

State Water Holding Polish Water
Regional Water Management Board in Szczecin

LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

for

Odra-Vistula Flood Management Project co-financed by:
the World Bank (WB), Loan Agreement No. IBRD 8524 PL
the Council of Europe Development Bank (CEB), Framework Loan Agreement No. LD 1866
and the State Budget

Sub-component 1.A: Flood protection of areas in Zachodniopomorskie Voivodeship

CONTRACT FOR WORKS OF 1A.2

Flood protection of Gryfino, Ognica, and Piasek village on Odra River. Modernization of Marwicki Polder, Stage III - pump station Krajnik.



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FLOOD MANAGEMENT PROJECT
FOR ODRA AND VISTULA RIVER BASINS

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Sub-component 1.A: Flood protection of areas in Zachodniopomorskie Voivodeship. CONTRACT FOR WORKS OF 1A.2 Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station.

Land Acquisition and Resettlement Action Plan is prepared for Contract 1A.2 implemented by State Water Holding Polish Water, Regional Water Management Board in Szczecin.

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Szczecin, November 2020

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Abbreviations and Acronyms

| | |
|--|---|
| 1A.2 | Designator of the Contract for Works 1A.2 |
| ARMA | Agency for Restructuring and Modernization of Agriculture |
| World Bank (WB) | International Bank for Reconstruction and Development |
| PCU | Odra-Vistula Flood Management Project Coordination Unit |
| CEB | Council of Europe Development Bank |
| LPR | Land and Property Register |
| GIS | Geographic Information System that consists of a database for a specific area and procedures and techniques for collecting, updating and sharing data |
| CENTRAL STATISTICAL OFFICE (GUS) | Central Statistical Office |
| Joint Venture (Consortium) | Joint Venture Sweco Consulting Sp. z o.o./ Sweco Nederland B.V./ Sweco Engineering Sp. z o.o./ Ekocentrum – Wrocławski Ośrodek Usług Ekologicznych Sp. z o.o. |
| Investment Project / Undertaking | Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station. |
| PIU | Project Implementation Unit - an organizational unit established in the Project Implementation Office in charge of implementing the Project |
| Project Implementation Office / Employer / Investor | State Water Holding Polish Water ul. Grzybowska 80/82, 00-844 Warszawa Regional Water Management Board (RZGW) Szczecin ul. Tama Pomorzańska 13A 70 – 030 Szczecin |
| CC | Act dated 23 April 1964 Civil Code (Dz. U. of 2018, Item 1025 as amended) |
| Consultant Engineer | Company / legal person hired by the Employer to perform the services (specified herein, among others) |
| Contract / Task / Investment Project | Contract for works 1A.2 Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station. |
| APC | Administrative Procedure Code - the Act dated 14 June 1960 (Dz. U. of 2018, Item 2096 as amended) |
| LARPF | Land Acquisition and Resettlement Policy Framework |
| NBP | National Bank of Poland |
| NGO | Nongovernmental Organization |

| | |
|---|--|
| Structure | Functionally separate material scope of delivery |
| EIA | Environmental Impact Assessment |
| OP 4.12 | Designator of a document specifying the principles of involuntary resettlement required when financing the Task with the World Bank's loan - Operational Policy 4.12 - Involuntary Resettlement. |
| PAP | Project Affected Person |
| BP | Building Permit |
| LA&RAP | Land Acquisition and Resettlement Action Plan |
| Project / OVFMP | Odra-Vistula Flood Management Project |
| SWHPW | State Water Holding Polish Water |
| SWHPW RZGW | State Water Holding Polish Water, Regional Water Management Board |
| Regulation on Land Register | Regulation of the Minister of Regional Development and Construction dated 29 March 2001 on land and buildings register (Dz. U. of 2019, Item 393) |
| Regulation on Property Appraisal | Regulation of the Council of Ministers dated 21 September 2004 on property appraisal and appraisal study preparation (Dz. U. of 2004, No. 207, Item 2109 as amended) |
| Special Act on Flood Management | Act dated 8 July 2010 on special principles of preparation and execution of flood prevention construction investment projects (Dz. U. of 2019, Item 933) |
| RPM Law | Act dated 21 August 1997 on Real Property Management (Dz. U. of 2018, Item 2204 as amended) |
| BC Law | Act dated 7 July 1994 on Building Code (Dz. U. of 2019, Item 1186) |
| Water Law | Act dated 20 July 2017 on Water Law (Dz. U. of 2018, Item 2268 as amended) |
| VAC | Voivodeship Administrative Court |
| Contractor | Company / legal person delivering the Contract for Works 1A.2 |

1. Key Definitions

Key Definitions used in this document are:

Property price: amount agreed with and payable to the owner of the real property or its part based on the value of the property determined by a licensed appraiser. The real property compensation amount shall not be lower than the cost of replacement of the asset, irrespectively of the asset's depreciation resultant from its age, condition or any other relevant factor.

Cut-off date: deadline for completing the property inventory and list of persons affected by the Project. The persons present in the Project territory after the cut-off date shall not be entitled to compensation or any other support. Similarly, no compensation shall be paid for fixed assets (such as buildings, plants, fruit trees, tree cover) after the date of completing the inventory or, alternatively, after an agreed deadline.

Economic resettlement: loss of more than 20% of agricultural land when the Project Affected Person's income is largely based on agriculture.

Physical resettlement: loss of the settlement site or such commercial facilities as stores or workshops or facilities required for making an income.

Groups requiring particular support: persons whose gender, ethnicity, age, mental or physical disability, difficult financial situation or social status makes them more vulnerable to negative impact of the resettlement and who can have limited possibilities of making claims, getting resettlement support or benefitting from the investment project.

