose in accordance with the real property designated use ("remnants"), the Investor, following analyses in this respect, will acquire these real properties by virtue of civil - law agreements in accordance with the procedure described in this LA&RAP. Disbursement of compensation on account of acquiring "remnants" will be pursuant to a civil - law agreement concluded with the real property owner.

15. Real property owners will be given assistance when preparing appendices (registration maps) for applications to buy the “remnants”.
16. An information leaflet will be prepared on the procedure for regulation of EU funds for farmers.

## 5 Socio-economic study

### 5.1 SOURCES AND METHODOLOGY

The socio-economic study was conducted by a legal and social issues team, located in the structure of the JV - the Consultant in charge of drawing up this LA&RAP.

The primary source of information on the development and use of the real property acquisition constitutes the GIS data analysis, extracts from the land and property register and verification on the Task performance site. The ownership legal status for the real property taken over was determined on the basis of land and property register and land and mortgage registers. The existence of infrastructure was determined on the basis of GIS data analysis, land register copies, design documentation (including construction designs), and Tasks performance on site verification.

Within the scope of social impact, the primary initial source of information was data obtained on the basis of available registers (e.g. commercial register, National Court Register). CSO statistical data were also used as well as material in the Internet (information from websites of Offices, internet forums, etc., local press information).

In accordance with the provisions of Polish law, the cut-off date of the socio-economic study should be taken as a day of applying for the IPIP.

As a result of an initial analysis of data and scope of the Tasks, it was determined that there is a need to perform a study among owners of lands subject to the expropriation procedure. The studies were developed in August 2015 by means of standard questionnaire based interviews. They were of an extended character - apart from providing answers to the standard questionnaire questions, the respondents were given an opportunity to express their attitude towards the Tasks in the form of open answers, also diligently recorded by the research team members. Such data was also analysed.

The study will be updated as new pieces of information are gathered under update of the whole LA&RAP.

#### 5.1.1 Problems

The main problem which appeared during the site visits was solidarity in the unwillingness of a majority of research participants to provide any information which might help in the precise estimations of the real property value constituting the subject-matter of the acquisition. The persons with whom interviews were conducted, consistently refused to provide information on the structure of revenues and expenditures of households, as well as profits on account of running an individual household on lands subject to acquisition.

Another category of problems, which surfaced during the research were problems associated with the impossibility of completing the interview, on account of a refusal to participate or the respondent's absence. For households where this problem was encountered, there was no possibility to estimate the socio-economic costs which they will incur in conjunction with expropriations.

## 5.2 SOCIAL AND ECONOMIC DATA

### 5.2.1 Basic population data

There are 2,931 inhabitants in Krosnowice, out of which 1,527 are female. Amongst the inhabitants of Krosnowice, 20.7% are less than 17 years old, 65.8 % are working-age and 13.5% are in post-working age.

Based on socio-economic study constituting appendix No. 5 to the LA&RAP (that Appendix is not subject to publication due to the protection of personal data) 36 households will be affected by real property acquisitions. No household will be subject to a physical relocation, whereas with respect to 1 there will be an economic resettlement

It is not possible to estimate the precise number of people affected by real property acquisitions, due to the fact that some real property owners refused to participate in the survey or to provide data. Neither was exhaustive data obtained within the scope of age structure of residents of households depicting the age structure of households.

Real properties within the boundaries of the Tasks do not constitute the property of persons considered to be ethnic minorities.

In case of people who remain a part of vulnerable groups, out of the surveyed households 2 persons were identified who are chronically ill, requiring permanent care.

### 5.2.2 Employment and revenue

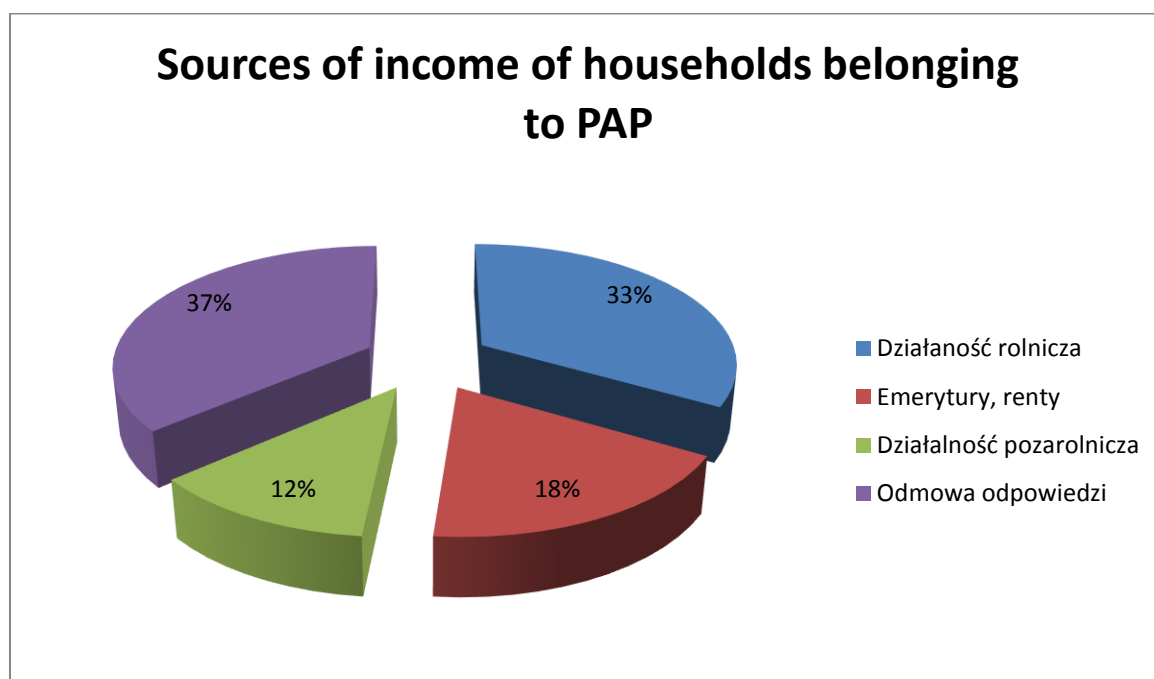
The post 1989 restructuring of the economy which entailed an elimination of dominant economic entities, resulted in the appearance of long term and structural unemployment. As a consequence this gave rise to an increase in poverty, leading to the occurrence of negative phenomena such as social exclusion. In 2015, the unemployment rate measured as the share of registered unemployed in the total working-age population in the Kłodzko rural municipality was higher than in Lower Silesia and amounted to 12.5%. Despite a systematic reduction in the unemployment rate, it is still significantly higher than the average for the region, which is currently at 9.4%. Significantly, in this municipality unemployment is higher amongst men (13.0%) than in case of women (11.8%). Long term unemployment hovers around the same level and affects about half of the unemployed.

Problems with functioning of the job market cause remaining poverty areas and the need to revert to social aid. The ratio of people using social aid in Kłodzko municipality exceeds the average in Lower Silesian Voivodship. Within the Kłodzko municipality, the feed the children programme is also actively pursued by the Social Aid Centre. In total in 2013 at all the schools 350 children took advantage of the programme. The Centre also grants an additional allowance for purchasing food for younger children. Due to the prevailing social dysfunctions, 7 families and 15 minors are subject to social and vocational guardianship. On account of regulations pertaining to personal data protection, it is not possible to determine whether the guardianship supervision concerns any family which owns real property within the area of the undertaking.

Out of the households affected by real property acquisitions, in 11 cases agricultural activities constitute the main source of income. This is the main source of income for primarily larger households, with a lower age structure. 6 families for which the main source

of revenue is pensions and benefits achieve a constant monthly revenue. For 4 households the main source of revenue is non-agricultural business activity, including paid employment. In 12 cases it was impossible to obtain information pertaining to the main source of income.

However, based on the performed analyses it was determined that out of 25 households which own land within the area affected by the acquisitions, it was found that the undertaking will significantly affect 9 households. These are households for which the main or a very significant source of revenue constitutes revenue generated from the acquired land.



Działalność rolnicza	Agricultural activity
Emerytury, renty	Pensions, benefits
Działalność pozarolnicza	Non-agricultural business activity
Odmowa odpowiedzi	Refusal to answer

### 5.2.3 Gender equality

Discrimination is legally prohibited in Poland under the Constitution of 1997. According to Article 32 of the Constitution no one shall be discriminated against in political, social or economic life for any reason whatsoever. Discrimination of 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, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women of 1979).



Aspiring for EU membership, Poland had to adjust its legislation to EU regulation also as regards gender equality. This resulted primarily in changes to the Labor Code but also a change of attitude among politicians and public administration.

According to 2012 Human Development Index (HDI) of the United Nations Development Program (UNDP) Poland is a country with very high Human Development Index. It takes 39<sup>th</sup> place among 187 countries, which is above average for countries where EBRD operates and at the average for Eastern Europe and Baltic States. The Human Development Index involves three components: health, education, and standard of living. In terms of Gender Inequality Index (GII) of the UNDP, Poland takes even higher, 24<sup>th</sup> place globally. The Gender Inequality Index is a measure of loss of development opportunities in the territory of a given country resulting from gender inequality. It includes three assessed components: reproductive health, empowerment, and participation in the labor market.

As regards public involvement of women, their participation in public elective authorities is scarce. This is exemplified by such issues as low participation in the Parliament. Similar pessimistic trends are apparent in other elective authorities: municipality councils, district councils, province parliaments (women make up about ¼ of all councilors). A minor drop in the share of female rural municipality mayors, mayors, or presidents of cities is noticed as well. What is interesting, the function of village head, one of the most important for civic participation and building of social equity, is undergoing a steady demasculinization. In practice, women are equal participants of public consultations. Indeed their involvement and local activity often make them leaders during such consultations. To conclude, it is worth noting that numerous grassroot initiatives are taken, declarations of political parties made, solutions from other countries promoted, initiatives of the European Commission taken *ex officio*, etc. to promote women and increase their participation in decision-making circles and management in business, which should translate into improvement of gender equality as regards labor market or decision-making group participation. An analysis of results of studies covering the last 10 years indicates a gradual improvement in this regard.

#### 5.2.4 Land use

The area of the planned reservoir is of an agricultural character, with a mosaic of arable fields constituting medium and poor fertility (RIIIa, RIIIb, RIVa, RIVb, RVI), meadows (ŁII, ŁIII, ŁIV, ŁV, ŁVI) , pastures (PsIII, PsIV, PsV) , forests (LsIII, LsIV, LsV), tree and shrubs stands (Lz-ŁII, Lz-ŁIII, Lz-ŁIV, Lz-PsIV).

Forests span an approximately 19 ha area, arable fields approximately 15 ha, meadows approximately 10 ha. Also a number of agricultural transport dirt and hardened roads run across the reservoir (which are not public roads) providing access to forests, meadows and arable lands. The area for the planned reservoir is not built up.



Figure 1 - Development of land in the future Reservoir basin

The location of the reservoir was taken into account in the Kłodzko municipality Local Spatial Development Plan for the village of Krosnowice, however the dam cross section is shifted in relation to the one proposed in the LSDP by approx. 315 m to the West.

The land use characteristics in the representative basin is shown in the table below:

Arable lands	13.6 ha	31%
Forests	8.6 ha	19%
Meadows, pastures, wastelands	19.0 ha	43%
Flowing waters	3.1 ha	7%

Total 44.3 ha

Cattle farming is performed on part of the land.





Figure 2 - Cattle farming



Figure 3 - Cattle farming

For a detailed specification of the development of given real properties see table constituting appendix no. 2 to the present LA&RAP. The table is not subject to publication due to the protection of personal data.

