

# Report of Public Consultation

08.09.2017  
4:30 pm

Communal  
Cultural Center in  
Zaleszany  
4 Kościuszki Square  
37-415 Zaleszany



<b>Project/Contract:</b>	<i>Odra-Vistula Flood Management Project / Works Contract 3B.2 Flood protection Tarnobrzeg</i>		
<b>The meeting organised by:</b>	Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszów (hereinafter as PZMiUW in Rzeszów)	<b>Type of meeting:</b>	Public consultation
<b>Leading:</b>	Marta Rak – Consultant		
<b>Participants:</b>	Attendance list (Attach. 1) – anonymized due to the protection of personal data		

The World Bank is co-financing the implementation of the Works Contract 3B.2 Flood Protection Tarnobrzeg, therefore a document was prepared in both, Polish and English, entitled the Draft Land Acquisition and Resettlement Action Plan (Draft RAP) in accordance with World Bank's Operational Policy OP 4.12. The document was subject to public consultation, the purpose of which was to allow individuals, institutions and all interested parties to view the document and to have an opportunity to submit comments, queries and requests regarding its contents.

Public disclosure of the Draft Land Acquisition and Resettlement Action Plan commenced on 17<sup>th</sup> August 2017 in accordance with Operational Policy OP 4.12, when a notice was published in local supplement to Gazeta Wyborcza (newspaper with nationwide coverage) (Fig. 7 in Attachment 2).

Any interested party could, in the period from 17.08.2017 until 07.09.2017 (inclusive), get familiarised with the DRAFT RAP (in paper version) at the seats of:

- Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszów, Hetmańska Street 9, 35-959 Rzeszów, on working days between 8:30 a.m. and 2:30 p.m.,
- Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszów, Tarnobrzeg Department, Sienkiewicza Street 86, 39-400 Tarnobrzeg, on working days between 8:30 a.m. and 2:30 p.m.,

or with the digital version of the document via a websites:

- PZMiUW, address – [www.pzmiuw.pl](http://www.pzmiuw.pl),
- Tarnobrzeg Municipal Council, address – [www.tarnobrzeg.pl](http://www.tarnobrzeg.pl),
- Zaleszany Commune Office, address – [www.zaleszany.pl](http://www.zaleszany.pl),
- Gorzyce Commune Office, address – [www.gorzyce.pl](http://www.gorzyce.pl),
- Radomyśl nad Sanem Commune Office, address – [www.radomysl.pl](http://www.radomysl.pl),
- Project Coordination Unit, address – [www.odrapcu.pl](http://www.odrapcu.pl).

Any interested party could submit remarks and motions referring to the DRAFT RAP in writing form and oral form to the minutes to the addresses mentioned above or in a digital form to the following e-mail address:

piu@pzmiuw.pl in term as indicated above. Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszów was a competent institution to consider the remarks and motions.

Contact person in PZMiUW was Mrs Barbara Tabak (contact details: Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszów, Hetmańska Street 9, 35-959 Rzeszów, on working days between 8:30 a.m. and 2:30 p.m., telephone: 017 853 74 00 (connected by the secretary's office)).

Notice of public consultation was also posted on notice boards of PZMiUW in Rzeszow, its branch office in Tarnobrzeg, as well as on the websites of the below indicated institutions:

- PZMiUW, address – [www.pzmiuw.pl](http://www.pzmiuw.pl) (Fig. 1 in Attachment 2),
- Tarnobrzeg Municipal Council, address – [www.tarnobrzeg.pl](http://www.tarnobrzeg.pl) (Fig. 2 in Attachment 2),
- Zaleszany Commune Office, address – [www.zaleszany.pl](http://www.zaleszany.pl) (Fig. 3 in Attachment 2),
- Gorzyce Commune Office, address – [www.gorzyce.pl](http://www.gorzyce.pl) (Fig. 4 in Attachment 2),
- Radomyśl nad Sanem Commune Office, address – [www.radomysl.pl](http://www.radomysl.pl) (Fig. 5 in Attachment 2),
- Project Coordination Unit, address – [www.odrapcu.pl](http://www.odrapcu.pl) (Fig. 6 in Attachment 2).

and on communal notice boards as well as at the sites of construction works (Fig. 8 and 9 in Attachment 2).

The notice invited individuals, authorities and interested parties to view Draft RAP for Works Contract 3.B2. Draft RAP was displayed to the public from 17<sup>th</sup> August 2017 to 7<sup>th</sup> September 2017 (i.e. for a period of 21 days) on the mentioned above websites.

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

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

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

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

During the 21 day period for submission of questions to the publicized Draft RAP no questions or requests have been received by PZMiUW. However, an interest in the document was noted. Some people appeared in person at the Branch Office of PZMiUW in Tarnobrzeg and viewed printed Draft RAP document. Downloading of the files from the websites indicated in the notice was also observed. No questions were submitted to the Office via e-mail or in person.

After completion of 21 day long period of Draft RAP's publicizing, on 8<sup>th</sup> September 2017 at 4:30 pm, in the Communal Cultural Center in Zaleszany at 4 Kościuszki Square, an open public meeting took place on the draft of the Document - **Land Acquisition and Resettlement Action Plan for Contract 3.B2 Flood Protection Tarnobrzeg** implemented within the Odra-Vistula Flood Protection Project.