Resettlement cost: the scope of compensation for lost goods / property / expenditures, including the replacement value of the goods / property and cost of executing the resettlement and resettlement-related actions.

Social impact: pursuant to OP 4.12 resettlement-related social impact means any direct losses, economic or social, resultant from expropriation, permanent limitation of the current manner of using or access to the property.

Compensation: paid in cash or as replacement real property for the property and assets acquired for or impacted by the Project. Compensation is paid when the property has to be handed over by the owner to the State Treasury State Water Holding Polish Water, Regional Water Management Board in Szczecin. According to Polish law, in this respect compensation can be paid from the moment the building permit becomes, in principle, final and in all the cases before taking over the real property and occupation for construction purposes.

OP 4.12 Involuntary resettlement: Operational Policy specifying main principles and procedures that make the basis of WB's approach to involuntary resettlement related to investment projects.

Project Affected Person (PAP): every person that, in result of the project's implementation, loses the right to property or suffers from a loss of other benefits related to the owned built-up infrastructure (residential, agricultural, or breeding), loss of annual or perennial crops or stock, or other related or movable assets, in whole or in part, permanently or temporarily. PAP also includes renown members of local community or other persons affected by the investment project's implementation.

Natural person: a legal term for an individual human being in civil law, from birth to death.

Legal person: legal persons are the State Treasury and the organizational units the special provisions grant legal personality.

Holder in good faith: a person that uses something treating it as owned and fallaciously convinced to having the ownership title to it when the misconception is justified by the circumstances.

Holder in bad faith: a person that uses something treating is as owned, and aware of not having the ownership title or obliged to be aware of it.

Income: beneficial gains from commercial or farming activities conducted on the real property, including sale of such property.

Involuntary resettlement: resettlement is involuntary when it is performed without the resettled person's will (against the will) or in result of granting the consent for the resettlement under coercion (with no possibility to object).

Limited liability company: a capital company established by one or more persons for any legal purpose.

Expropriation: it consists in depriving or limiting a right in rem to specific property of a specific person pursuant to an individual legal act.

Value of outlays: an amount agreed with the property user and owed to the user for the user's outlays or an amount based on the value of the outlays determined by a certified property appraiser.

Replacement value: compensation for a loss of goods valued on the basis of their replacement / market value, including any transaction cost (e.g. taxes and registration fees) aimed at effective replacement of the lost goods (replacement value). Replacement value is the amount needed for replacing lost assets, excluding depreciation of assets resultant from their age, condition, or any other relevant factor.

Purchase / voluntary sale: a transaction of paid purchase of the right to real property from its owner / holder for a price accepted by both parties when the owner can refuse the transaction. If the project resorts to expropriation, the purchase is not considered voluntary (i.e. willing buyer / willing seller).

Terms used alternatively in this LA&RAP: **land – real property – lot**, depending on the context, the terms are used according to the following legal acts:

- CC: land, real property;
- RPM Law: (real) property, plot of land, lot of land;
- Regulation on Land Register: land, plot of land (abbreviated to plot/lot in this LA&RAP), and
- Operational Policy 4.12: land.

2. Introduction

This document presents the Land Acquisition and Resettlement Action Plan (LA&RAP) for Contract **1A.2 Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station** implemented under Odra - Vistula Flood Management Project (OVFMP), co-financed by the International Bank for Reconstruction and Development (World Bank) (Loan agreement dated 10 September 2015), the Council of Europe Development Bank (CEB) (loan agreement dated 24 May 2016) and the State Budget. The document regards only Contract 1A.2 Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, and does not regard the whole OVFMP.

The main objective of OVFMP is improving flood protection of residents of selected areas in Odra and upper Vistula river basins. Another objective is to strengthen the institutional capacity of public administration for more effective mitigation of flood impact. In result of the project three distinct areas of Poland will be provided with distinct infrastructure for flood management, including technical resources. The areas will be the Middle and Lower Odra basin, the Nysa Kłodzka basin, the Upper Vistula basin.

OVFMP covers the following five components:

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

The Components consist of Subcomponents. Under Component 1 the following three subcomponents have been identified:

- 1A (Flood protection of areas in Zachodniopomorskie Voivodeship),
- 1B (Flood protection of the Middle and Lower Odra River), and
- 1C (Flood protection of Ślubice).

The naming of the Components and Subcomponents is consistent with the following Project Operational Manual for: "Odra-Vistula Flood Management Project" available at:

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

Contract for Works of 1A.2 will be implemented under Component 1, Subcomponent 1A Flood protection of areas in Zachodniopomorskie Voivodeship.

All the tasks of Subcomponent 1A comprehensively resolve the problems related to flood protection and cover the most vulnerable areas. Subcomponent 1A includes the following tasks:

- 1A.1 - Chlewice - Porzecze. Backwater embankment of the Odra River at Myśla River. Improvement of Marwice polder: Stages I and II.
- 1A.2 - Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station.
- 1A.3 - Restoring natural values of the Lower Odra Valley by improving the retention and flood protection capacities of Międzyodrze - task abandoned.

2.1. Description of Task 1A.2

2.1.1. Flood protection of Piasek

As part of *Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, Flood protection of Piasek* it is planned to construct protective structures of the total length of 2100 m protecting Piasek vicinity (Cedynia municipality) against water overflow from Piasek canal which depends on the level of water in the Odra River. The undertaking includes construction of two sections of flood embankment 1200 m long in total. Routing of the south embankment section utilizes the natural land elevation significantly higher than the required flood protection embankment crown. The sections of the embankments will be connected with a flood protection wall with length up to 900 m made of steel sheet pile wall with a reinforced concrete cap and an extension made of mobile flood protection barriers.