### 5.2.5 Technical infrastructure

The following infrastructure is currently located in the reservoir basin:

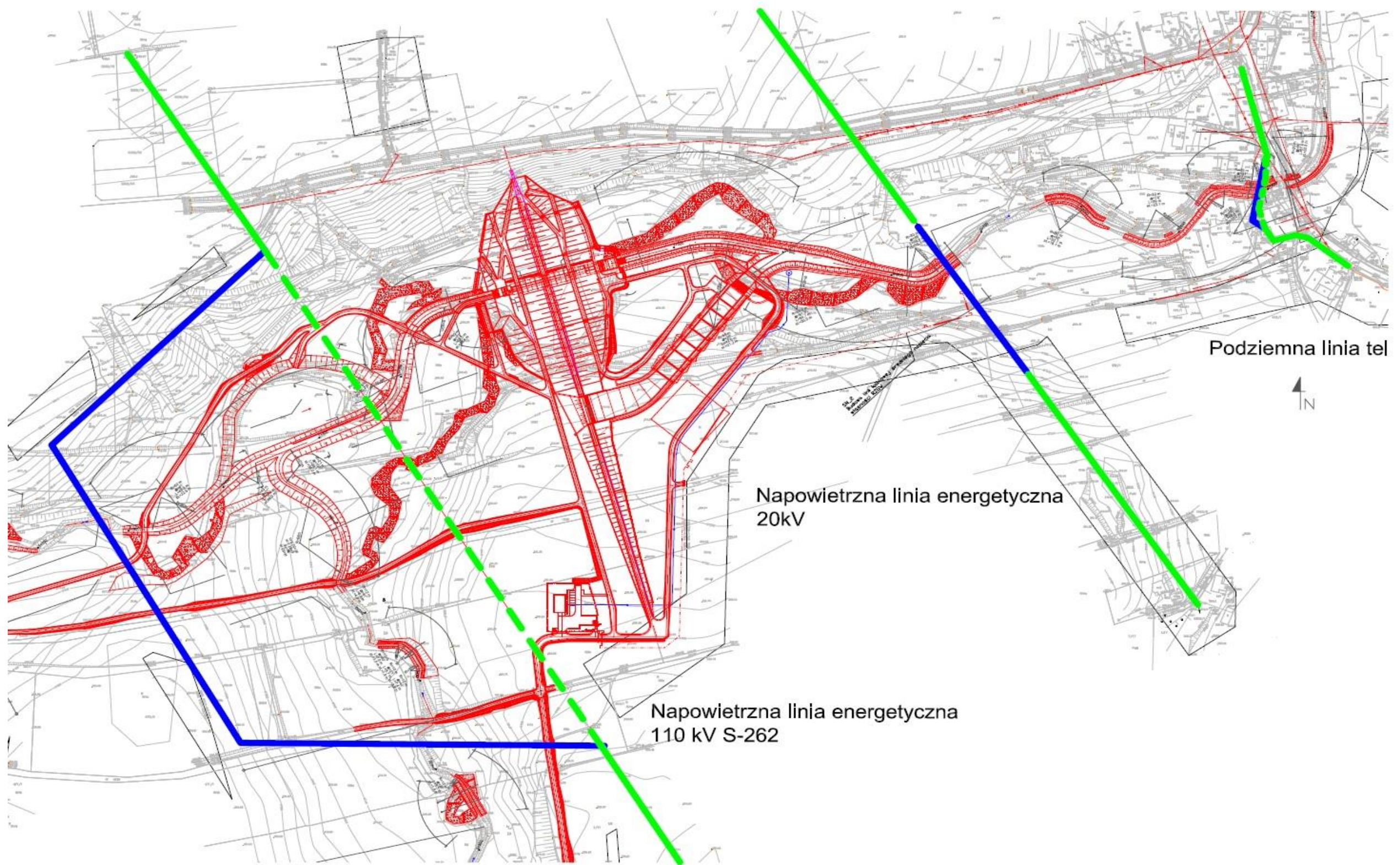
- 1) power and telecommunications infrastructure
  - a. S-262 110 kV Kłodzko – Bystrzyca Kłodzka overhead power line, with pylon no. 30 in the basin; the line runs almost parallel to the dam at a distance of approximately 170 m - the line will be moved: the move will be performed by constricting a new section (length 933 m) and dismantling of the current section between pylons 29 and 31 (dismantling along 575 m) together with the dismantling of the three aforementioned pylons,
  - b. overhead telecommunications line on the left (North) bank of the reservoir upstream of the basin - the line does not collide with the investment and will be kept; a cable ITS line will be connected to it leading to the reservoir auxiliary building
- 2) technical infrastructure
  - a. a deep water well (depth 525 m) constituting a hydro-geological test borehole, on the right bank of Duna Górna (km 0+194) - designated as borehole 11R in the *National Hydro-Geological Authority* register (mineral water uptake - inactive) - it is planned to keep the uptake and shut off the valve so that the water does not penetrate into the well.

The following infrastructure can be found downstream of the dam, in the Duna stream bed:

- 1) power and telecommunications infrastructure
  - a. 20kV overhead power line at chainage km 0+745 of the stream - it is planned to dismantle the two pylons on the right bank of the Duna stream, downstream of the dam, together with a dismantling of the section of the current cables between the pylons and above the stream, and then to erect two new pylons and attach the cables
  - b. an underground ITC line at chainage km 0+406 - the performance of a new line section is foreseen under the stream bed (boring) at chainage 0+409, due to a collision with the planned protection of Duna stream banks
  - c. overhead LV distribution - lighting line at chainage km 0+381 - not subject to reconstruction
  - d. overhead ITC line at chainage km 0+373 - not subject to reconstruction
  - e. overhead ITC line at chainage km 0+304 - not subject to reconstruction
  - f. underground ITC line at chainage km 0+054 - not subject to reconstruction
  - g. overhead LV distribution - lighting line at chainage km 0+014 - not subject to reconstruction
- 2) sanitary infrastructure
  - a. DN40 gas pipeline at chainage km 0+383 – is not subject to reconstruction as there are no collisions

- b. wA160 water main at chainage km 0+368 – is not subject to reconstruction as there are no collisions
- c. ks90 sanitary sewage lines at chainage km 0+254 – are subject to reconstruction as there are no collisions





Map 4 - Technical infrastructure subject to reconstruction in conjunction with the construction of the reservoir

Napowietrzna linia energetyczna	Overhead power line
Podziemna linia teletechniczna	Underground ITC line



### 5.2.6 Access and communication

Left, North abutment of the planned dam is located in the vicinity (approximately 30m) of the Krosnowice – Starków district road, however the crown of the dam is 10 m downstream of the road. The road in its Westerly direction gradually moves away from the dam - up to 600 m from the backwater in the Duna Dolna valley.

From the South, a municipal asphalt road from Krosnowice to Topolice crosses the reservoir backwater in the Duna Górna valley. It crosses Duna Górna over a reinforced concrete bridge.

A number of dirt and hardened roads run across the reservoir providing access to forests, meadows and arable lands in the stream valley, crossing it via a ford.

The Duna stream is crossed at chainage km 0+386 via a reinforced concrete bridge along the Kłodzko – Krosnowice – Gorzanów district road and a steel truss construction bridge at chainage km 0+022 along the Krosnowice – Żelazno municipal road (the road also crosses Nysa Kłodzka over that bridge).

The existing communication infrastructure within the reservoir basin:

- 1) reinforced concrete bridge in the reservoir backwater in the Duna Górna valley at chainage 0+907, along the Krosnowice - Topolice road, width 5.40m and clearance of 3.10 m - reconstruction is not planned as it would only be flooded by MaxDUL, and thus in theory once every 500 years ( $p=0.2\%$ ), and access from the other side is possible (from Topolice)
- 2) a crossing via a ford strengthened using reinforced concrete slabs along an agricultural transport road in the reservoir backwater in the Duna Dolna valley at chainage km 2+581 - a demolition and a new ford crossing is planned.

The current communication infrastructure within the region of the Duna stream downstream of the dam:

- 1) a reinforced concrete bridge at chainage km 0+386 along the Kłodzko – Krosnowice – Gorzanów district road - not subject to reconstruction as there are no collisions
- 2) steel truss structure bridge at chainage km 0+022, on the Krosnowice – Żelazno district road - not subject to reconstruction and there are no collisions, the Duna stream banks are strengthened under the bridge.

Krosnowice is located approx. 8 km away from Kłodzko, a 30 thousand inhabitants Kotlina Kłodzka capital. Kłodzko can easily be reached from Krosnowice by public as well as private transport. This results in good access to social infrastructure and services.



Map 5 - Location of Krosnowice and Kłodzko



### **5.2.7 Public services and social organisations**

In Kłodzko there are numerous cultural institutions, pharmacies, doctors' surgeries and a hospital. As the capital of the Kłodzko district, the town also provides better access to public administration offices than in other municipalities. Within the area of the analysed town there are no major sewage, water mains or ITS infrastructure access problems.

In Krosnowice itself, a branch of the Kłodzko municipal library, a farmer's wives' association, a volunteer fire service, municipal "Orlęta" sports club, pensioners' association and the "Education and Development" Association are active. The town is also home to the Fans of Krosnowice Club, which, apart from activities addressed to the local Krosnowice community, also conducts statutory activities for the entire municipality within the scope of supporting the poorest social groups with food. On the other hand, activities to help the unemployed are performed by the Krosnowice Social Integration Centre.

All of the above facilities and organisations operate outside of the Tasks performance area.

### **5.2.8 Schooling and health protection**

There is a preschool and a primary school in Krosnowice. A Youth Sociotherapy Centre is also located here, within which a special needs primary school and a special needs high school are run. The Youth Sociotherapy Centre in Krosnowice is intended for girls, who as a result of developmental disorders, educational difficulties and social functioning disorders may be at risk of not adapting socially or of addictions and require special education schedule, methodology and specialist psycho educational help. The Centre operates 24/7 throughout the whole year.

All of the aforementioned facilities are outside of the Reservoir construction area.

### **5.2.9 Cultural and historic objects**

Within the area of the Tasks there are no historic monuments, facilities with a very high culture value or cultural goods. The planned reservoir is located outside of archaeological sites.

### **5.2.10 Buildings**

The planned reservoir is located on non-developed land. In the backwater part of the basin in the Duna Górna valley there is a wooden summer cabin with fencing. However, the building is outside of the reach of floodwaters, whereas the fencing will only be flooded sporadically, under MaxDUL and as such its demolition is not planned.

Lack of residential buildings in the reservoir basin and its vicinity is beneficial for the location of the reservoir.



Map 6 - Location of the timber summer cabin

Domek letniskowy – summer cabin

**5.2.11 Natural resources**

Within the basin area, on the right bank of Duna Górna, there is a 525 m deep water well - a hydro-geological test borehole (designated as borehole 11R in the *National Hydro-Geological Authority* register - mineral water uptake). According to the NHGA information the uptake is inactive. It is planned to keep the uptake and shut off the valve, so that the water does not penetrate into the intake utilities.





Figure 4 - Krosnowice 11 R mineral water uptake

The planned Reservoir - both the dam and the area covered by the maximum damming-up level are outside of the boundaries of deposits, mining areas and mining regions. The nearest deposits together with a mining area and a region constitute "Stary Wielisław" located 2.46 km to the North of the reservoir and "Mielnik" located 2.98 km to the South-East of the reservoir. "Stary Wielisław" is a deposit of healing waters with safe yield of 664.85 m<sup>3</sup>/h, resources of 20.8 m<sup>3</sup>/h. The abstraction of water is at 535 m<sup>3</sup>/annum. "Mielnik" is a deposit of road and construction stones used periodically.

Furthermore, in accordance with the local spatial development plan, approximately 60 m from the floodplain under maximum damming-up there is a mineral resource deposit (No. 81 - according to the municipality rock resources stock take).

### 5.3 PAP CHARACTERISTICS

Based on data gathered as a part of the conducted field works, households with arable lands at their disposal designated for construction of the reservoir, have been classified according to the type of primary impact which they are subject to in conjunction with this investment. Each category of households identified in this manner was described in the socio-economic study constituting appendix No. 5 to this LA&RAP. That Appendix is not subject to publication due to the protection of personal data.

Households have been categorised as follows:

- 1) Households located outside of the reservoir construction area, using the lands located therein for purposes associated with running an individual agricultural farm. Farms of this category are located outside of the areas subject to the expropriation procedure, but use arable lands or other lands located therein, for purposes associated with running an individual agricultural farm. A common denominator for all households assigned to this category is the purely economic impact of the investment on their situation resulting from the loss of part of the farm's revenue, or an increase of costs associated with the inability to continue production for own needs.
- 2) Households located outside of the reservoir construction area, not using the lands located therein for purposes associated with running an individual agricultural farm. This category includes households which do not use lands which they administer to generate an income, nevertheless, the fact itself that these do constitute a measurable market value, these lands are a form of investment and are a part of their assets. Thus the expropriation procedure for households in this category will not yield results in an immediate decrease to the households' proceeds and an associated worsening of the financial situation, nevertheless it will cause a significant deterioration of the value of assets which could be liquidated, or handed over as inheritance or a gift in the future.
- 3) Unclassified households due to the impossibility to conduct an interview. For some households, the representatives of which were identified as owners or administrators of the lands, it was impossible to conduct interviews, and thus, it was impossible to assign them to any one of the above categories.

