Państwowe Gospodarstwo Wodne Wody Polskie
[State Water Holding Polish Waters]
Regionalny Zarząd Gospodarki Wodnej we Wrocławiu
[Regional Water Management Authority in Wroclaw]

ANNEX No. 2 TO THE ENVIRONMENTAL MANAGEMENT PLAN

FINAL VERSION

ODRA-VISTULA FLOOD MANAGEMENT PROJECT - 8524 Pl

Environmental category B – pursuant to WB OP 4.01

Component 2:

Flood protection for Kłodzka Valley

Contract for works 2A.1:

Construction of "Boboszow" - a dry flood control reservoir on Nysa Kłodzka River and construction of "Roztoki Bystrzyckie" - a dry flood control reservoir on Goworówka Stream

Task 2A.1/1:

Construction of Boboszow" - a dry flood control reservoir on Nysa Kłodzka River

Issue	Date	Author	Checked by	Approval by the Client	Description
I	10.05.2021	Monika Jaworska	Wojciech Lewandowski		

ODRA - VISTULA FLOOD MANAGEMENT PROJECT
co-financed by:
World Bank, Loan Agreement No. 8524 PL
Council of Europe Development Bank, Frameworks Loan Agreement No. LD 1866
Cohesion Fund of the European Union (IEOP 2014- 2020)
State budget

ENVIRONMENTAL MANAGEMENT PLAN

Component: ***2 - Flood protection for Kotlina Kłodzka***
Sub-component: ***2A – Active protection***
Contract: ***2A.1 - Construction of "Boboszow" - a dry flood control reservoir on Nysa Kłodzka River and construction of "Roztoki Bystrzyckie" - a dry flood control reservoir on Goworówka Stream***
Part of the Contract: ***Implementation of Task 2A.1/1 - Construction of a dry flood control reservoir on Nysa Klodzka River in Boboszow***

Project Implementation Unit:
Państwowe Gospodarstwo Wodne Wody Polskie [State Water Holding Polish Waters]
Regionalny Zarząd Gospodarki Wodnej we Wrocławiu [Regional Water Management Authority in Wroclaw]

Authors of the study:

Państwowe Gospodarstwo Wodne Wody Polskie [State Water Holding Polish Waters]
Regionalny Zarząd Gospodarki Wodnej we Wrocławiu [Regional Water Management Authority in Wroclaw]
PIU OVFMP

Technical support consultant - Joint Venture SWECO Polska Sp. z o. o., SWECO Nederland B.V.

Wrocław, May 2021

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Appendix 1 – Decision of the Regional Director for Environmental Protection dated April 13th 2021. (File No. WPN.6400.6.2019.MH.1) changing the decision No. WPN.6400.6.2019.MH of March 5th 2019 on extending the permit expiry date.

1. INTRODUCTION

Considering the changed planned completion date of the construction works under Contract 2A.1/1 *Construction of a dry flood control reservoir on Nysa Kłodzka River in Boboszow*, it turned out necessary to extend the current validity date being May 1st 2021 of the decision issued by the Regional Director for Environmental Protection in Wrocław of March 5th 2019 (file No. WPN.6400.6.2019.MH on issuing the permit for deviations from the bans applicable in relation to the protected fauna and flora species. It was extended until December 31st 2022 by the decision of the Regional Director for Environmental Protection in Wroclaw dated April 13th 2021, file No. WPN.6400.6.2019.MH.1. Within the period it is planned to complete the works involving construction of Boboszow reservoir.

Owing to the necessity of implementing modifications in the wording of some mitigating and monitoring activities, which specify the permits expiry date, it is necessary to make changes in the currently binding EMP. This Annexe No. 2 being prepared for the EMP for 2A.1/1 Contract contains and orders the necessary supplements which, once the NO is obtained fromthe World Bank, shall become the works performance conditions for the Parties to the Contract. Therefore the EMP, issue II dated July 22nd 2019, in Appendix No. 4 the decision of the Regional Director for Environmental Protection of April 13th 2021 (File No. WPN.6400.6.2019.MH.1) changing the decision No. WPN.6400.6.2019.MH of March 5th 2019 on extending the permit expiry date is added.