Furthermore, the undertaking includes reconstruction of an existing public road (stone-paved municipality road) at a section 120 m long and a 140 m section of road on the State Treasury land ("State Forests" National Forests Holding, Chojna Forest Division), being an extension of the public road communication route. There will be also associated elements implemented such as technical passageways along the flood protection structure and at the embankment crown of the total length matching the designed flood protection structure, including adding them to public roads, vehicle maneuver areas at technical passageways, water connection for natural disaster fighting purposes, water draining elements on the landside foot of the flood protection, including reinstatement of the existing system of ditches.

The flood protection configuration, i.e. two sections of an earth embankment and a sheet pile wall, is adjusted to the terrain conditions and resultant restrictions.

When constructing the flood protection structures, rainwater and snowmelt will be managed using the existing system of ditches that discharge rainwater and snowmelt to Kanał Piasek. To ensure the sufficient flow capacity, the ditches will be maintained before starting proper works. In case of a temporary limitation of the existing ditches' flow capacity in result of works performed at the embankments' body, water from the ditches will be pumped to the canal.

The purpose of the undertaking is to protect population against floods. It is a public interest investment as specified in Art. 6, Item 4 of the Act on Real Property Management, and is implemented pursuant to the Act dated 8 July 2010 on specific terms of preparing for implementation projects in the scope of flood protection.

2.1.2. Flood protection of Ognica upon the Odra River

As part of *Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, Flood protection of Ognica upon the Odra River* it is planned to reconstruct the existing culvert (concrete pipe) and make it a steel metal sheet circular arch culvert with 1.85 m vertical clearance and 2.60 m horizontal clearance. The length of the culvert is to be up to 12 m. The culvert's headwall will be made from reinforced concrete with stone stabilization.

The scope of the undertaking includes reconstructing the existing culvert in Kanał Rynica - Ognica bed, where it crosses the existing public road number 415003Z in Ognica, and forming of the outflow section of the structure to increase the flow capacity and improve the outflow of high water discharged by Kanał Rynica - Ognica, mainly during heavy rains. The current culvert has insufficient flow capacity for high water, resulting in high pressure operation during high water and damming of water in the bed above the culvert. The dammed water overflows the bed and negatively impacts the adjacent land.

Below the culvert, during high water flow, the numerous meanders of Kanał Rynica - Ognica cause the water to lose its momentum and overflow the bed.

The undertaking includes running the existing telecom and IT network through waters of Kanał Rynica - Ognica in a casing pipe, subject to renovation works caused by reconstruction of the road the network is routed through.

The undertaking also covers regulation of the outflow section of Kanał Rynica - Ognica, approximately 300 m long, upstream the canal from Odra River mouth. The investment project will include ensuring the bed's geometric parameters: bottom width of 3.5 m, slope ratio of 1:2. The canal's bed will be stabilized with fascine bundles, stone lining, and piling.

2.1.3. Flood protection of Gryfino

The Task's stages include *Flood protection of Gryfino*. The undertaking involves protecting Gryfino and securing a base for icebreakers.

Under the current stage of the Task the area designed for the icebreakers' base is to be elevated to the ordinate of 2.00 m amsl. The land elevation will require macro-leveling of one lot's southern part with earth and topsoiling of the embankment followed by grass sowing. The lot's northern part will be paved with prefabricated concrete slabs. Furthermore, a reinforced concrete leg is planned to be made at the lot border to support the level difference after elevating the lot. Moreover, the access road to the icebreaker's base is to be elevated and strengthened by laying prefabricated concrete slabs. The road embankment will rest on the concrete leg. This undertaking will also include upgrading the existing lighting system to a new, energy-saving one, with lower posts for easier maintenance. A water connection will be made to ensure access to running water at the existing wharf. There are trees that interfere with the planned land surface strengthening that is to rest on the leg, so they will be felled.

The works will also require restoring the existing fencing and entry gates owned by third parties.

2.1.4. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station

The main objective of the investment project *Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, pump station modernization scope* is to maintain the flood protection level of the areas behind the embankments and to ensure the capacity to continuously discharge water from the areas during periods of higher water in the Odra River. The protected usable land is mostly arable land and green areas.

The scope of the intended use of the waters will include building and dismantling of temporary buildings necessary for securing the work area required for the modernization of Krajnik pump station. The pump station's operational levels after the reconstruction will not change, compared to the current levels.

The current status of Krajnik pump station indicates considerable technical wear, so its reconstruction will ensure unobstructed operation of the structure.

Due to the current status of the existing power line, it is planned under this stage of the Task to remove the existing poles, physically worn and leaning because of their unstable fixing in the ground, and build an underground power line instead. Detailed description of the works and the area can be found in *subchapter 2.2.4. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station*,

and its impact on the owners or users of the property - in *subchapter 4.2.3. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station.*

2.2. Implementation of Task 1A.2

2.2.1. Flood protection of Piasek

In general, the area covered by the Project *Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, the section of Flood protection of Piasek upon the Odra River* is located in Cedynia municipality, Gryfino county, Zachodniopomorskie Voivodeship. A small part of the investment project will be implemented also in Raduń village settlement, Chojna municipality, Gryfino county, Zachodniopomorskie Voivodeship.

The planned structure is located between the Odra River canal and Piasek, and most of it runs along canal banks, while in the northern part, at a section approximately 0.2 km long, it is perpendicular to the canal. The Odra River canal is on the west side of the structure, while the area to the east is used in various ways: there are forests, farming land, and some infrastructure. At a section about 0.4 km long the investment project borders built-up areas of Piasek.

The undertaking will require acquiring rights to 20 real properties or their parts, 3 of which are owned by natural persons, 10 - by the State Treasury, and 7 - by Cedynia municipality. Nineteen real properties are located in Cedynia municipality, geodesic precinct Piasek 0002, and one in Chojna municipality, Raduń geodesic precinct. Arable land will also be subject to expropriation. Detailed information on approximate lots of land to be subdivided is presented in Table 1 which shows breakdown of lots to be expropriated.