Due to the fact that the area designated for the construction of the reservoir covers land intensively used for agricultural purposes, and also partially encompasses plots with residential buildings, the social and economic costs incurred by representatives affected by the community expropriation procedure should be considered to be relatively high as compared to other undertakings of this kind.

## **5.4 THE NEED TO UPDATE SOCIAL AND ECONOMIC RESEARCH AND REAL PROPERTY STOCK TAKES**

The data presented in this report mostly pertain to permanent issues which are not subject to dynamic changes over time. The economic and financial situation of all households taken into account in the survey should be considered as stable, thus there are no grounds to forecast the occurrence, over a period of two - three years after the performance of this research of dynamic changes to it, requiring the research constituting the basis for this report to be repeated.

However, it is necessary to perform a stock take of real property, which should be done in accordance with the provisions of Polish law in force as on the day the investment permit is issued.

## 6 Regulations as in force at present and valuation methodologies

This LA&RAP for Task 2A.2/2 Construction of “Krosnowice” - a dry flood control reservoir on the Duna stream is based on the provisions of Polish law, and also, on account of the financing, inter alia, from a World Bank loan, also on the World Bank Operational Policy OP 4.12 Involuntary Resettlements

The Loan Agreement between Poland and the World Bank is an act of international law, and through its conclusion Poland undertakes to apply the policies of the World Bank.

If there are differences between Polish regulations and WB policies, the provisions most beneficial for the affected population apply.

### 6.1 OBLIGATIONS STEMMING FROM POLICY OP 4.12<sup>1</sup>

OP 4.12 is applicable if Project performance entails:

- 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 revenue sources or livelihood
- 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.

OP 4.12 sets forth the following obligations:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs, and where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed so as to minimise their scale and impact;
- Resettlement process should be planned and implemented as development activity providing means and assets allowing PAPs to participate in benefits resulting from implementation of the investment. Support should be offered to social groups affected by resettlements in order to improve their economic status, revenue and livelihood, or at least restore their status;
- The resettled should receive compensation at replacement value, assistance in relocation and support in the transition period;
- Lack of a legal title to the ground should not bar compensation;
- Particular attention should be paid to vulnerable social groups and individuals (e.g. single mothers, the handicapped, the poor);
- The communities should be given an opportunity to participate in planning, implementation and monitoring of the resettlement process;
- The resettled should be assisted in integration with the host community;
- Process of resettlements should be closely linked to the schedule of the main investment so that the resettled people receive compensation before the construction or other activities covered by the projects begin;

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<sup>1</sup>Chapter in accordance with the LARFP



- Monitoring of resettlement is required as well as evaluation of its efficiency;
- As regards rural or farming lands, even when it is possible to apply financial compensation, land-for-land compensation is recommended, if economically feasible. Farm that lost their fixed assets entirely and became entirely unprofitable should receive compensation in the amount equal to the value of the entire farm;
- For losses that are hard to compensate for financially, such as access to public services, access to clients or suppliers, fishery areas, access to pastures and forest areas, an attempt should be made to grant access to equivalent and culturally relevant resources and revenue opportunities.

## 6.2 POLISH LEGAL REQUIREMENTS

The most important normative acts associated with acquiring rights to real property required to perform the Task are:

- The Constitution of the Republic of Poland of April 2nd, 1997 (Journal of Laws No. 78, pos. 483 as amended).
- The Civil Code of April 23rd, 1964 (consolidated text, Journal of Laws 2016 pos. 380 as amended), hereinafter as the CC,
- The law of July 8th, 2010 on specific rules for the implementation of flood structures (consolidated text Journal of Laws 2015 pos. 966 as amended), hereinafter as the Special Flood Act
- The Law of 21 August 1997 on the real property management (consolidated text, Journal of Laws 2015 pos. 1774 as amended), hereinafter as the RPM Law

The Civil Code regulates the legal relations between physical persons and legal persons, including pertaining to concluding real property sale agreements. Here the principle of freedom to draw up the wording of the agreement and freedom to decide whether and with whom to conclude such an agreement are effective. Unanimous declarations of the parties dictate conclusion of an agreement. The Civil Code sets forth a particular form for concluding agreements, the subject-matter of which constitutes real property. Under pain of nullity these should be concluded in the form of a notarial deed.

Mechanisms for involuntary acquisition of rights to real property are set forth in the Special Flood Act and the RPM Law.

### 6.2.1 Acquiring real property by virtue of the Special Flood Act

Pursuant to the Special Flood Act expropriation of real property or part thereof, as well as permanent and temporary limitation of manner of use of real property or part thereof is set forth in the IPIP issued by the Voivode. Expropriation takes place the moment the IPIP becomes final.

On account of a transfer of real property ownership to the State Treasury, the real property owner or its perpetual usufruct holder are entitled to financial “land for land” compensation. The Special Flood Act does not indicate a particular preference as to the disbursement of compensation in the “land for land” form; rather financial compensation is foreseen under an assumption that it facilitates a purchase of a similar real property at market prices.

The compensation amount is determined for each real property, by way of individual negotiations between the investor with the current owner or perpetual usufruct holder. These negotiations will be held on the basis of an independent and objective assessment of a valuation prepared by licensed appraiser who holds an appropriate professional licence (professional official permission to value real property).

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

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

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

The decision issued by the Voivode may be challenged by the party (currently to the Minister of Infrastructure and Construction).

In case of an appeal from the decision establishing the amount of compensation, the expropriated party may file a motion for paying the compensation in the amount stated in the contested decision. In such a case the compensation is paid as stated, which does not influence the appeal proceeding. The decision issued in the appeal proceeding may be further contested to the Regional Administrative Court within 30 days from the date of delivery of judgment to the complainant. The ruling of provincial administrative court may be further subject to cassation, which has to be filed for within 30 days from delivery of a copy of the judgment with substantiation to the party.

### **6.2.2 Determining permanent restrictions to real property management**

Instigating the proceedings to the issued IPIP requires a request by the Investor who is obligated to, amongst others, indicate the real property or parts thereof which constitute a part of the investment, are indispensable for its functioning, but which do not become property of the State Treasury, but which are subject to permanent restrictions applied to its use (hereinafter PR). Such a request has to be considered and pursuant to administrative body findings, disclosed on the IPIP decision issue by the Voivodship Governor (Article 9 item 5.b. of the Flood Act).

Another PR category stemming from the IPIP, not necessarily resulting from the investor's request, will take into account the areas of direct flood hazard and areas subject to potential flood hazard or particular flood hazard, as long as such have been determined. (Article 9 item 8f of the Flood Act). Such real property will not be subject to permanent change to the manner in which they are managed and in principle the owner (perpetual usufruct holder) will



be able to use them in a manner similar to that before investment implementation, however, after task completion, always with certain functional restrictions.

These restrictions and the associated inconveniences, restrictions to real property economic and market potential (e.g. building prohibition, prohibition to plant trees, to conduct agricultural activity, etc.) have a negative effect on the real property market value and have to be compensated by way of an appropriate compensation. In an extreme case, where the real property is no longer usable by its owner (perpetual usufruct holder), they may (Article 22 paragraph 2 of the Flood Act), by submitting a request within a defined deadline, pursue a civil and legal path to demand its purchase. If that path has not been taken, the administrative path determining an appropriate compensation remains opened.

The Special Flood Act does not define what PR entail and does not identify the administration authority which is competent to determine the compensation on that account pursuant to an administrative procedure. Such a state, that is the lack of clear provisions of law identifying the competent authority, is caused by an evident legal loophole and authorises to apply a legal analogy in administrative proceedings (Special Road Act - SRA) with reference to the decision of the Supreme Administrative Court in Warsaw dated 9 November 2012 (I OW 142/12). The Court, in identifying the Voivode as the competent authority, unambiguously states that "The authority competent to determine the compensation is the authority, which issued the permit to perform the road investment (...). As it is impossible to accept for the legislator to split the competence for determining compensation for the consequences of that same decision depending on the subject-matter of that compensation."

The necessity to apply Article 30 of the Special Flood Act in the conducted procedure should also be accepted, in accordance with which *within the scope not regulated in the Special Flood Act real property management provisions are applicable* and in performing this instruction, the proceedings should be based on RPM provisions.

As a result, with reference to the

PR compensation, procedures and valuation principles described in this LA&RAP will be applicable, pertaining to determining and disbursing compensation for expropriation of real property or part thereof.

### **6.2.3 Special procedures**

Depositing financial means on a court account if the applicable compensation cannot be disbursed

Pursuant to Article 133 RPM, an Investor deposits the compensation amount in a court deposit pursuant to a Voivode decision obligating the Investor to pay the compensation into the deposit. That is considered tantamount to the satisfaction of the payment. This is applicable solely in two cases: when the entitled person refuses to accept the compensation or its disbursement encountered obstacles difficult to overcome (lack of legal capacity of the creditor, their prolonged absence from the country with no authorised representative established, natural disasters, marital law) and when the compensation for expropriation pertains to real property with an unsettled legal status (Ruling by the Regional Administrative Court in Lublin dated February 25th 2005, case ref II SA/Lu 884/04).

Payment into a court deposit carries the same consequences as satisfaction of the payment and obligates the creditor to refund the costs of payment to the debtor.

In the event of a court overruling the request, the fee shall not be refundable and additionally if the creditor (as a participant of the proceedings) will be represented by a legal advisor or an advocate, the court may demand that the Investor pays PLN 120 on account of remuneration for court representation.

#### **6.2.4 Purchase of “remnants”**

If part of a real property is acquired, and the remaining section is not suitable for standard use for current purposes (the so called “remnant”), the Investor upon a request by the owner or perpetual usufruct holder is obligated to purchase that part of the real property (pursuant to Article 23 paragraph 1 of the Flood Act).

The request for the purchase of a remnant may be submitted before the IPIP is issued, however, the purchase of the real property itself may only take place following issue of the IPIP. Remnants will be acquired by way of civil law agreements after the IPIP is issued for the Tasks pursuant to the following procedure:

1. The owner / perpetual usufruct holder of the real property submits to the Investor a request which includes:
  - a. a justification indicating why the part of the real property remaining after the acquisition is not suitable for the current purposes,
  - b. indication of the remnant on the land register map attached to the request.
2. Assessment of the filed application by a commission, including 4 members, and appointed by the Director of the Regional Water Management Authority in Wrocław. The commission includes a representative of the team for LA&RAP monitoring and implementation and experts in technical issues and in property management issues. A representative of the Consultant for LA&RAP may attend meetings of the commission and has advisory competences.
3. The decision on purchasing or refusal to purchase the real property immediately, but no later than within 30 days of receiving the remnant purchase request.
4. Notification of the applicant on the decision pertaining to purchase / refusal to purchase the remnant.
5. An opinion by a licensed appraiser as to the value of the remnant.
6. Negotiations with the owner / perpetual usufruct holder as to the compensation amount.
7. Conclusion of a real property purchase agreement (purchase of the remnant) in the form of a notarial deed.
8. Compensation disbursement.