2. ENVIRONMENTAL CONDITIONS FOR THE CONTRACT IMPLEMENTATION

The implemented change does not impact the Investment Environmental conditions for the implementation. The necessity for implementing a change of the permit expiry deadline for deviations from the bans applicable in relation to the protected fauna and flora species has not generated changes in the number of species covered by the decision and has not changed the conditions for the implemented deviations.

It is only a necessity of meeting the formal and legal requirements resulting from the changed deadline of the timely completion of works execution.

3. MITIGATING AND MONITORING ACTIVITIES

The works Contractor is obliged to exercise all measures that might be adequate for the type of the performed works, conditions of works execution defined in appendices to EMP for 2A.1/1 Contract: Appendix 1 Mitigation and monitoring activities plan, Appendix 2 Plan for monitoring activities.

For the works execution purposes the following EMP conditions stipulated in App. 1 and 2 need to be modified:

Item 32 – Appendix No. 1 and No. 2 Information about the destruction of 4 specimens of species of protected plants listed in the Decision of the RDOŚ in Wroclaw dated 05.03.2019

[insofar text]

The RDEP in Wrocław issued relevant permissions *(decision of the RDEP in Wrocław of March 5rh 2019 No. WPN.6400.6.2019.MH.1 and the decision of the RDEP in Wroclaw of March 5th 2019 No. WPN.27.2018.MH.1* – see: appendix 4e and 4f to this EMP) for intentional destruction of the 7 protected fauna species growing in the following locations:

a) oxlip *Primula elatior* – 238 - 660 individuals located on plots number 59/3, 70/3, 61/12, 81/2 in the precinct of Boboszów and on the plots no. 293/1 the precinct of Pisary;

b) stemless carline thistle *Carlina acaulis* – 12-55 individuals located on plots number 59/3, 81/5 in the precinct of Boboszów;

c) spring snowflake *Leucoium vernum* – 1001 - 10 000 individuals located on plot number 70/3 in the precinct of Boboszów;

d) autumn crocus *Colchicum autumnale* – 101- 250 individuals located on plot number 61/11 in the precinct of Boboszów;

e) eggleaf twayblade Listera ovata – 1- 5 individuals located on plot number 69 in the precinct of Boboszów;

f) february daphne *mezereum* –1- 5 individuals located on plot number 293/1 in the precinct of Pisary.

The permission for destroying the aforelisted habitats pursuant to the decision No. WPN.6400.6.2019.MH expires on May 1st 2021. g) western marsh orchid *Dactylorhiza majalis* - 1 specimen on the plot No. 66/1 in Boboszów precinct,

h) oxlip *Primula elatior* – 60 individuals located on plot No. 81/5 in the precinct of Boboszów,

d) autumn crocus *Colchicum autumnale* – several hundred individuals located on plot number 64 in the precinct of Boboszów.

The permission for destroying the aforelisted habitats pursuant to the decision No. WPN.27.2018.MH.1 expires on December 31st 2020.

Information on the implementation of the abovementioned conditions shall be transmitted in accordance with the conditions specified in item 128.

[see also item 118 clause 2]

[after modification]

The RDEP in Wrocław issued relevant permissions *(decision of the RDEP in Wrocław of March 5rh 2019 No. WPN.6400.6.2019.MH and the decision of the RDEP in Wroclaw of March 5th 2019 No. WPN.27.2018.MH.1* – see: appendix 4e and 4f to this EMP) for intentional destruction of the 7 protected fauna species growing in the following locations:

a) oxlip *Primula elatior* – 238 - 660 individuals located on plots number 59/3, 70/3, 61/12, 81/2 in the precinct of Boboszów and on the plots no. 293/1 the precinct of Pisary;

b) stemless carline thistle *Carlina acaulis* – 12-55 individuals located on plots number 59/3, 81/5 in the precinct of Boboszów;

c) spring snowflake *Leucoium vernum* – 1001 - 10 000 individuals located on plot number 70/3 in the precinct of Boboszów;

d) autumn crocus *Colchicum autumnale* – 101- 250 individuals located on plot number 61/11 in the precinct of Boboszów;

e) eggleaf twayblade *Listera ovata* – 1- 5 individuals located on plot number 69 in the precinct of Boboszów;

f) february daphne *mezereum* –1- 5 individuals located on plot number 293/1 in the precinct of Pisary.