Analysis of real property classification based on LPR data showed that nine out of twenty lots to be occupied are arable land, and some of them: orchards, forests, wasteland, pastures, and built-up agricultural land. Furthermore, four properties are classified as roads, one of which is also a residential area.

Additionally, use of three properties will be permanently limited. One of them (designated as lot 342, precinct Piasek 0002) is owned by the State Treasury. The limitation at the property will consist in acquiring land for an exit from a public road to a planned yard. The remaining two real properties, i.e. lot 680, precinct Piasek 0002, that will also be expropriated, and lot 483, precinct Piasek 0002, are owned by Cedynia municipality. Detailed information about the lots to have use permanently limited, including approximate percentage share of the limited use area to the total area is presented in Table 2.

| Item | Lot No. Total area of the lot | Geodesic precinct / municipality | Approximate area of the land for subdivision [m ² / ha] | Owner of the lot subject to expropriation | Land use |
|------|----------------------------------|----------------------------------|--|--|--|
| 1. | 1/16 28.9 ha | 0002 Piasek / Cedynia | 7101 m ² / 0.7101 ha + 13 m ² / 0.0013 ha = 7114 m² / 0.7114 ha ~2.46% | The State Treasury PGL LP Chojna Forest Division ul. Szczecińska 36, 74-500 Chojna | RV – arable land F – forests W – wasteland |
| 2 | 144/1 0.10 ha | 0002 Piasek / Cedynia | 1000 m² / 0.10 ha 100% | The State Treasury | RV – arable land |

| | | | | | |
|------------|------------------|-----------------------|---|--|---|
| | | | | National Support Center for Agriculture, Szczecin Branch ul. Matejki 6b, 71-615 Szczecin | |
| 3 | 144/2 0.09 ha | 0002 Piasek / Cedydia | 900 m² / 0.09 ha <u>100%</u> | The State Treasury National Support Center for Agriculture, Szczecin Branch ul. Matejki 6b, 71-615 Szczecin | RV – arable land |
| 4 | 145 0.52 ha | 0002 Piasek / Cedydia | 5200 m² / 0.5200 ha <u>100%</u> | Cedydia municipality ul. Pl. Wolności 1 74-520 Cedydia | rd - roads |
| 5. | 671 0.08 ha | 0002 Piasek / Cedydia | 100% | The State Treasury National Support Center for Agriculture, Szczecin Branch ul. Matejki 6b, 71-615 Szczecin | PsV – pasture |
| 6. | 672 0.59 ha | 0002 Piasek / Cedydia | 296 m² / 0.0296 ha <u>~5.02%</u> | The State Treasury National Support Center for Agriculture, Szczecin Branch ul. Matejki 6b, 71-615 Szczecin | PsV – pasture |
| 7. | 675 0.06 ha | 0002 Piasek / Cedydia | 143 m² / 0.0143 ha <u>~23.83%</u> | Cedydia municipality ul. Pl. Wolności 1 74-520 Cedydia | W – land covered by ditches |
| 8. | 677 1.05 ha | 0002 Piasek / Cedydia | 576 m² / 0.0576 ha <u>~5.49%</u> | The State Treasury National Support Center for Agriculture, Szczecin Branch ul. Matejki 6b, 71-615 Szczecin | PsV – pasture W – wasteland |
| 9. | 153 0.42 ha | 0002 Piasek / Cedydia | 750 m² / 0.0750 ha <u>~17.86%</u> | Natural person | RIVb – arable land RV – arable land RVI – arable land |
| 10. | 678 0.22 ha | 0002 Piasek / Cedydia | 566 m² / 0.0566 ha <u>~25.73%</u> | The State Treasury National Support Center for Agriculture, Szczecin Branch | RV – arable land RVI – arable land |

| | | | | | |
|------------|--------------------|-------------------------|---|--|---|
| | | | | ul. Matejki 6b, 71-615 Szczecin | |
| 11. | 679 0.21 ha | 0002 Piasek / Cedyňa | 1179 m² / 0.1179 ha <u>~56.14%</u> | The State Treasury National Support Center for Agriculture, Szczecin Branch ul. Matejki 6b, 71-615 Szczecin | RV – arable land |
| 12. | 676 0.55 ha | 0002 Piasek / Cedyňa | 5500 m² / 0.5500 ha <u>100%</u> | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | rd - roads |
| 13. | 680 1.52 ha | 0002 Piasek / Cedyňa | 433 m² / 0.0433 ha <u>~2.85%</u> | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | rd - roads |
| 14. | 343/3 0.0653 ha | 0002 Piasek / Cedyňa | 653 m² / 0.0653 ha <u>100%</u> | The State Treasury National Support Center for Agriculture, Szczecin Branch ul. Matejki 6b, 71-615 Szczecin | RV – arable land |
| 15. | 410 0.31 ha | 0002 Piasek / Cedyňa | 3100 m² / 0.31 ha <u>100%</u> | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | B – residential land rd - roads |
| 16. | 412 0.88 ha | 0002 Piasek / Cedyňa | 1324 m² / 0.1324 ha <u>~15.05%</u> | Natural person | RV – arable land łIV – grassland Br-RV – built-up agricultural land – arable land |
| 17. | 413 0.10 ha | 0002 Piasek / Cedyňa | 112 m² / 0.0112 ha <u>~11.2%</u> | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | W – land covered by ditches |
| 18. | 414 0.64 ha | 0002 Piasek / Cedyňa | 2930 m² / 0.2930 ha <u>~45.78%</u> | Natural person | łIV – grassland łV – grassland łVI – grassland |
| 19. | 426 0.58 ha | 0002 Piasek / Cedyňa | 3617 m² / 0.3617 ha <u>~62.36%</u> | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | RV – arable land łV – grassland łVI – grassland PsIV – pastures W-łVI |

| | | | | | |
|-----|------------------|-------------------|---|--|--|
| 20. | 12/1 13.42 ha | Raduń / Chojna | 284 m² / 0.0284 ha ~ 0.212% | The State Treasury PGL LP Chojna Forest Division ul. Szczecińska 36, 74-500 Chojna | łIII – grassland F – forests W – wasteland |
|-----|------------------|-------------------|---|--|--|