## 6.3 ADOPTED MECHANISM FOR ACQUIRING RIGHTS TO REAL PROPERTY<sup>2</sup>

LARPF identifies a number of inconsistencies between OP 4.12 and the Polish law: OP 4.12	Polish laws	Corrective actions
<p>Lack of a legal title to the land should not bar the receipt / disbursement of compensation. People without legal title are eligible for compensation.</p>	<p>Polish legal system does not account for the right to compensation for land owners / users who do not hold a legal title to it (with the exception of people whose legal title to a real property was lost or who acquired the right to the real property through usucaption, i.e. a method for gaining ownership of property by uninterrupted possession of the real property for a period defined in legislation).</p>	<p>For persons who do not hold a legal title to a real property affected by the consequences of Task performance, each case of this kind should be considered in accordance with its own merits, in terms of possibilities to apply the general mechanisms stemming from the Civil Code to achieve OP 4.12 objectives.</p> <p>According to OP 4.12, project affected persons who do not hold a legal title to the real property are not entitled to receive financial compensation for the real property. However, they are entitled to receive compensation for all objects, crops and real property improvements performed before the cut-off date and for appropriate solutions in cases where they will have to be physically or economically displaced. In such cases appropriate mitigating measures can be applied.</p>
<p>WB Policy requires compensation for the loss of revenue (e.g. from business or agricultural activity, etc.) in conjunction with real property acquisitions for the needs of the planned Task.</p>	<p>Provisions of Polish law do not foresee compensation on account of a loss of revenue as a result of Task performance.</p>	<p>Persons who lost revenue or employment will receive support (health insurance, vocational training etc.) from job centres.</p> <p>For businessmen, apart from the civil code mechanism, it is possible to apply general Civil Code mechanisms (compensation for the incurred loss and lost profit)</p>
<p>Particular attention should be paid to vulnerable social groups, such as the poor, the elderly, single mothers, children and ethnic minorities.</p>	<p>Polish law does not require planning specific measures aimed at additionally assisting vulnerable social groups (the elderly, the handicapped, the poor, and other groups with special needs).</p>	<p>The project will grant to the affected people help in obtaining assistance from offices and institutions. Additional measures will be implemented as needed to ensure that the objectives of OP 4.12 are met.</p>

<sup>2</sup>The table presented in this chapter is in accordance with the LARFP

LARPF identifies a number of inconsistencies between OP 4.12 and the Polish law: <b>OP 4.12</b>	<b>Polish laws</b>	<b>Corrective actions</b>
<p>WB Policy requires additional compensation of expenses incurred by PAP as a result of physical relocation (e.g. transport of materials) and assistance in implementing the resettlement.</p>	<p>Assistance regarding incurring costs of relocation and other similar costs resulting from the necessity to move to a new location by the citizens and enterprises is not provided in the provisions of law.</p>	<p>In order to cover costs of relocation and other similar costs it is possible to apply general mechanisms from the Civil Code in a manner that achieves the requirements of OP 4.12.</p>
<p>The compensation should be paid prior to physical occupation of the land for the purposes of implementation of the investment.</p>	<p>The Special Flood Act allows for occupying the land and commencing the works before the compensation is paid.</p>	<p>In all cases, no work will begin until there is documented evidence that the project-affected person has been informed well in advance, compensation has been paid and it has granted permission to enter the land.</p> <p>The only exceptions are cases where the process is taken to the courts because negotiations fail or other reason or cases were absentee owners cannot be found. In these cases, as per Polish regulations, the compensation amount will be put into an escrow account and the money will be available to affected people once the court makes a decision or the owner is found.</p> <p>To minimize the risk of starting the works before compensating for losses, the project will plan and conduct land acquisition well in advance of starting construction.</p>

LARPF identifies a number of inconsistencies between OP 4.12 and the Polish law: OP 4.12	Polish laws	Corrective actions
<p>Compensation for the loss of assets is based on their market value plus any transaction costs (e.g. taxes and registration fees) and the objective is for the compensation to be enough to effectively replace the affected asset (replacement value).</p>	<p>Applied methods of valuation may lead to lowering the value of the real estate as compared to prices of similar real property on the local market.</p>	<p>The valuation of the real estate will be conducted by an independent and experienced appraiser. The expert opinion should be verified by the PIU. The expropriated party should be granted proper amount of time to get familiar with the appraiser's opinion. Should there be any doubts regarding the sufficiency of the due amount of compensation, value of the real estate should be estimated by an independent appraiser in the proceeding with the Voivode. In all cases effective replacement value will be achieved.</p>
<p>It is required to prepare a socio-economic study, LA&amp;RAP, and monitor of compensation, resettlement and livelihood restoration measures as well as evaluation of their efficiency.</p>	<p>Provisions of Polish law do not account for obligation to gather a socio-economic study and prepare a LA&amp;RAP as such and there is no obligation of monitoring or evaluation of their effectiveness.</p>	<p>Socio-economic studies and Resettlement Action Plans will be prepared based on the LA&amp;RAP, monitored and evaluated in line with OP 4.12 and good practices.</p>

Due to the formal and legal regulations for Task 2A.2/2, mechanism for acquiring real property will be applicable stemming both from the Special Flood Act as well as the Civil Code (with reference to remnants).

In accordance with the provisions of the Flood Act, plots are acquired within the scope of the expropriation procedure. In every case for the Investor it will be a priority to reach an agreement with PAP pertaining to the real property acquisition conditions (form of compensation, real property acquisition date, use principles following the IPIP issuance, etc.) Once the IPIP is issued, based on an opinion by an independent expert - licensed appraiser, negotiations pertaining to the compensation amount will also be conducted. If the negotiations fail to determine the compensation amount within 2 months of the day on which the IPIP became final, the compensation amount will be determined by the Lower Silesian Voivode by way of a decision on the basis of a valuation performed by a certified surveyor designated by the Voivode.

Owners of power lines, gas lines and telecommunication lines will receive compensation in the form of a new transmission device (transmission network) constructed on other real properties in place of those dismantled. On real property where the new transmission devices will be constructed, transmission servitude will be determined for the benefit of the transmission operator, who owns the dismantled and reconstructed network. In accordance

with Article 305<sup>1</sup> CC. the essence of transmission servitude is encumbering the real property with the right to use that real property within the scope defined by the transmission devices purpose. Such encumbrance includes access, use by current exploitation, performance of controls, inspections, maintenance, upgrades, refurbishments, fault repairs, replacement of equipment located on the given real property within the scope required to ensure correct and uninterrupted operation of the transmission network of the operator (cf. SC ruling dated April 18<sup>th</sup>, 2012 V CSK 190/2011, LexisNexis No. 3971510).

The primary method for determining transmission servitude is an agreement between the real property owner and the operator. Real property owner may demand an appropriate remuneration in exchange for agreeing to establish transmission servitude. If the real property owner refuses to conclude an agreement, then transmission servitude may, upon the operator's request, be established by a court of law in exchange for appropriate remuneration, by ways of non-judicial proceedings, similar to right of access servitude. The remuneration is determined by the court, unusually aided by an expert, guided by the type of equipment and the associated manner of real property use by the entitled party, and the impact these devices have on restricting the business activity on the real property. The same right is due to a real property owner if the operator refuses to conclude an agreement to establish transmission servitude required to use the devices in question. The Act does not define whether the remuneration is to be one-off or regular, which means an opportunity to select an equivalent payment for the benefit of the owner.

All temporarily acquired real properties will be restored to their original states.

## 6.4 VALUATION PRINCIPLES<sup>3</sup>

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

In all cases compensation must meet the principle of replacement value, which means the market value of the land, assets and other (e.g. crops) plus any transactions costs required to replace it, such as taxes and registration fees. Compensation is determined on the basis of a valuation by a valuator, and other experts (e.g. agricultural expert) as required. According to the OP 4.12, with regard to land and structures, "replacement cost" 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 affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes;

b) for land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes; and

c) for houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building

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<sup>3</sup>Chapter in accordance with the LARFP.

materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.

With reference to real property expropriated for the needs of Task implementation, principles as set forth in letter a) shall be applicable.

In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where Polish law does not meet the standard of compensation at full replacement cost, compensation under Polish law is supplemented by additional measures so as to meet the replacement cost standard, such as support after the displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living, etc. The amount of compensation paid by the State Treasury or the local government entity, respectively, is determined by the investor and the current owner, holder of perpetual usufruct or other legal holder through negotiations based on a valuation conducted by a certified real estate and assets valuation committee/expert appointed by the PIU. Should the investment concern garden allotments established pursuant to the Act on Family Garden Allotments, the entity in the interest of which an allotment garden or a part thereof will be liquidated is obligated to:

- pay the garden allotment holders compensation for the plants, assets and objects belonging to the allotment holders and located in the allotment;
- pay the garden allotment holders' association compensation for assets, buildings and structures located in the family allotment for the purpose of shared use by the allotment users and ensuring the proper functioning of the allotment;
- secure replacement real property for the purpose of restoration of the family allotment.

The compensation amount determined on the IPIP issuance date is subject to indexing as on the disbursement day, according to the principles applicable for return of expropriated real property.

#### ATTENTION:

Valuation methods are determined by a legal act of resolution rank, i.e.: Regulation of the Council of Ministers dated September 21<sup>st</sup>, 2004 on valuating a real property and drawing up a valuation (Journal of Laws No. 207, item 2109 as amended), the valuation methods and techniques are contained therein.

#### **6.4.1 Real property valuation<sup>4</sup>**

The amount of compensation is determined on the basis of the market value of the real property. While ascertaining the market value of the real property, the following factors in particular are taken into consideration: its type, location, use and zoning, existing technical infrastructure, overall condition and current market prices. Should the change of zoning and land use for the purpose of the investment decrease the real property's value, its market value will be ascertained according to pre-rezoning and pre-project use. If the data from the

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<sup>4</sup>Chapter in accordance with the LARFP.



local or regional real property market allow the valuator to ascertain the market value of the property, they should apply one of the market approaches, i.e. the sales comparison approach, the income capitalisation approach or the combined approach. Should the zoning in accordance with the purpose of the investment increase the real property's value, its market value is ascertained according to the alternative use resulting from the new zoning. If the data from the local or regional real property market does not allow the valuator to ascertain the market value of the property, they should ascertain the replacement value of the real property on the basis of the cost approach. Should the current owner or holder of perpetual usufruct rights of the affected property agrees to deliver the property and vacate the premises within 30 days of the day on which the IPIP became final, the amount of compensation is increased by 5% of the value of the real property or of the value of the title to perpetual usufruct.

#### **6.4.2 Valuation of movable assets**

Movable assets will also be compensated in cases where:

- a) they are not fit for the purposes of the new location and/or
- b) the affected persons will no longer use it as a result of the resettlement (e.g. moving from a rural to an urban dwelling). Currently no structures permanently attached to the real property have been identified, which will not be suitable for use at a new location or due to the expropriation.

#### **6.4.3 Valuation of plants and crops**

The valuation of tree stand or tree cover, if the tree stand includes usable resources, it will involve the valuation of timber in the tree stand. If the tree stand includes no usable resources or if the value of timber is exceeded by the costs of reforestation and maintenance of the tree stand, the valuation concerns the costs of reforestation and maintenance of the tree stand until the day of expropriation. The valuation of fields of perennial plants involves the valuation of the costs of establishing the field and its maintenance until the first crop as well as of the lost profit in the period from the day of expropriation until the completion of the full yield. The aggregate of costs and the value of lost profits are reduced by the sum of the yearly depreciation charge resulting from the period of using the field from the first year of yield until the day of expropriation. The valuation of crops, cultivation and other yields of annual plants involves the valuation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the harvest of the crops.

#### **6.4.4 Valuation of the remaining assets**

The remaining assets related to real property are civil profits, that is revenue from real property gained on the basis of a legal relationship. When valuating rights under contracts (including the rights of lease, usufruct, tenancy, lending and life annuity) and their impact on the real property, the valuator may in particular consider the following elements: type, nature, scope and duration of the contract,



- relevant provisions of the law,
- form of payment,
- type and amount of other payments,
- method and dates of payment of rent and other payments,
- 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 section of the market involving obligations.

## 7 Eligibility criteria and entitlement matrix

### 7.1 ELIGIBILITY<sup>5</sup>

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

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

Persons under paragraph (a) or (b) above should receive compensation for the land they lose, and other assistance. Persons under paragraph (c) should be provided with 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 a 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 included in paragraphs (a), (b), or (c) are provided with compensation for loss of assets other than land.

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

It should be emphasised that in this case there is no group of people considered as a part of the group without a legal title to land. Moreover, persons who use land without a title are aware of the illegality of their actions and of the fact that the property may return to the rightful owner at any time and without financial compensation.