The permission for destroying the aforelisted habitats pursuant to the decision No. WPN.6400.6.2019.MH changed by the decision dated April 13th 2021, file No. WPN.6400.6.2019.MH.1 is valid until December 31st 2022.

g) western marsh orchid *Dactylorhiza majalis* - 1 specimen on the plot No. 66/1 in Boboszów precinct,

h) oxlip *Primula elatior* – 60 individuals located on plot No. 81/5 in the precinct of Boboszów,

d) autumn crocus *Colchicum autumnale* – several hundred individuals located on plot number 64 in the precinct of Boboszów.

The permission for destroying the aforelisted habitats pursuant to the decision No. No WPN.27.2018.MH.1 expires on December 31st 2020.

Information on the implementation of the abovementioned conditions shall be transmitted in accordance with the conditions specified in item 128.

[see also item 118 clause 2]

Item 33. Appendix No. 1 and No. 2 Information about the destruction of 3 specimens of species of protected plants listed in the Decision of the RDOŚ in Wroclaw dated 05.03.2019 No. WPN.6400.6.2019.MH

[insofar text]

The Employer received the permission issued by the RDEP in Wrocław (decision of the RDEP in Wrocław of 05.03.2019 No. WPN.6400.6.2019.MH – see: appendix No. 4e to this EMP) for intentional destruction of the 3 protected specimen and habitats (mosses) growing in the following locations:

a) springy turf-moss *Rhytidiadelphus squarrosus* – a few hundred m^2 area of the habitat of the species, located on plots number 59/1, 61/11 precinct of Boboszów;

b) red-stemmed feathermoss *Pleurozium schreberi* – a dozen m2 area of the habitat of the species, located on plots number 61/1 in the precinct of Boboszów;

c) the broom forkmoss *Dicranum scoparium* – a few hundred m2 area of the specimen habitat, located on plot number 393/2 in the precinct of Pisary.

The said permit expires on May 1st 2021.

Information on the implementation of the abovementioned permit shall be transmitted in accordance with the conditions specified in item 128.

[see also item 118 clause 1]

[after modification]

The Employer received the permission issued by the RDEP in Wrocław (decision of the RDEP in Wrocław of 05.03.2019 No. WPN.6400.6.2019.MH – see: appendix 4e to this EMP), changed by the decision dated April 13th 2021 (file No. WPN.6400.6.2019.MH.1 – constituting appendix No. 1 to this EMP) for intentional destruction of the 3 protected specimen and fauna habitats (mosses) growing in the following locations:

a) springy turf-moss *Rhytidiadelphus squarrosus* – a few hundred m2 area of the habitat of the species, located on plots number 59/1, 61/11 precinct of Boboszów;

b) red-stemmed feathermoss *Pleurozium schreberi* – a dozen m2 area of the habitat of the species, located on plots number 61/1 in the precinct of Boboszów;

c) the broom forkmoss *Dicranum scoparium* – a few hundred m2 area of the specimen habitat, located on plot number 393/2 in the precinct of Pisary.

The said permit expires on December 31st 2022.

Information on the implementation of the abovementioned permit shall be transmitted in accordance with the conditions specified in item 128.

[see also item 118 clause 1]

Item 118 of Appendix No. 1 and No. 2 Implementation of the RDEP's decision permitting derogations from plant and animal species protection prohibitions

[insofar text]

Below is the summary of conditions applicable in the event of specimens and nesting sites destruction of as well as in the event of startling and disturbance of protected plant and animal species, listed in the decision of RDEP in Wrocław of March 5th 2019 in relation to implementing the investment - Task 2A.1/1 titled Construction of a dry flood control reservoir on Nysa Kłodzka River in Boboszow (file No. WPN.6400.6.2019MH and the RDEP's decision dated March 5th 2019 changing the decision of the RDEP in Wroclaw No. WPN.6400.27.2018.IL of June 29th 2018 (file No.: WPN.6400.27.2018.MH.1).

The permissions set out in the decision WPN.6400.6.2019.MH are valid until May 1st 2021.

The permissions set out in the decision WPN.6400.27.2018.MH.1 are valid until December 31st 2020.