Table 1: Breakdown of lots to be expropriated

| Item | Lot No. | Geodesic precinct / municipality | Approximate area of the limited use [m ² / ha] | Lot owner | Land use |
|------|----------------|----------------------------------|---|--|-----------|
| 1 | 680 1.52 ha | 0002 Piasek / Cedyňa | 990 m² / 0.0990 ha ~ 6.51% | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | rd - road |
| 2 | 342 1.39 ha | 0002 Piasek / Cedyňa | 51 m² / 0.0051 ha ~ 0.37% | The State Treasury | rd - road |
| 3 | 483 0.31 ha | 0002 Piasek / Cedyňa | 985 m² / 0.0985 ha ~ 31.77% | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | rd - road |

Table 2: Lots required for the investment project not subject to expropriation but subject to permanent limitation of use

The investment project also covers a lot of land designated in the Land and Property Register as lot 669, cadastral district 0002, Piasek. The property is located in Zachodniopomorskie Voivodeship, Gryfino county, and is owned by the State Treasury, State Water Holding Polish Water. The lot's total area is 23.37 ha, 22.74 ha of which is land under flowing surface waters, and 0.63 is wasteland. There is no need to run the expropriation procedure for the real property.

The investment area is within special flood risk area and direct flood risk area.

Furthermore, the area is within Cedyňa Landscape Park and two Nature 2000 areas, i.e. the Lower Odra special bird protection area PLB320003 and the Lower Odra Community importance area PLH320037.

As specified above, the investment area is diversified in terms of ownership structure. The chart below shows percentages share specific lot owner categories.

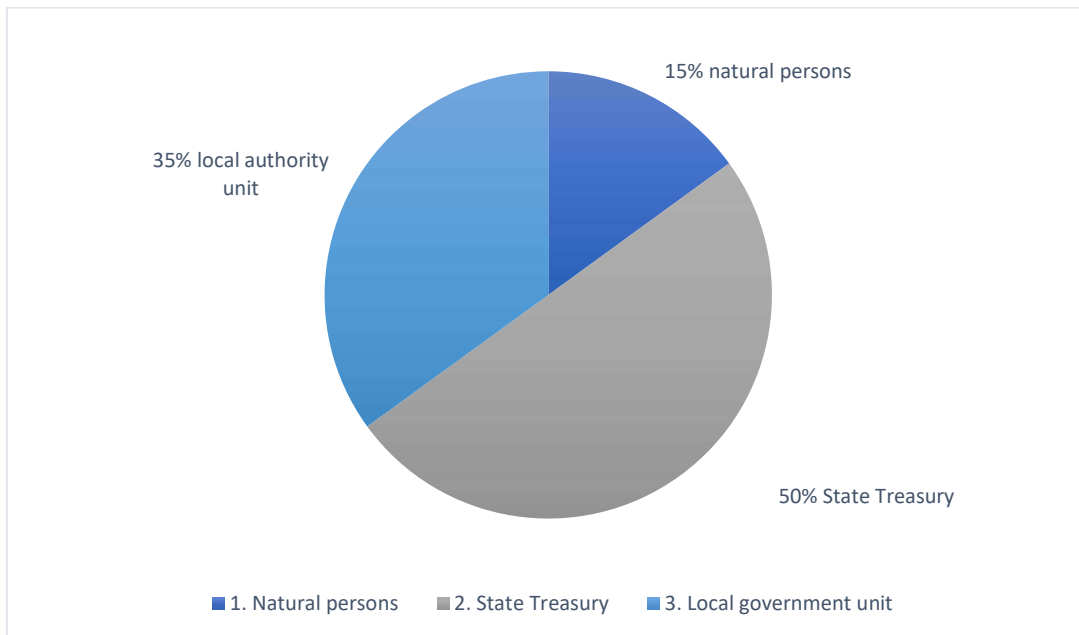


Chart 1. Structure of the number of lots by ownership.

The chart shows that only 15% of lots is owned by natural persons, while 35% - by Cedynia municipality, and as much as 50% - by the State Treasury.