When it comes to assessing the impact on PAP, it is described in chapter 4.1. Social impact

### 7.2 ENTITLEMENTS<sup>6</sup>

Project-affected people will be entitled to receive compensation and additional assistance according to the following principles:

- legal possessors of real property in the project's area shall receive full compensation with due account of the rule "land for land";

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<sup>5</sup>Chapter in accordance with the LARFP.

<sup>6</sup>Chapter in accordance with the LARFP.

- lessees, tenants, life annuitants and other dependent possessors of real property in the project's area shall receive full compensation for the loss of these rights;
- possessors of limited property rights in real property in the project's area shall receive full compensation for the loss of these rights;
- owners of crops, plants, structures and other constructions attached to the land shall receive compensation for the crops, plants, structures and constructions;
- residents of houses and flats subject to Resettlement 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 income, pay or ability to carry out business activity shall receive adequate compensation and, if necessary, a package of individually selected protective measures;
- illegal possessors of real property in the project area, who have no legal title and no expectant right to obtain a legal title in the property, shall receive no compensation for the expropriation from the real property, as that is not possible under Polish law. Yet these persons shall receive compensation for plants and constructions owned by them and, if necessary, a package of assistance required to improve, or at least restore, living conditions and livelihood.

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

- **Permanent loss of land:** - where possible and where PAP express such a will, the loss will be compensated in the form of land for land” by way of granting the real property of a similar value, location and functions as the expropriated real property. If finding a real property that meets the criteria of adequate compensation is not possible, PAP will not express an intention to receive compensation in the form of land for land” , or if only a small part of the plot is subject to acquisitions, the compensation will be paid in cash and will correspond to the market value of the expropriated real property or any part thereof. In addition, for the immediate release of the property it will be possible to increase the compensation by an amount corresponding to 5% of the value of the expropriated property under the terms of the Special Flood Act. PAP not being owners or holders of perpetual usufruct rights, but having legal title to the property will receive compensation corresponding to the value of the expropriated rights. At the request of PAP, the investor may take over the real property in its entirety and compensate for the acquisition of the property according to the aforementioned principles. Any and all transaction costs, including taxes related to the granting of compensation for expropriation, will be covered by the investor. PAP who possess properties within the area covered by the project without any legal title (illegally) shall not be granted any compensation for the expropriation of the land. However, they will receive compensation for plants, plantings and structures belonging to them and, if necessary, the package of assistance required to improve, or at least restore, living conditions and livelihood.
  - **Permanent restriction of land use** as a rule, it will be compensated in cash, taking into account the loss of the market value of the real property. Depending on the case, specially selected protective measures will also be offered. At the request of PAP, the

property, where permanent restriction of use of real property for project purposes is to occur, is expropriated and PAP will receive compensation under the terms applicable to the permanent loss of the property;

- **Residential buildings** - compensation will be carried out on the same basis as for permanent loss of the property. In addition, the relocated PAP will receive an additional payment in the amount of PLN 10 000. Depending on the case, such people can opt to receive replacement residential accommodation by the Investor. As for squatters, they are not entitled to compensation for land, however, in certain cases the investor will grant 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 actions 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, owners and users of these buildings and structures are compensated on the basis applicable to the permanent loss of property. Within the framework of the protective measures the investor will propose the reconstruction of infrastructure networks - and where appropriate - of structures and buildings at the expense of investor. In addition, in case of local government units which have implemented or are implementing the affected buildings and structures by use of funds from the budget of the European Union or other foreign sources, financial compensation will be increased by the amount of the refundable funds of co-financing together with accrued interest;
- **Loss of crops** will be compensated to the benefit of PAPs in cash, taking into account the costs of making and maintenance of plantings, as well as the value of lost fruits in the period from the date of expropriation until the end of the full yield;
- **Loss of tree stand** will be compensated on the basis applicable to the loss of plantings. Depending on the case, compensation may also be made according to the estimate of the value of wood that could be obtained;
- **Impact on enterprises** will be compensated in cash by compensation for the damage actually incurred by an enterprise and a profit lost as a result of the Task. Billing and accounting documents or corporate income tax returns should be the grounds for the determination of such values. Should employees lose their work, they will receive unemployment benefits. Both employees as well as 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 retraining vocational training aimed at finding new employment;
- **Loss or limitation in access to the social infrastructure** (e.g. parks) will be compensated as much as possible by restoring the infrastructure in the new appropriately located site. In the absence of possibility or the lack of the need to restore the infrastructure in the new site, PAP will have access to existing social infrastructure;
- **Cost of moving to a new location** – in order to cover the costs of household resettlement, PAPs will receive the amount of PLN 10 000. They will also be offered the package of protective measures including, if necessary, assistance in search for the transport company and coverage of transport costs exceeding the amount of PLN 10 000;



- **Vulnerable groups** will be covered by protective measures specially adjusted to their needs (schedule of measures' implementation in this field will be determined individually). With reference to children and school teenagers, the assistance will cover help in finding a new resettlement site which will enable them to continue education in the current school; the same rule applies for children attending nurseries and kindergartens. The elderly will be relocated to places devoid of architectural barriers which hinder movement and have 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 from non-governmental organisations competent in the scope of their problems;
- **Temporary loss of land** will be compensated in cash through the payment of monthly amounts corresponding to market prices of tenancy or lease of the real property. Moreover, in the case when due to the temporary occupation of the property PAP incur loss; such a loss will be separately compensated according to the aforementioned principles. After the completion of implementation activities, all properties will be restored to their original state;
- **Damage to houses, buildings and structures due to the construction works (e.g. vibration, accidents, etc.)** will be compensated according to their nature in order to make the restoration of the full substance of the affected object or the purchase of a new one possible. Depending on the situation, appropriate rules for the payment of compensation to the above influences will be applied.

A detailed catalogue of beneficiaries is included in Appendix 1 to this LA&RAP. This Appendix is not subject to publication due to the protection of personal data.

### 7.3 ENTITLEMENT MATRIX<sup>7</sup>

Impact / damages	Eligibility	Compensation
Permanent loss of land	Owners, perpetual users, and owner-like possessors	<ul style="list-style-type: none"> <li>• “land for land” compensation,</li> <li>• if “land for land” compensation is not possible or not wanted then financial compensation,</li> <li>• coverage of all transactional costs,</li> <li>• after the Reservoir constructions is complete - lease priority right of the expropriates lands which are not occupied by the Reservoir.</li> </ul>
	Holders of easement, mortgage, lien upon properties	<ul style="list-style-type: none"> <li>• financial compensation for the lost rights,</li> <li>• 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,</li> <li>• coverage of all transactional costs.</li> </ul>
Permanent limitation in using properties	Owners, perpetual users, and owner-like possessors	<ul style="list-style-type: none"> <li>• financial compensation for losses caused by the limitation,</li> <li>• coverage of all transactional costs,</li> <li>• proposing an institutional support and advising in the scope of possibilities of other use for properties.</li> </ul>
Non-residential buildings and structures (stables, fences, technical infrastructure, etc.)	Owners, perpetual users, owner-like holders of buildings and structures	<ul style="list-style-type: none"> <li>• financial compensation at replacement value for lost assets,</li> <li>• replacement or reconstruction of lost asset.</li> </ul>

<sup>7</sup>Chapter in accordance with the LARFP.

Impact / damages	Eligibility	Compensation
	Users	<ul style="list-style-type: none"> <li>• financial compensation at replacement value for lost assets,</li> <li>• replacement or reconstruction of lost asset.</li> </ul>
Loss of plants	Owners, owner-like possessors of properties	<ul style="list-style-type: none"> <li>• financial compensation including costs for arranging and curing of the planting and for lost crops,</li> <li>• Allowing for collection of crops.</li> </ul>
	Users	<ul style="list-style-type: none"> <li>• financial compensation including costs for arranging and curing of the planting and for lost crops,</li> <li>• Allowing for collection of crops.</li> </ul>
	Leaseholders, tenants	<ul style="list-style-type: none"> <li>• financial compensation including costs for arranging and curing of the planting and for lost crops,</li> <li>• Allowing for collection of crops.</li> </ul>
Community assets	Community	<ul style="list-style-type: none"> <li>• Reconstruction or replacement of the lost structure in consultation with community.</li> </ul>

Details pertaining to eligibility of beneficiaries to compensation are shown in Appendix No. 2 to this LA&RAP. That Appendix is not subject to publication due to the protection of personal data.

## 8 Consultations with the public and participation of the local community

Construction of the Reservoir in Krosnowice has been planned for some time now. In conjunction with the above a series of information meetings was conducted with Krosnowice residents. The first meeting took place on February 2<sup>nd</sup>, 2012 and had a negative overtone - negative exchanges of opinions occurred between the Investor and the local community.

In conjunction with obtaining a loan from the World Bank and the need to implement the principles pertaining to the resettlement process stemming from the OP 4.12 requirements, the Investor instigated actions aiming to engage the local community in the development and implementation of the LA&RAP. Engagement of the community is treated as one continuous process spread out in time, the correct performance of which should facilitate a minimisation of risks associated with the potential social conflict for the Task.

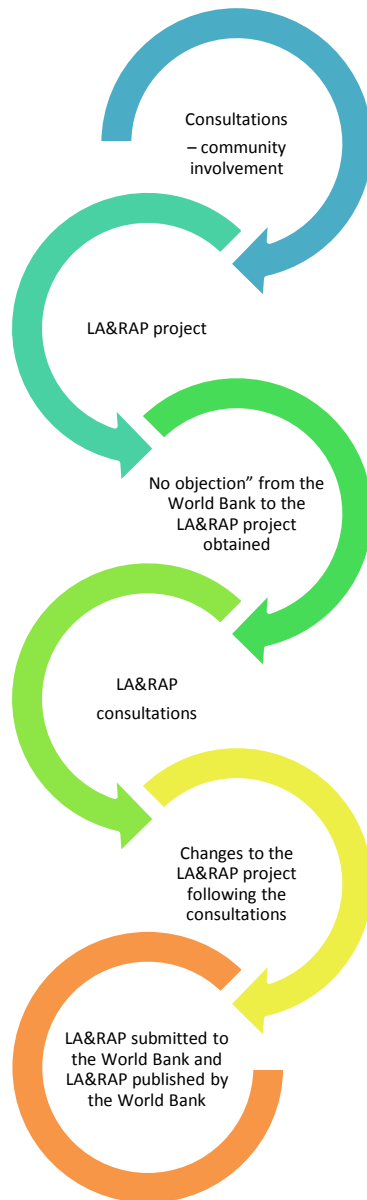
For that reason the Investor during the period preceding publication of the LA&RAP, within the scope of engaging the local community in the LA&RAP preparation process, on November 10<sup>th</sup>, 2015 conducted another consultation meeting, during which the local community was informed as to details such as:

- requirements stemming from the World Bank policies,
- detailed information on the planned scope of the investment,
- planned order of the Investor's actions,
- grievance redress mechanism,
- compensation principles within the scope of LA&RAP.

During the works on preparing this LA&RAP, the Investor also conducted individual consultation meetings with the inhabitants. During the individual consultations, the inhabitants were presented with the requirements stemming from OP 4.12., persons in charge of the Project, development and implementation of the LA&RAP, the planned order of PIU actions and compensation principles within the scope of LA&RAP. Issues pertaining to scheduling Reservoir construction works, possibility of leasing land in the Reservoir basin and acquiring replacement properties were discussed. The Investor remains in touch with PAP, so as to achieve the community involvement goals in the LA&RAP preparation process, i.e. a certain level of information and feedback which has to be taken into account in the process of correct preparation of the LA&RAP.

An information leaflet was also developed (appendix No. 7 to this LA&RAP), where in a clear manner the objective and scope of the investment, real property acquisition procedure and compensation disbursements, as well as the policy for acquiring remnants are described for the local community.





**Figure 5 - Outline of community engagement in LARAP preparation**

Following completion of works on the LA&RAP draft after obtaining WB's "OK", an open meeting, a public discussion on the LA&RAP draft was held for all interested parties in the Międzylesie City and Municipality Office on 19 October 2016. The final document after obtaining the WB No Objection clause for the draft of the document will be made available to the interested parties until the Project completion.