Only one person interested in Project implementation was present at the meeting. Among the other participants were representatives of units directly involved in implementation of OVFMP: Project Implementation

Unit of PZMiUW in Rzeszów and Branch Office in Tarnobrzeg, Project Coordination Unit from Kraków, and Engineer – Consultant Team (AECOM Polska Ltd.).

To complete the formalities, Ms. Marta Rak, the Consultant who prepared the Draft RAP, after a brief welcome, presented the purpose and agenda for the meeting.

Ms. Marta Rak made a Power Point presentation on the Land Acquisition and Resettlement Action Plan for Works Contract **3.B2 Flood Protection Tarnobrzeg** – moving the participants closer to the aim and contents of the Plan prepared in accordance with the requirements of the World Bank, as well as the information regarding the OVFMP and next the Works Contract 3.B2, i.e. its location, scope of works, the state of progress of the realization decision (IPIP) procedure, the impact of the Contract, the legal basis for its implementation, with particular regard to Operational Policy OP 4.12. While presenting issues related to RAP Ms. Marta Rak drew particular attention to measures mitigating the social impacts and to the Contractor's responsibilities on principles of property acquisition for temporary occupation, as well as a mechanism of submitting complaints and proposals.

A brief discussion which took place after the presentation.

The person interested in Project implementation asked the following questions:

1. Why during the presentation has been discussed the issue of the Agency for Restructuring and Modernization of Agriculture (ARMA) notification by farmers who are collecting subsidies and whose real estates will be expropriated? I see no justification, if it will be only small fragments of fields, because in the case of direct subsidies, there is a margin of tolerance for the area of fields reported to a subsidy of  $\pm 3\%$ ?
2. Why during the presentation has been mentioned the need to pay compensation before the commencement of works? Is it possible to do in practice? You presented and discussed so multi-stage appeals procedure in case of no agreement on the amount of compensation?

The Consultant answered above questions during the meeting:

Re. 1 Informing the Parties about their entitlements as well as obligations is one of the actions minimizing the impact of the Project, and the issue of reporting to ARMA a reduction in the farmer's area is a very important issue, as farmers receive not only direct payments (subsidies), but also they participate in other programs covered by the 2014-2020 Rural Development Program (RDP 2014-2020), e.g. agri-environmental programs, where there is no margin of tolerance (such cases have been identified during social-economic survey). It is possible to avoid reimbursement of the collected subsidies thanks to the regulation introduced at EU level, which placed expropriation of the property into the "force majeure" catalog.

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

In order to enable the farmer to properly fulfil his contractual obligations and not to jeopardize his contractual obligations, identification, mitigation and compensatory measures are necessary. These measures included such activities as the distribution of relevant information brochures (the information campaign will be repeated at the realization decisions issuing stage from September to October 2017) or cooperation with ARMA to inform the agency about the projected plot's area changes due to the implementation of the Project. PZMiUW is guided by the precautionary principle, it is better for the farmer to inform ARMA unnecessarily, i.e. even if he receives direct payments and does not exceed the margin of tolerance, than if the absence of notification would result in the imposition of sanctions in the form of administrative penalties.

Re. 2 The principle of paying compensation before the commencement of construction works is one of the basic obligations of the Investor arising from the Operational Policy of the World Bank OP 4.12, which was mentioned during the presentation.

Of course this is possible in practice. At the moment of issuing the decision determining the amount of compensation by the Governor at the request of the expropriated person, it is possible to pay the amount indicated in the decision, and this does not prevent the person from appealing to the higher authority such as

the Minister, and then the administrative courts (detailing you find it in the RAP document).

In the case of unsettled ownership issues or not finding the owner/owners there is the possibility of paying the amount of compensation to the court deposit and such measure is the fulfillment of the principle of payment of compensation before the commencement of works.

There are therefore procedures that will allow to put into practice the principle of paying compensation before the commencement of construction works.

The participants were thanked for the attending the meeting and for active participation.

The meeting was closed.

The comments made by the public during the public consultation did not change the contents of the RAP.

Report done by:

Marta Rak

Attachments:

1. The attendance list of those present at the meeting on 8/09/2017 (list anonymized due to the protection of personal data).
2. Photographs, documentation of announcements (in another file).

**ATTACHMENT 1 - The attendance list of those present at the meeting on 8/09/2017**

*Plan Pozyskania Nieruchomości i Przesiedleń dla Kontraktu 3B.2 Ochrona przeciwpowodziowa Tarnobrzegu*

**LISTA OBECNOŚCI**

uczestników otwartego spotkania konsultacyjnego w dniu 08.09.2017 r. w Zaleszanych dotyczącego:

**Projekt Planu Pozyskania Nieruchomości i Przesiedleń dla Kontraktu 3B.2**

**Ochrona przeciwpowodziowa Tarnobrzegu**

Lp.	Imię i nazwisko	Firma/Instytucja	E-mail, telefon	Podpis
1	<b>Attendance list – anonymized due to the protection of personal data</b>			<i>[Signature]</i>
2				<i>[Signature]</i>
3				<i>[Signature]</i>
4				<i>[Signature]</i>
5				<i>[Signature]</i>
6				<i>[Signature]</i>
7				<i>[Signature]</i>
8				<i>[Signature]</i>