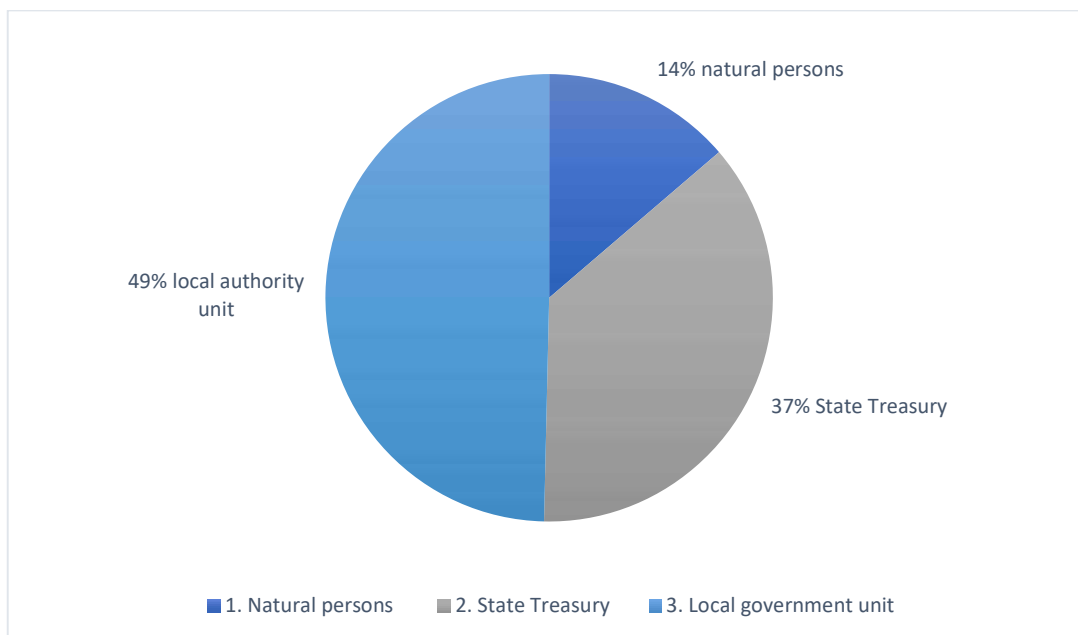


Chart 2. Percentage share of ownership type in total area

According to Chart 2 presenting percentage shares of ownership types (in ha) in total area, real properties owned by natural persons make up only 14% of the total land planned for occupation because of the investment project.

The total area subject to the planned occupation for the Task is 3.6477 ha, 0.5004 ha of which is owned by natural persons, 1.3368 ha - by the State Treasury, and the biggest share, i.e. about 1.8105 ha is owned by local government bodies (as little as 0.0248 ha - by Chojna municipality).

Furthermore, the real property designated as lot 672, precinct Piasek 0002, that is owned by ST, NSCA, Szczecin Branch, will require permanent limitation of use consisting in granting the right of way and passage.

For lot 410, precinct Piasek 0002, if the owner declares access to lot 412, precinct Piasek 0002, from lot 411, being a county public road, it will be necessary to expropriate the whole real property. If there is no such access, lot 410 will be subdivided.

2.2.2. Flood protection of Ognica upon the Odra River

The area covered by the Project *Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, the section of Flood protection of Ognica upon the Odra River* is located in Ognica village area, Gryfino county, Widuchowa municipality, Zachodniopomorskie Voivodeship.

The scope of the undertaking includes reconstructing the existing culvert in Kanał Rynica - Ognica bed, where it crosses the existing public road number 415003Z in Ognica, and forming of the outflow section of the structure to increase the flow capacity and improve the outflow of high water discharged by Kanał Rynica - Ognica, mainly during heavy rains. The current culvert has insufficient flow capacity for high water, resulting in high pressure operation during high water and damming of water in the bed above the culvert. The dammed water overflows the bed and negatively impacts the adjacent land. Below the culvert, during high water flow, the numerous meanders of Kanał Rynica - Ognica cause the water to loose its momentum and overflow the bed.

The area allocated for the investment project is within borders of two Nature 2000 areas: the Lower Odra special bird protection area PLB320003 and the Lower Odra Community importance area PLH320037. The project area is located outside protected underground and surface water intake areas and outside inland water reservoirs protected areas.

The undertaking will require acquiring rights to 15 real properties or their parts, four of which are owned by Widuchowa municipality, one by the State Treasury, and nine by natural persons. One of the real properties in the investment area is owned by the State Treasury and its type is Wp - land under flowing surface waters. Detailed information on approximate lots of land to be subdivided is presented in Table 3 which shows breakdown of lots to be expropriated.

| Item | Lot No. Total area of the lot | Geodesic precinct / municipality | Approximate area of the land for subdivision [m ² / ha] | Owner of the lot subject to expropriation | Land use |
|------|----------------------------------|----------------------------------|--|---|--|
| 1 | 12 0.4363 ha | 0008 Ognica / Widuchowa | 6.00 m ² /0.0006 ha <u>~0.14%</u> | Natural persons (3) | RIVb – arable land Br-RIVb – arable built-up land |
| 2 | 13 0.4618 ha | 0008 Ognica / Widuchowa | 2.13 m ² /0.000213 ha <u>~0.05%</u> | Natural person | RIVb – arable land Br-RIVb – arable built-up land |
| 3 | 14/3 0.1566 ha | 0008 Ognica / Widuchowa | 200.11 m ² /0.020011 ha <u>~12.78%</u> | Natural person | ŁV – permanent grassland |

| | | | | | |
|-----------|-------------------|-------------------------------|---|------------------------|--|
| 4 | 15 0.4829 ha | 0008 Ognica / Widuchowa | 302.20 m2/0.030211 ha ~6.26% | Natural persons (2) | RIVb – arable land Br-RIVb – arable built-up land |
| 5 | 39/3 0.3894 ha | 0008 Ognica / Widuchowa | 3.50 m2/0.00035 ha ~0.09% | Natural persons (2) | RIVb – arable land |
| 6 | 40/1 0.3239 ha | 0008 Ognica / Widuchowa | 173.20 m2/0.01732 ha ~5.35% | Natural persons (2) | RIVb – arable land |
| 7 | 40/2 0.1042 ha | 0008 Ognica / Widuchowa | 1.35 m2/0.000135 ha ~0.13% | Natural person | RIVb – arable land |
| 8 | 634 1.4725 ha | 0008 Ognica / Widuchowa | 5.70 m2/0.000570 ha ~0.04% | The State Treasury | Bz – recreation and leisure areas |
| 9 | 3 0.5636 ha | 0008 Ognica / Widuchowa | 0.63 m2 ~0.02% | Widuchowa municipality | rd - roads |
| 10 | 633 0.1581 ha | 0008 Ognica / Widuchowa | 6.04 m2/0.000604 ha ~0.38% | Widuchowa municipality | RIVb – arable land |
| 11 | 9 0.9398 ha | 0008 Ognica / Widuchowa | 103.05m2/0.010305 ha ~1.10% | Natural person | ŁIV – permanent grassland |
| 12 | 10 0.4944 ha | 0008 Ognica / Widuchowa | 1.17 m2/0.000117 ha ~0.02% | Widuchowa municipality | rd - roads |
| 13 | 82 0.2674 ha | 0008 Ognica / Widuchowa | 36.25 m2/0.003625 ha ~1.36% | Widuchowa municipality | rd - roads |
| 14 | 11/2 0.3371 ha | 0008 Ognica / Widuchowa | 11.62 m2/0.001162 ha ~0.34% | Natural person | RIVb – arable land |
| 15 | 34 0.8088 ha | 0008 Ognica / Widuchowa | - | The State Treasury | Wp – land under flowing surface waters |