Regarding the publication of LA&RAP and the planned date for the public debate on the LA&RAP draft as well as on the opportunity to submit comments and requests to the draft LA&RAP, the community was informed by:

- information regarding the consultation on the the notice board of RZGW in Wrocław,
- information regarding the consultation on the Kłodzko municipality website and notice board,

- notice in “Gazeta Kłodzka”,
- information regarding the consultation on the municipal information boards in Starków and Krosnowice,
- individual invitations sent by the Kłodzko municipality governor, Krosnowice village head, and persons whose real property will be subject to expropriation.

The public consultations took 21 days. Over this period, every interested party is able to read the draft LA&RAP and submit their comments. Comments to the draft LA&RAP could be submitted in writing directly or via post to the addresses:

Regional Water Management Authority in Wrocław

ul. C.K. Norwida 34

50-950 Wrocław

Regional Water Management Authority in Wrocław

Inspektorat w Kłodzku

ul. Kościuszki 1

57-300 Kłodzko

or by e-mail sent to: [oppkk@wroclaw.rzgw.gov.pl](mailto:oppkk@wroclaw.rzgw.gov.pl).

During the public debate the local community submitted verbal and written comments to the draft LA&RAP. After the public debate, comments made by the community during the social consultations, wherever justified, were introduced into this LA&RAP.

Report on the performed public discussion constitutes Appendix 8 to this LA&RAP

## 9 Grievance redress mechanism

The present LA&RAP assumes that the Investor will make every effort in order to amicably resolve grievances pertaining to the Task. The grievances redress mechanism has to be differentiated in order to integrate it with administrative procedures applicable during different stages of Task preparation.

### 9.1 THE GENERAL GRIEVANCE REDRESS MECHANISM

The general grievance redress mechanism will be applicable for the following grievances and requests:

- a) submitted during social consultations on the draft of the existing LA&RAP,
- b) submitted prior to the Investor applying for the IPIP,
- c) submitted during processing of the IPIP or the decision determining the compensation directly to the Investor,
- d) submitted after the IPIP and / or the decision determining the compensation amount for the expropriated real property was issued.

With reference to this mechanism, the primary rule adopted by the Investor is granting the right to submit a grievance or request pertaining to the undertaking to everyone, regardless of whether their real property, right or assets are within the area designated for the Reservoir.

Submitting grievances and requests is free of charge. Furthermore, person submitting a grievance or request cannot be exposed to any detriment of accusation on that account.

Grievances and requests can be submitted in writing, electronic format, verbally and by telephone. They can be submitted:

- by e-mail to: [oppkk@wroclaw.rzgw.gov.pl](mailto:oppkk@wroclaw.rzgw.gov.pl).
- verbally for the record or in writing to the following addresses:

Regional Water Management Authority in Wrocław  
ul. C.K. Norwida 34  
50-950 Wrocław

Regional Water Management Authority in Wrocław  
Inspektorat w Kłodzku  
ul. Kościuszki 1  
57-300 Kłodzko

Grievances and requests will be archived in a separate register, indicating the date of filing, date of response consideration method.

If the processing of a grievance or request will require prior examination and clarification of the case, materials will be gathered, research and analyses will be conducted to that end. In such case a response to a grievance or request will be provided within 14 days of submitting it to RZGW WR. If clarification proceedings will not be necessary a response to a grievance or request will be provided within 7 days of its submission.

In especially complex cases and in cases where consideration of a grievance or request requires changes to the LA&RAP, the deadline for responding to a grievance or request will be extended to 30 days. If this deadline is too short, the party will be informed of the reason a substantive response to the grievance / request is not received within the deadline, together with an indication of a date by which such a response will be provided.

If a case is rejected, the person submitting the grievance or request will be exhaustively informed as to the reasons for the rejection.

The general mechanism for managing grievances and requests is shown below:

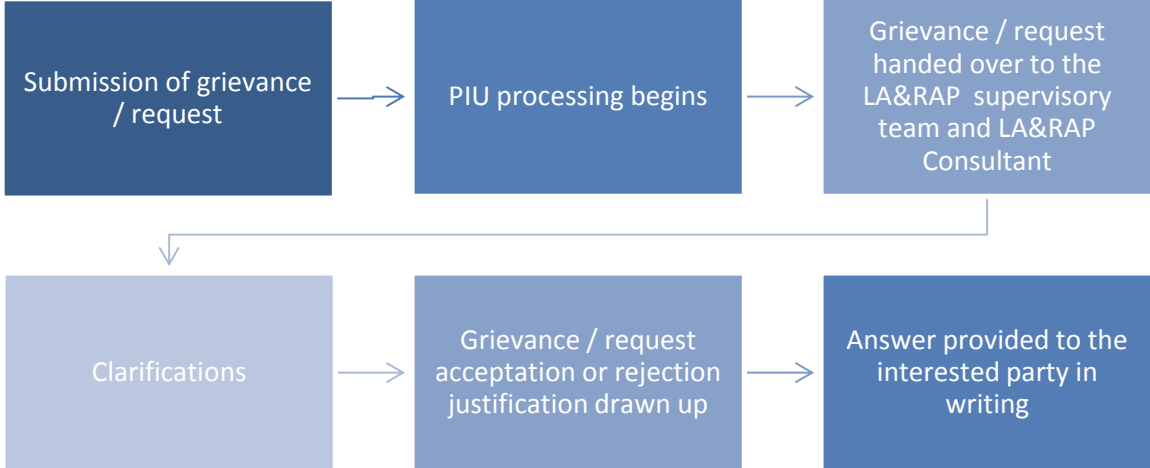


Figure 6 - The general mechanism for managing complaints and requests

**9.2 PARTICULAR GRIEVANCE REDRESS MECHANISM**

Particular mechanisms for managing complaints and requests are directly connected with the proceedings for issuing the IPIP and determining the compensation for the lost right to the real property and the associated assets (e.g. civil fruits, belongings or plant and machinery which cannot be used at another location). These will be used during the proceedings on issuing the IPIP, negotiations to determine the compensation conducted after the IPIP is issued, in the proceedings on the Lower Silesian Voivode issuing a decision determining compensation amount and appeals and court proceedings pertaining to the IPIP and to the compensation.

Persons whose real property are located within the Reservoir are parties to the proceedings on issuing the IPIP. They are entitled to a free of charge participation in the proceedings on



issuing the IPIP, including to submit comments and requests in the case directly to the Lower Silesian Voivode. It should be highlighted that the submitted comments and requests to the proceedings do not always require the Investor to reply to them. In the event such a response is required, the Investor will assume a position immediately in the case and will provide it to the Lower Silesian Voivode. The Investor's responses will be delivered to the parties by the Lower Silesian Voivode.

If the parties are not satisfied with the decision issued by the Voivode, they will have the right to submit an appeal to the minister competent for construction issues (currently the Minister of Infrastructure and Construction). All declarations requests and evidence submitted to the proceedings before the Minister in charge of construction will have to be admitted by it and taken into account in issuing the decision.

If the Minister's decision is not satisfactory, the parties will have the right to make an appeal to the Provincial Administrative Court in Warsaw. That court will investigate whether the Voivode and the Minister conducted the proceedings in a correct and reliable manner, including within the scope of taking into account the comments, request and evidence submitted by the parties to the proceedings. According to the regulations in force, the appeal is subject to a court fee of PLN 500. Furthermore, the losing party is obligated to refund the costs of the court proceedings to the other party.

If the decision of the PAC will not be satisfactory for a party, it is entitled to appeal against a ruling to the Supreme Administrative Court. That court will not only investigate the correctness and legality of the proceedings conducted by the Voivode and the Minister, but also the PAC ruling. Appeal against a ruling is subject to a PLN 250 fee. Furthermore, the losing party is obligated to refund the costs of the court proceedings to the other party.

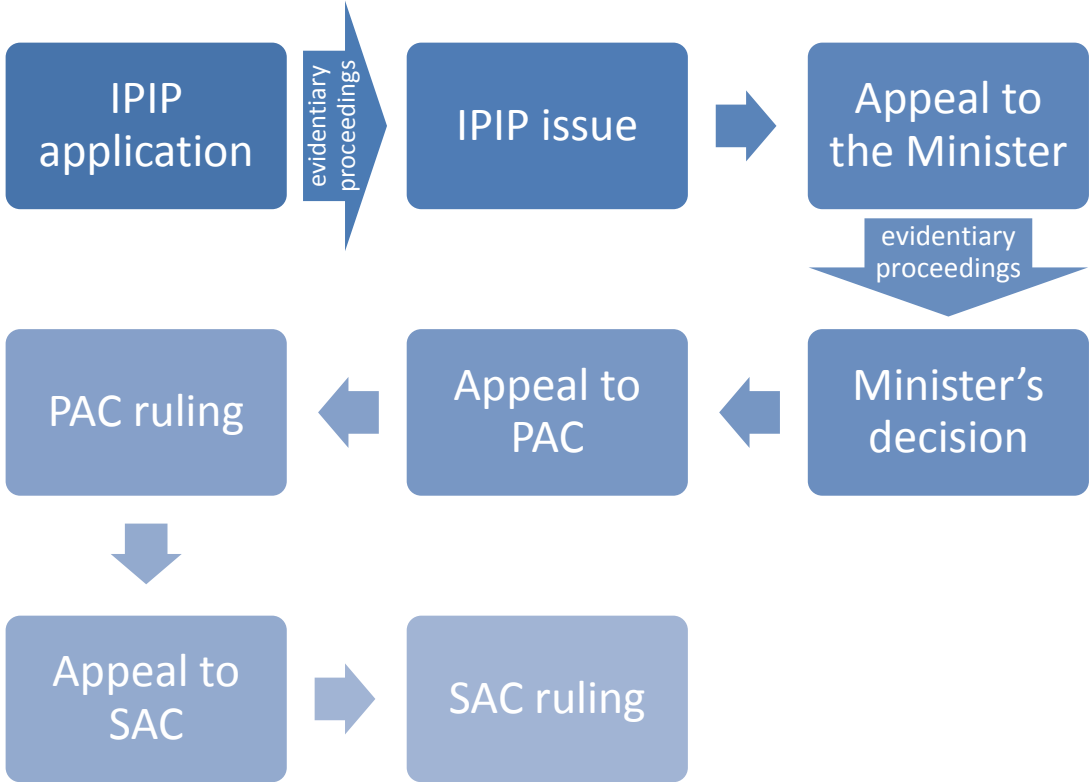


Figure 7 - Mechanism for managing complaints at the BP stage

After obtaining the final IPIP and determining the compensation for the lost right to the real property or the associated assets (e.g. civil fruits, belongings or plant and machinery which cannot be used at another location), the negotiations concerning the amount of compensation will be held out of Investor’s initiative. Objections submitted by the Parties at the negotiations stage will be archived in negotiation meeting reports. Reports and other documents sent mutually by the parties to one another during negotiations, unless an agreement is reached as to the compensation, will be provided to the Lower Silesian Voivode. These documents, along with the valuation, will constitute the basis for issuing a decision determining the compensation amount.

PAP entitlements in the proceedings to issue a decision determining the compensation amount are analogous as to those for proceedings to issue the IPIP. This means that PAP are entitled to an active, free of charge participation in these proceedings, to submit comments and requests, to appeal the decision issued by the Voivode and to appeal the appeals decision issued by the Minister of Infrastructure and Construction to the Voivodship Administrative Court in Warsaw and then to the SAC.