1) it is permitted to destroy nesting sites and specimens of 4 protected plants (mosses) listed in the decision WPN.6400.6.2019.MH (located on plots No: 59/1. 61/1, 61/11, precinct of Boboszów, 393/2 precinct of Pisary),
2) it is permitted to destroy habitats and specimens of 7 protected plants listed in the above-mentioned decisions (located on plots No: 59/3, 61/11, 61/12, 64, 66/1, 69, 70/3, 81/2, precinct of Boboszów and 293/1, 294 precinct of Pisary),
3) it is permitted to destroy habitats of 3 protected butterfly species listed in the decision WPN.6400.6.2019.MH (located on the plot No. 66/1 – precinct of Boboszów), 4) it is permitted to destroy habitats of 2 protected fish species listed in the decision WPN.6400.6.2019.MH (located on the plot No. 69 – Boboszów precinct – the Nysa Kłodzka river bed along the section with a length of 500 m), on the following conditions:

a) observe works performance time frames in the riverbed of the Nysa Kłodzka, described in item 46 of this table.

5) it is permitted to destroy habitats of 6 protected bat species listed in the decision WPN.6400.6.2019.MH (located on the plot No. 63, 65/1, 65/2, 68/3, 68/4, 69, 70/3, 70/4, 81/5, 81/2, 81/7, 81/8 precinct of Boboszow, in the enclosed structures intended for demolition located on the plots No. 59/1,59/3, 59/4, 81/2, 61/4, 61/11, 61/12, 63 precinct of Boboszów and on the plot No. 306/2 precinct of Pisary), under the following conditions:

a) perform felling of trees with circumference at breast height exceeding 40 cm in a manner described in item 17 of this table;
b) perform demolition of enclosed structures in a manner described in item 34 of this table;
c) perform activities aiming at restoration of bat refuges, as described in item 117 of this table.

6) it is permitted to destroy habitats, deliberately startle and disturb as well as deliberately relocate individuals of 8 protected mammal species listed in item IV of the above-mentioned decision (located in the valley of the Nysa Kłodzka river, at the Task implementation area), on the following conditions:

a) perform activities related to trapping and relocation of specimens of those species from the construction site, as described in item 37 and 40 of this table;
b) conduct the works under supervision of the expert teriologist, according to the conditions described in item 42 of this table.

7) it is permitted to destroy habitats as well as deliberately startle and disturb 17 protected bird species listed in the decision WPN.6400.6.2019.MH (observed within the borders of the plots No. 61/1, 69, 81/7, 81/8, 77, 63, 65/1, 65/2, 61/4, 61/11, 61/12, 64, 66/1, 67, 61/2, 81/2, 81/6, 81/5, 62/1, 62/2, 62/3, 59/1, 59/3, 59/4, 53, 60, 32, 70/3, 70/4, 68/3, 68/4, 68/2, 216, 78/1, 78/2, 80 precinct of Boboszów, 296/1, 296/2, 295/1, 259/2, 299/1, 299/2, 292/4, 292/5, 292/6, 293/1, 293/2, 294, 298, 306/8, 306/2, 306/3, 306/10, 306/11, precinct of Pisary precinct), on the following conditions:

a) perform the works described in item 27 of this table.

8) it is permitted to deliberately startle and disturb 4 protected bird species listed in the decision No. WPN.6400.6.2019.MH (observed among others within the borders of the plot No.66/3, 66/2, 33/1, 33/2, 58/1, 58/3, 58/4, 61/7, 61/8, 61/9, 61/10, 69, 81/7, 81/8, 77, 63, 65/1, 65/2, 61/4, 61/11, 61/12, 64, 66/1, 67, 61/2, 81/2, 81/6, 81/5, 59/1, 59/3, 59/4, 62/1, 62/2, 62/3, 53, 60, 32, 70/3, 70/4, 68/3, 68/4, 68/2, 216, 78/1, 78/2, 80 precinct of Boboszów, 296/1, 296/2, 295/1, 295/2, 306/8, 299/1, 292/4, 292/5, 292/6, 293/1, 293/2, 294, 298, 306/2, 306/3, 306/10, 306/11, 46 Pisary precinct), on the following conditions:

a) perform the works during the time frames described in item 27 and 28 of this table.

b) observe the deadlines and conditions of work performance in the vicinity of the black stork nest, described in item 29 of this table.

Information about the implementation scope of the conditions specified i item 1-8 (above) shall be submitted to the Engineer in accordance with the conditions set out in item 128.