Table 3 Breakdown of investment lots, Flood protection of Ognica upon the Odra River

Analysis of real property classification based on LPR data shows that eight lots are arable land, including three lots that area built-up arable land. Two real properties owned by natural persons are permanent grassland, and three owned by Widuchowa municipality are identified in Register of Land and Buildings as roads. Moreover, one of the lots covered by the investment project and owned by the State Treasury is recreation and leisure land.

The table above containing a breakdown of the investment land lots shows that the area is diversified in terms of ownership structure and most of the owners are natural persons. The chart below illustrates the number of land lots by ownership.

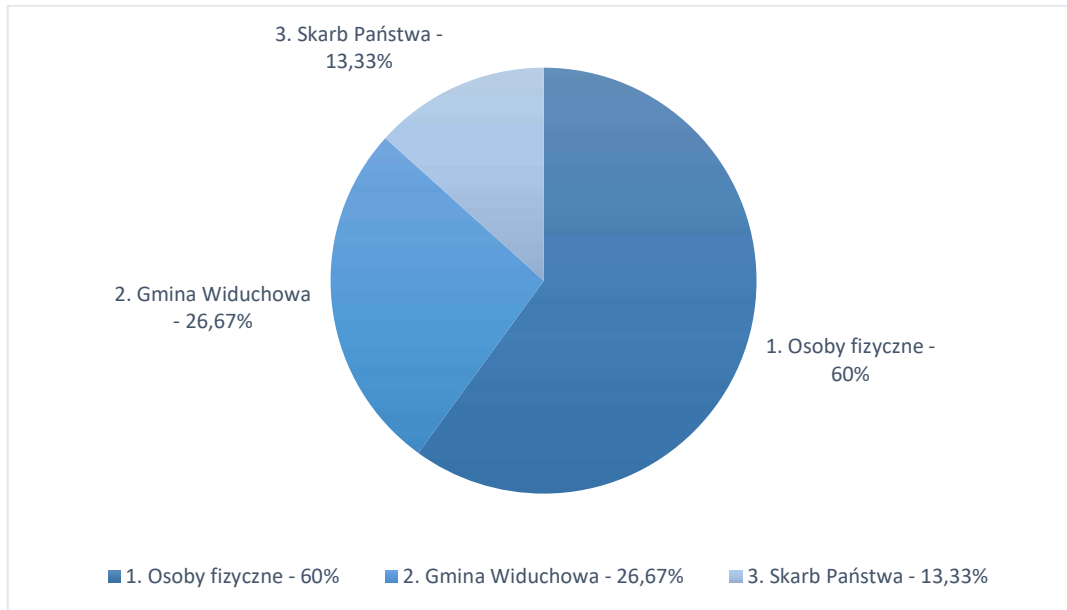


Chart 3. Structure of land lots by ownership: Flood protection of Ognica upon the Odra River.

According to the chart above, the real properties owned by natural persons make up 60% of all the real properties covered by the investment project, while the lots owned by Widuchowa municipality - 26.67%. Only 13.33% of the land is owned by the State Treasury and that area is made up of two out of the fifteen lots.

The real property required for the investment project is within Lower Odra Community importance area PLH320037. However, the undertaking does not infringe any of the protection objectives and the closest habitat covered by Nature 2000 protection is about 200 m north of the planned investment project (natural habitat, code 6430: riverside tall herb communities). The habitat can be found along the whole section of Odra.

2.2.3. Flood protection of Gryfino

The works planned under *Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, the section of Flood protection of Piasek upon the Odra River project* described in subchapter 2.1.3. apply to lot 35, precinct 0003, Gryfino 3. Elevating the land will include macro levelling of the lot's southern part. The road embankment planned to rest on the leg is located at the border of Lot 25.

Furthermore, it is planned to reconstruct the existing access road to the wharf at Lot 33, 0003 Gryfino precinct, consisting in levelling its gradeline and paving the surface. Concurrently to the works on reconstructing the road, it is planned to make the water connection to the existing water network in Targowa Street to provide on-going water supply for vessels mooring at the wharf.

Lot 35, Gryfino 3, precinct 0003, is owned by the State Treasury (RZGW Szczecin), so it is not required to obtain a permit for the planned works.

The real property bordering the planned embankment location, i.e. Lot 25, Gryfino 3, precinct 0003, is owned by the State Treasury and is held in perpetual usufruct by a natural person. No impact of the investment on the property and no necessity to intervene have been identified.

The works on reconstructing the existing access road will be performed on Lot 33, Gryfino 0003 precinct. The lot is owned by Gryfino municipality. The type of use for the property has been set as rd - roads, and the total area of the lot is 0.0272 ha.

2.2.4. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station

The pump station covered by the investment project is located in the right flood embankment of Eastern Odra. In administrative terms it belongs to Widuchowa municipality, Gryfino county, Zachodniopomorskie Voivodeship, and is located near Krajnik.