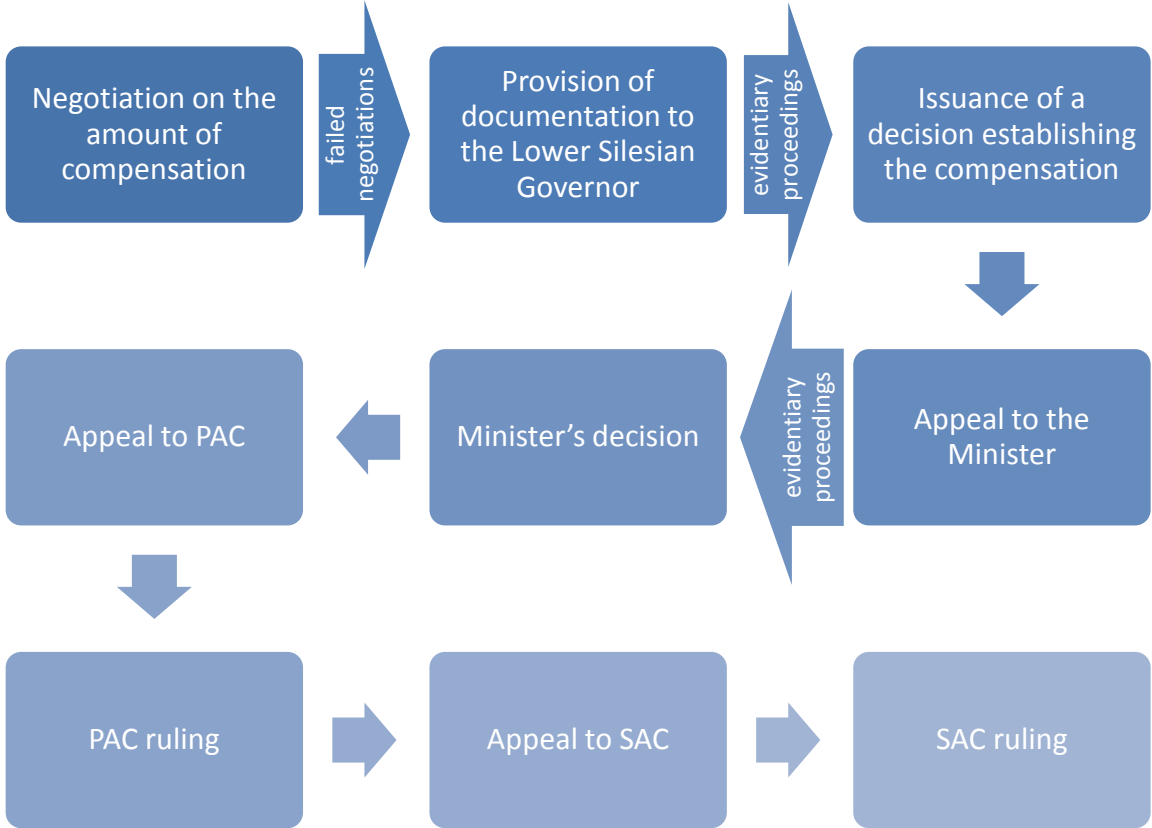


Figure 8 - Mechanism for managing complaints at decision determining the compensation amount stage

## 9.3 GRIEVANCE REDRESS MECHANISM PERTAINING TO THE PERFORMANCE OF THE WORKS CONTRACT

The mechanism for submitting complaints and request pertaining to the performed building and assembly works by the Contractor will be implemented at the start of the entire process and will be applicable throughout the entire execution, functioning and closure of the Investment.

### 9.3.1 Location for submitting complaints and requests

A complaint or request may be submitted by a party in of three locations:

1. Directly to the Task office, which will also assume the role of a consultation point:

Engineer - Consultant's Office:

.....

....., Poland

Directly to the Employer's office:

The Regional Water Management Authority in Wrocław

ul. C.K. Norwida 34

50-950 Wrocław

The Regional Water Management Authority in Wrocław

Inspektorat w Kłodzku

ul. Kościuszki 1

57-300 Kłodzko

Additionally complaints and requests can be submitted:

Via conventional post to the above address or:

Via the Internet:

e-mail: [oppkk@wroclaw.rzgw.gov.pl](mailto:oppkk@wroclaw.rzgw.gov.pl)

A telephone helpline will also be available.

### **9.3.2 Deadlines for complaints and requests handling**

Deadlines for complaints and requests handling:

written confirmation of reception of a complaint: within 7 days of receipt.

suggested solutions: immediately, up to 30 days from complaint receipt.

The principles for handling complaints and request cited in item 9.2 are also applicable for complaints of this type.

A suggested complaint registry form is shown in Appendix 6 to this LA&RAP.

### **9.3.3 Persons responsible for handling complaints and requests**

In organisational structures the Investor / Employer will establish a unit (Social Consultant) responsible for contacts with the community and dealing with community complaints. This unit will also include one person from the Consultant - Engineer team, competent and experienced in this scope.

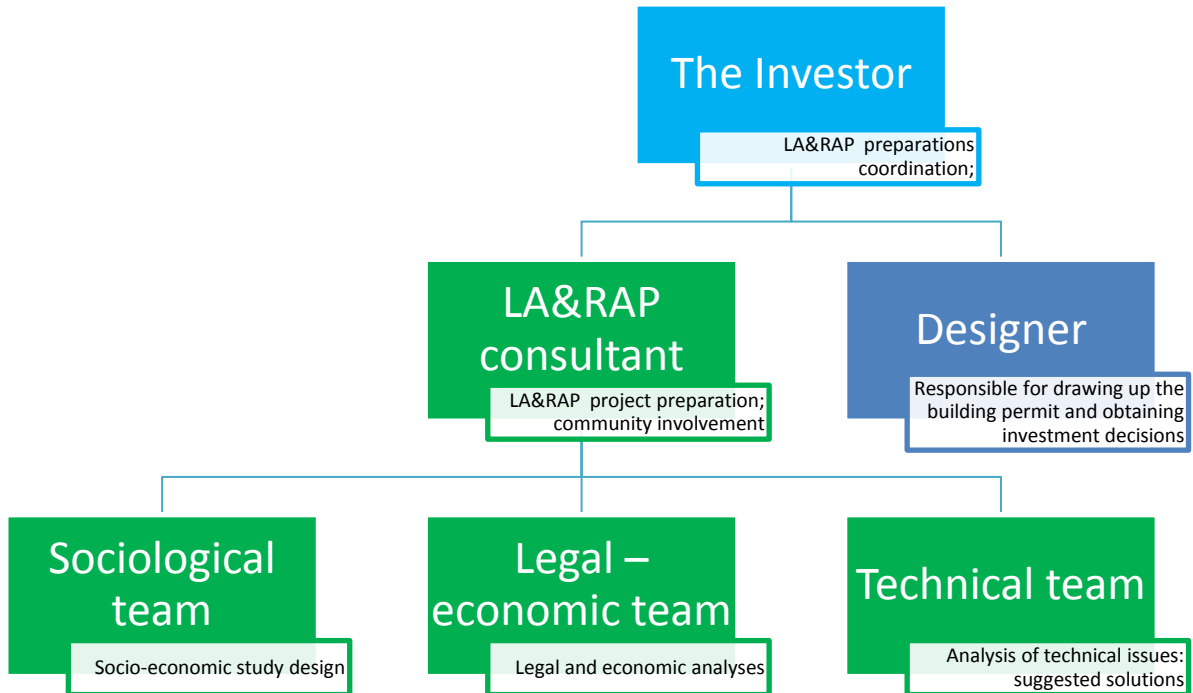
### **9.3.4 Audits and independent appeal mechanism**

It is assumed that periodically (once every six months) internal audits will be performed for the complaints and request mechanism. The audits will assess the effectiveness of the implemented system.



## 10 Institutional structure and the implementation team

The institutional structure of the team drawing up this LA&RAP is presented on the diagram below:



The LA&RAP consultant to draw up this LA&RAP is AECOM, Halcrow and BRL Ingenierie JV.

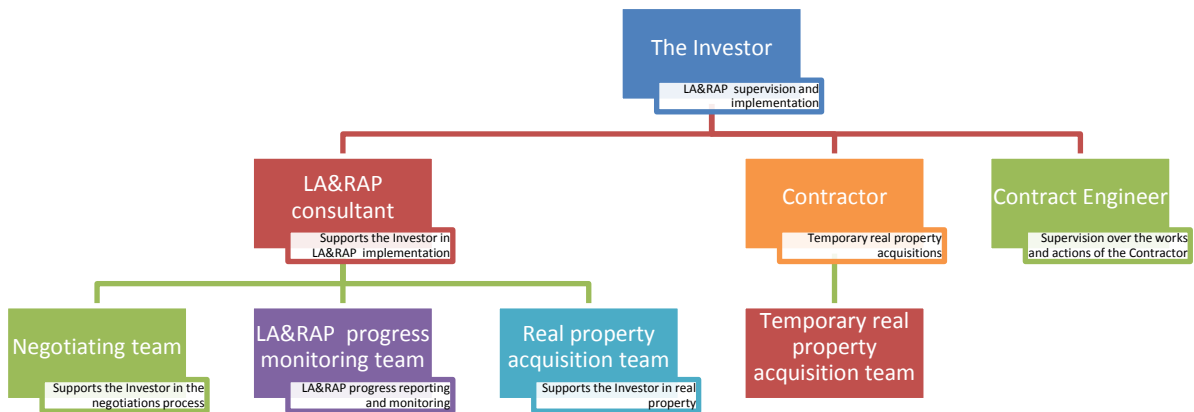
The scope of competencies of the team drawing up the LA&RAP is as follows:

1. Investor – LA&RAP preparations coordination:
  - a. supervision improving the drawing up of LA&RAP,
  - b. ensuring flow of information between the LA&RAP Consultant and the Designer,
  - c. ensuring changes which surfaced during preparation of the LA&RAP are introduced to the Construction Design,
  - d. social consultations,
  - e. monitoring the LA&RAP drawing up process,
2. LA&RAP Consultant – LA&RAP draft preparation:
  - a. performance of socio-economic research and drawing up of socio-economic study,
  - b. collection and analysis of data pertaining to real property use and development,
  - c. social consultations process coordination,

- d. preparation of a proposal for minimising impact and technical analysis of these proposals provision of Construction Design change proposals to the Investor,
  - e. qualification analyses,
  - f. preparation of compensation packages,
  - g. preparation of the LA&RAP document draft.
3. Designer
- a. Construction Design,
  - b. administrative decisions including decision on environmental conditions and the IPIP,
  - c. technical analysis of Construction Design changes presented by the Consultant,

The team drawing up the LA&RAP on the LA&RAP Consultant's side is not a part of the Investor's organisational structure.

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



The scope of competencies of the LA&RAP performance team is as flows:

1. Investor
  - a. supervision improving the implementation of LA&RAP,
  - b. concluding compensation agreements,
  - c. compensation disbursement,
  - d. ensuring flow of information between the LA&RAP Consultant Engineer and the Contractor.
2. LA&RAP Consultant
  - a. planning and participation in negotiations,

- b. preparing opinions and valuations by valutors for the needs of negotiations with PAP,
  - c. monitoring of the LA&RAP implementation by the Contractor and by the Engineer,
  - d. suggesting remedies in the event of problematic situations,
  - e. acquiring real property.
3. Engineer
- a. supervision over commencement and performance of works,
  - b. control of execution of the Contractor's duties
4. Contractor
- a. acquiring real property for temporary acquisitions,
  - b. disbursement of compensation for real property acquired for temporary acquisitions,
  - c. performance of works on real property permanently acquired,
  - d. restoring real property temporarily acquired to the state original state.

## 11 Monitoring and assessment

Monitoring of the execution of LA&RAP is an integral part of the contract monitoring and management system. Therefore, for the purposes of monitoring implementation of LA&RAP, tools will be used for monitoring of implementation of the contract, which task is reporting to funding agencies and the provision of current information on the problems of fortuitous events and irregularities. This allows for the inclusion of the LA&RAP implementation process to the investment process as an integral part thereof, and obtaining an overall picture for the immediate response in case of problems or irregularities. Here, ensuring appropriate cooperation between the Consultant, PIU and PCU is paramount.