[after modification]

Below is the summary of conditions applicable in the event of specimens and nesting sites destruction of as well as in the event of startling and disturbance of protected plant and animal species, listed in the decision of RDEP in Wrocław of March 5th 2019 and dated April 13th 2021 in relation to implementing the investment - Task 2A.1/1 titled Construction of a dry flood control reservoir on Nysa Kłodzka River in Boboszow (file No. WPN.6400.6.2019MH changed by the decision WPN.6400.6.2019.MH.1 and the decision of the RDEDP in Wroclaw, dated March 5th 2019 changing the decision of the RDEP in Wroclaw No. WPN.6400.27.2018.IL of June 29th 2018 (file No.: WPN.6400.27.2018.MH.1).

The permissions set out in the decision No. WPN.6400.6.2019.MH changed by the decision No. WPN.6400.6.2019.MH.1 are valid until December 31st 2022.

The permissions set out in the decision WPN.6400.27.2018.MH.1 are valid until December 31st 2020.

1) it is permitted to destroy nesting sites and specimens of 3 protected plants (mosses) listed in the decision WPN.6400.6.2019.MH changed by the decision No. WPN.6400.6.2019MH.1 (located on the plots No.: 59/1. 61/1, 61/11, precinct of Boboszów, 393/2 precinct of Pisary),

2) it is permitted to destroy habitats of 7 protected plant species listed in the above-mentioned decisions (located on plots No: 59/3, 61/11, 61/12, 64, 66/1, 69, 70/3, 81/2, precinct of Boboszów and 293/1, 294 precinct of Pisary,

3) it is permitted to destroy habitats of 3 protected butterfly species listed in the decision WPN.6400.6.2019.MH changed by the decision No. WPN.6400.6.2019MH.1 (located on the plot No.: 66/1 – precinct of Boboszów),

4) it is permitted to destroy habitats of 2 protected fish species listed in the decision WPN.6400.6.2019.MH changed by the decision No. WPN.6400.6.2019MH.1 (located on the plot No.: 69 – Boboszów precinct – the Nysa Kłodzka river bed along the section with a length of 500 m), on the following conditions:

a) observe works performance time frames in the riverbed of the Nysa Kłodzka, described in item 46 of this table.

5) it is permitted to destroy habitats of 6 protected bat species listed in the decision WPN.6400.6.2019.MH changed by the decision No. WPN.6400.6.2019MH.1 (located within the tree stands on the plot No. 63, 65/1, 65/2, 68/3, 68/4, 69, 70/3, 70/4, 81/5, 81/2, 81/7, 81/8, precinct of Boboszów, on the enclosed structures intended for demolition and located on the plots No. 59/1,59/3, 59/4, 81/2, 61/4, 61/11, 61/12, 63 precinct of Boboszów and on the plot No. 306/2 precinct of Pisary), under the following conditions:

a) perform felling of trees with circumference at breast height exceeding 40 cm in a manner described in item 17 of this table;

b) perform demolition of enclosed structures in a manner described in item 34 of this table;

c) perform activities aiming at restoration of bat refuges, as described in item 117 of this table.

6) it is permitted to destroy habitats, deliberately startle and disturb as well as deliberately relocate individuals of 8 protected mammal species listed in the decision No. WPN.6400.6.2019.MH changed by the decision No. WPN.6400.6.2019MH.1 (located in the valley of the Nysa Kłodzka river, at the Task implementation area), under the following condition:

a) perform activities related to trapping and relocation of specimens of those species from the construction site, as described in item 37 and 40 of this table;

b) conduct the works under supervision of the expert teriologist, according to the conditions described in item 42 of this table.

7) it is permitted to destroy habitats as well as deliberately startle and disturb 17 protected bird species listed in the decision No. WPN.6400.6.2019.MH changed by the decision No. WPN.6400.6.2019MH.1 (observed within the boundaries of the plots No. 61/1, 69, 81/7, 81/8, 77, 63, 65/1, 65/2, 61/4, 61/11, 61/12, 64, 66/1, 67, 61/2, 81/2, 81/6, 81/5, 62/1, 62/2, 62/3, 59/1, 59/3, 59/4, 53, 60, 32, 70/3, 70/4, 68/3, 68/4, 68/2, 216, 78/1, 78/2, 80 precinct of Boboszów, 296/1, 296/2, 295/1, 259/2, 299/1, 299/2, 292/4, 292/5, 292/6, 293/1, 293/2, 294, 298, 306/8, 306/2, 306/3, 306/10, 306/11 precinct of Pisary under the following conditions:

a) observe works performance time frames described in item 27 of this table.

8) it is permitted to deliberately startle and disturb 4 protected bird species listed in the decision No. WPN.6400.6.2019.MH changed by the decision No. WPN.6400.6.2019MH.1 (observed within the boundaries of the plots No. 66/3, 66/2, 33/1, 33/2, 58/1, 58/3, 58/4, 61/7, 61/8, 61/9, 61/10, 69, 81/7, 81/8, 77, 63, 65/1, 65/2, 61/4, 61/11, 61/12, 64, 66/1, 67, 61/2, 81/2, 81/6, 81/5, 59/1, 59/3, 59/4, 62/1, 62/2, 62/3, 53, 60, 32, 70/3, 70/4, 68/3, 68/4, 68/2, 216, 78/1, 78/2, 80 precinct of Boboszów, 296/1, 296/2, 295/1, 295/2, 306/8, 299/1, 292/4, 292/5, 292/6, 293/1, 293/2, 294, 298, 306/2, 306/3, 306/10, 306/11, 46 precinct of Pisary, under the following conditions:

a) perform the works during the time frames described in item 27 and 28 of this table.

b) observe the deadlines and conditions of work performance in the vicinity of the black stork nest, described in item 29 of this table.

Information about the implementation scope of the conditions specified i item 1-8 (above) shall be submitted to the Engineer in accordance with the conditions set out in item 128.

Item 128 of Appendix No. 1 and No. 2 Providing information on the implementation conditions in item 118 in Appendix No. 1 to the EMP to the RDEP in Wrocław

[insofar text]

Information about the implementation scope of the conditions specified in item 118 (i.e. the conditions laid down in the decision of RDEP in Wroclaw dated 05.03.2019 No. WPN.6400.6.2019.MH and WPN.6400.27.18.MH.1) in a specified calendar year should be submitted to the RDEP in Wrocław according to the following rules:

a) in the years 2019- 2020 (for the decision No. WPN.6400.6.2019.MH):

– The Contractor shall submit the above information to the Engineer not later than on December 15th of the given year;

– The Engineer shall submit the above information to the Employer not later than on December 31st of the given year;

– The Employer shall submit the above information to RDOŚ in Wrocław not later than on January 15th of the next year.

b) in the years 2020-2021 (information for the decision No. WPN.6400.27.18.MH.1):

– the Contractor shall submit the above information to the Engineer not later than on December 15th, 2020

– the Engineer shall submit the above information to the Employer not later than on December 31st, 2020

– the Employer shall submit the above information to the RDEP in Wroclaw not later than on January 15th, 2021

c) in the year 2021 **(**the last information for the decision No. WPN.6400.6.2019.MH):

– the Contractor shall submit the above information to the Engineer not later than on April 15th, 2021;

– the Engineer shall submit the above information to the Employer not later than on April 30th, 2021

– the Employer shall submit the above information to the RDEP in Wroclaw not later than on May 15th 2021.

[after modification]

Information about the implementation scope of the conditions specified in item 118 (i.e. the conditions laid down in the decision of RDEP in Wroclaw dated 05.03.2019 No. WPN.6400.6.2019.MH, changed by the decision dated April 13th 2021 No. WPN.6400.6.2019.MH.1 and WPN.6400.27.18.MH.1) in a specified calendar year should be submitted to the RDEP in Wrocław according to the following rules:

a) in the years 2021- 2022 (for the decision No. WPN.6400.6.2019.MH.1):

– The Contractor shall submit the above information to the Engineer not later than on December 15th of the given year;

– The Engineer shall submit the above information to the Employer not later than on December 31st of the given year;

– The Employer shall submit the above information to RDEP in Wrocław not later than on January 15th of the next year.

b) in the years 2020-2021 (information for the decision No. WPN.6400.27.18.MH.1):

– the Contractor shall submit the above information to the Engineer not later than on December 15th, 2020

– the Engineer shall submit the above information to the Employer not later than on December 31st, 2020

– the Employer shall submit the above information to the RDEP in Wroclaw not later than on January 15th, 2021

c) in the year 2023 (the last information for the decision No. WPN.6400.6.2019.MH.1):

– the Contractor shall submit the above information to the Engineer not later than on November 30th, 2022;

– the Engineer shall submit the above information to the Employer not later than on December 15th, 2022;

– the Employer shall submit the above information to RDEP in Wrocław not later than on January 15th 2023.