The overall monitoring procedures and evaluations are described in the document entitled Land Acquisition and Resettlement Action Plan available at:

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

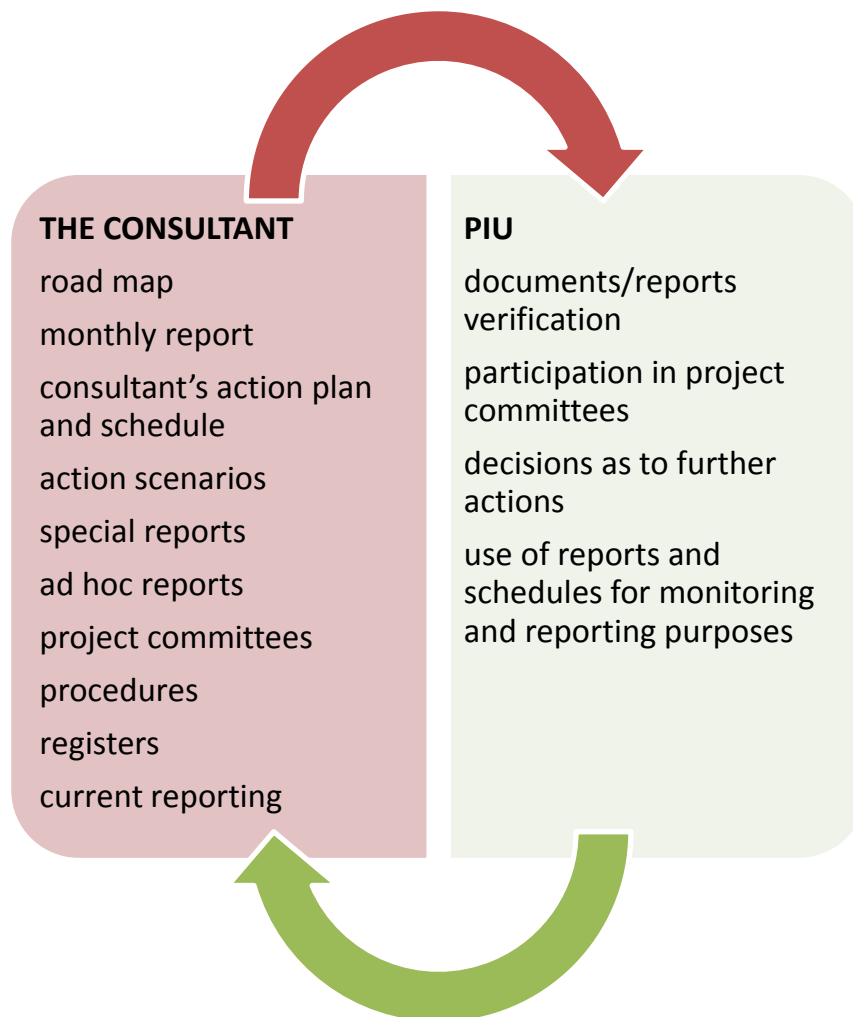


Figure 4 -LA&RAP implementation monitoring outline



A crucial role in the LA&RAP monitoring implementation is played by logging facts by the Consultant and by the PIU, notably by the correspondence register, the register of the progress of acquiring title to the property for construction purposes, and the register of the progress of payment of compensation. The data contained in these registers are taken into account in compiling data on the number of acquired real property and the amounts and types of compensation handed over in accordance with Appendix No. 1

All changes are recorded in the registers. Based on the aforementioned registers the following parameters are monitored in detail:

- a) number of real property for expropriation and expropriated,
- b) number of people requiring resettlement and resettled,
- c) quantity of real property for temporary acquisitions (planned and actual),
- d) amount of all expenses for the resettlement process (planned and actual)
- e) compensation disbursed for loss of legal title to real property,
- f) compensation disbursed for loss of revenue sources,
- g) acquired and granted replacement real property,
- h) degree and status of protective actions,
- i) number of complaints.

Such a LA&RAP performance monitoring system makes it possible to react quickly in case of problems and facilitates efficient reporting within the framework of the existing Contract management systems. The document will be updated once per quarter.

The main indicators which will be monitored with reference to the Contract executed by the RZGW WR are shown in the table below.

Indicator	Source of information	Frequency of monitoring	Progress indicator
<b>Assumed parameters</b>			
Quantity of real property subject to expropriation	IPIP decision	Once after decision is issued	No of pieces
Quantity of real property subject to permanent restrictions	IPIP decision	Once after decision is issued	No of pieces
Number of project affected persons (PAP) - expropriated	Land mortgage register, land and property register, IPIP decision	Once after decision is issued  Ongoing updates during the process of negotiating and disbursing compensation	Quantity
Amount of all expenses for the resettlement process inc. compensations (planned)	RZGW WR/Consultant registers	Monthly / Quarterly	PLN

Quantity of real property acquired	RZGW WR/Consultant registers	Monthly / Quarterly	No of pieces
<b>Achieved parameters:</b>			
Amount of all expenses for the compensations (expenses)	RZGW WR financial records	Monthly / Quarterly	PLN
Quantity of acquired real property	RZGW WR/Consultant registers	Monthly / Quarterly	No of pieces
<b>Efficiency indicators</b>			
Number of complaints	RZGW WR /Consultant registers	Monthly / Quarterly	No of pieces
Disbursed compensation, miscellaneous	RZGW WR financial records	Monthly / Quarterly	PLN

ATTENTION: The process of acquiring real property for temporary acquisitions: the Contractor will be entirely responsible for this process, but assurance of conformity with the requirements of this LA&RAP will be the Investor's responsibility.

## 12 Costs and Budget, sources of financing

Item	Unit	Price PLN/m <sup>2</sup>	Quantity [ha]	Total
1	Built-up agricultural land	28.50	0.0038	1,083.00
3	Arable land, forests, tree and shrub covered land, pastures, meadows	3.44	59.2612	2,038,585.28
4	Unforeseen costs (20% of the sum of items 1–3)	not applicable	not applicable	407,933.66
5	Protective measures (20% of the sum of items 1–3)	not applicable	not applicable	407,933.66
6	Release of real property within 30 days from the last PNRI (+5% to the sum of items 1–3)	not applicable	not applicable	101,983.41
7	Total (sum of items 4–6)			2,957,519.01

Estimates of the costs referred to above were developed on the basis of average market prices of real property in the analysed area, established on the basis of sales prices for agricultural real property and construction for the analysed area offered on the websites involved in the sale of real property. These values were shown for the needs of budgeting and may change after valuations are drawn up.

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## 13 Schedule

A detailed schedule is shown in Appendix No 2 to the present document.

Drawing up the LA&RAP			
Step	Action	Responsibility	Verification
1	Initial assessment of Tasks' social consequences	JV - legal and social issues team	RZGW WR – LA&RAP verification team
2	Determination of the final scope of expropriation and drawing up of a Construction Design	Designer	RZGW WR – LA&RAP verification team
3	Determination of the coordination framework within the scope of LA&RAP with the government administration appropriate authorities	JV - legal and social issues team	RZGW WR – LA&RAP verification team
4	Collection of excerpts and copies from land and property register and local development spatial plans	JV - legal and social issues team	RZGW WR – LA&RAP verification team
5	Assessment of Tasks social consequences	JV - legal and social issues team	RZGW WR – LA&RAP verification team
6	Verification and update of collected materials, analyses impacts and economic analyses	JV - legal and social issues team	RZGW WR – LA&RAP verification team
7	LA&RAP draft preparation	JV - legal and social issues team	RZGW WR – LA&RAP verification team
8	LA&RAP social consultation	JV - legal and social issues team	RZGW WR – LA&RAP verification team
9	Changes to the Construction Design as a result of social consultations	Designer	RZGW WR – LA&RAP verification team
10	Within the scope stemming from taking into consideration comments and requests - Verification and update of collected materials, analyses impacts and economic analyses	JV - legal and social issues team	RZGW WR – LA&RAP verification team



### Drawing up the LA&RAP

Step	Action	Responsibility	Verification
11	Within the scope stemming from taking into consideration comments and requests - changes to the LA&RAP	JV - legal and social issues team	RZGW WR – LA&RAP verification team
12	LA&RAP submission to the World Bank	RZGW WR	PCU
13	No reservations of the World Bank	WB	
14	LA&RAP publication (publication also on World Bank website)		RZGW WR – LA&RAP verification team

### LA&RAP IMPLEMENTATION

Step	Action	Responsibility	Verification
1	Determining detailed LA&RAP performance schedule	Consultant – resettlement team	RZGW WR – LA&RAP performance and monitoring team
2	IPIP applications	Designer	RZGW WR – LA&RAP performance and monitoring team
3	PIU acquiring real property which can be used as replacement	Consultant – resettlement team	RZGW WR – LA&RAP performance and monitoring team
4	Obtainment of IPIP	Designer	RZGW WR – LA&RAP performance and monitoring team
5	Provision of information on obtaining the IPIP to PAP and the investor's further steps	Consultant – resettlement team	RZGW WR – LA&RAP performance and monitoring team
6	Real property valuation by surveyors in accordance with the law and valuation verification	Consultant – resettlement team	RZGW WR – LA&RAP performance and monitoring team
7	Expropriated individuals receive property valuations and negotiations are held	Consultant – resettlement team	RZGW WR – LA&RAP performance and monitoring team
8	If negotiations unsuccessful - Voivode's decision as to compensation amount	Consultant – resettlement team	RZGW WR – LA&RAP performance and monitoring team

### LA&RAP IMPLEMENTATION

Step	Action	Responsibility	Verification
9	Disbursement of compensation or handing over of replacement real property, commencement of other compensation and protective actions as prescribed by the LA&RAP	Consultant – resettlement team	RZGW WR – LA&RAP performance and monitoring team
10	Physical acquisition of expropriated real property and commencement of works	Contractor	RZGW WR – LA&RAP performance and monitoring team
11	LA&RAP implementation evaluation	Consultant – resettlement team	RZGW WR – LA&RAP performance and monitoring team

### CYCLICAL TASKS

Step	Action	Responsibility	Verification
1	Internal permanent LA&RAP implementation monitoring	Consultant – resettlement team	RZGW WR – LA&RAP performance and monitoring team
2	Reporting to the World Bank	RZGW WR – LA&RAP performance and monitoring team	PCU
3	Permanent coordination with national and local administration bodies	RZGW WR – LA&RAP performance and monitoring team	PCU
4	Permanent communication with PAP	Consultant – resettlement team	RZGW WR – LA&RAP performance and monitoring team

### POST IMPLEMENTATION TASKS

Step	Action	Responsibility	Verification
1	LA&RAP implementation evaluation	Independent third party auditor	World Bank

# 14 Appendices

## 14.1 REAL PROPERTY ACQUISITION PROGRESS MONITORING TABLE

Table attached in an electronic version

## 14.2 TABLE - LIST OF REAL PROPERTY, OWNERS AND IMPACTS

Table attached in an electronic version

## 14.3 REAL PROPERTY ACQUISITION SCHEDULE

Schedule attached in an electronic format

## 14.4 MAPS WITH INVESTMENT AREA SHOWN

Maps attached in an electronic version

## 14.5 SOCIO - ECONOMIC STUDY

Study attached in an electronic version

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

Case No.:	
<b>Name and surname</b>	Applicant's name_____
<i>Note: a complaint may be submitted anonymously or non-disclosure of your name</i>	Applicant's surname_____

<p><i>may be demanded</i></p>	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; height: 20px;">I wish to submit an anonymous complaint</td> </tr> </table> <p>Do not disclose my personal data without my consent</p>	I wish to submit an anonymous complaint	
I wish to submit an anonymous complaint			
<p><b>Contact details</b></p> <p>Please indicate the most convenient way to contact the applicant (e-mail, telephone, post)</p>	<p><b>By conventional post (provide correspondence address):</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>By</b> _____ <b>telephone:</b> _____</p> <p><b>E-mail</b> _____</p> <p>_____</p>		
<p><b>Preferred communication language</b></p>	<p>Polish</p> <p>English</p> <p>Other (please state)</p> <p>.....</p>		
<p><b>Description of the complaint or issue subject-matter</b>      Issue / complaint subject-matter, when did it take place, state location, list persons involved, what are the consequences of the situation</p>			
<p><b>Date of incident / occurrence of the subject-matter of the complaint / issue</b></p>			

	<b>One off issue / complaint</b> (date _____ ) <b>More than one instance (how many _____ )</b> <b>In progress (problem in current today)</b>
<b>In the applicant's opinion, what actions would solve the problem ?</b>	
Signature: _____ Date: _____ <b>Please provide this form [Surname] H&amp;S inspector [Company name]</b> <b>to:</b>  <b>Address _____ Tel.: _____ or E-mail: _____</b>	

## 14.7 INFORMATION LEAFLET

The leaflet in Polish has been enclosed in an electronic version.

The information leaflet describes the purpose and reach of the investment, the procedure for land acquisition and compensation, and the procedure for buying residual land in a manner easily intelligible to the interested community.

The leaflet has been sent to all persons affected by the project.

## 14.8 REPORT FROM THE ORGANIZED PUBLIC DISCUSSION ABOUT THE LA&RAP DRAFT

The Report has been enclosed in an electronic version.