The pump station building scheduled for renovation under the undertaking is located at real property designated as lot number 111, Widuchowa cadastral district 0007. The property is owned by the State Treasury. The temporary structures will be located on lot 111, Widuchowa cadastral district 0007, and lot 234/4, Widuchowa cadastral district 0007, owned by the State Treasury.

The structure planned for the modernization is integrated with the right flood protection embankment of the Eastern Odra. The pump station's adjacent area is wasteland and grassland covered with irregular herbaceous vegetation. The road section connecting the two sections of the embankment runs next to the pump station.

The modernization works related to this investment project do not include changing the current areas used by the structure and related elements. Furthermore, the scope of impact fits within the lots stipulated for the undertaking (lot 111, cadastral district Widuchowa 0007, and lot 234/4, cadastral district Widuchowa 0007). The improvement of the pump station will not limit the possibilities of using adjacent lots of land.

The planned works include building a MV power supply line for the pump station's connection, the line is to be installed in two or three sections. It is planned to cross 13 properties, one of which is the lot at which the pump station building is located.

The strip of land designed to be acquired for the time of the construction works is to be 3 to 4 meters wide. The scope of impact after the power line is constructed is a strip about 0.6 wide.

At field access points and under roads the power line will be secured with protection tubes to be installed using, depending on technical feasibility, open trenches or directional drilling / jacking. The power line trench is planned to be made using a mini excavator. Furthermore, there may be a local need to pump out water directly from the trench, depending on the ground water level. As for laying the cable, it is planned to be done by pulling the line on rollers with admissible force, using relevant mechanical equipment. Because of the distances, the MV power supply line for the pump station's connection is to be installed in two or three sections, subject to technical feasibility.

The necessary construction works for the power supply cable will require entering thirteen properties.

The following table presents a breakdown of the investment lots required for the works of Marwice polder modernization, laying the MV power supply line for Krajnik pump station.

| Item | Lot No. | Geodesic precinct | Lot area | Land use | Lot owner |
|------|---------|----------------------------|-----------|---|--|
| 1. | 111 | 0007 Widuchowa Międzyodrze | 0.2511 ha | Wp – land under flowing surface waters | The State Treasury |
| 2. | 234/4 | 0007 Widuchowa Międzyodrze | 3.0827 ha | MI – miscellaneous land | The State Treasury |
| 3. | 222/2 | 0028 Krajnik | 17.45 ha | F – forests (16.96 ha) MI – miscellaneous land (0.49 ha) | State Treasury – <u>PGL LP Gryfino Forest Division</u> |
| 4. | 114/6 | 0007 Widuchowa Międzyodrze | 0.7895 ha | W – wasteland | State Treasury, NSCA (KOWR), Szczecin Branch, RZGW Szczecin |
| 5. | 114/7 | 0007 Widuchowa Międzyodrze | 0.0186 ha | W – wasteland | State Treasury, NSCA (KOWR), Szczecin Branch, RZGW Szczecin |
| 6. | 333 | 0028 Krajnik | 0.12 ha | W – land covered by ditches | State Treasury |
| 7. | 335 | 0028 Krajnik | 1.71 ha | GV – permanent grassland (1.60 ha) PsV – permanent pasture (0.11 ha) | State Treasury, NSCA (KOWR), Szczecin Branch, RDEP (RDOŚ) Szczecin |
| 8. | 337 | 0028 Krajnik | 1.33 ha | GV – permanent grassland | State Treasury, NSCA (KOWR), Szczecin Branch, RDEP (RDOŚ) Szczecin |
| 9. | 339 | 0028 Krajnik | 0.51 ha | GV – permanent grassland | State Treasury, NSCA (KOWR), Szczecin Branch |
| 10. | 352 | 0028 Krajnik | 0.33 ha | Wp – land under flowing surface waters | State Treasury |
| 11. | 353 | 0028 Krajnik | 0.37 ha | rd - roads | Gryfino municipality |
| 12. | 200 | 0028 Krajnik | 0.13 ha | rd - roads | Gryfino municipality |
| 13. | 136 | 0028 Krajnik | 2.16 ha | rd - roads | Gryfino municipality |

Table 4 Breakdown of the lots planned for the works of Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, installation of MV power supply line.

The underground power supply line is to replace the existing one. Therefore, it will be necessary to remove the existing poles, physically worn and leaning because of their unstable fixing in the ground, and build an underground power line instead. As a consequence, it will be necessary to enter the lots where the poles are located. The following table presents a breakdown of the lots for the above works, including numbers of the poles to be removed.

| Pole No. | Lot No. | Precinct | Owner | Leaseholder / Board | Land use | Surface [ha] |
|-----------------|----------------|--|--|----------------------------|---|---------------------|
| 1 | 114/7 | Gryfino municipality, Krajnik precinct | NSCA (KOWR) Szczecin | ZZMiUW Szczecin | Wasteland | 0.0186 |
| 2 | 335 | Gryfino municipality, Krajnik precinct | NSCA (KOWR) Szczecin | RDEP (RDOŚ) Szczecin | Permanent grassland Permanent pasture | 1.7100 |
| 3 | 335 | Gryfino municipality, Krajnik precinct | NSCA (KOWR) Szczecin | RDEP (RDOŚ) Szczecin | Permanent grassland Permanent pasture | 1.7100 |
| 4 | 338 | Gryfino municipality, Krajnik precinct | Natural person | - | Permanent grassland | 1.4900 |
| 5 | 340 | Gryfino municipality, Krajnik precinct | The Polish Society for the Protection of Birds (OTOP) Gdańsk | Natural person | Permanent grassland | 1.0000 |
| 6 | 355 | Widuchowa municipality, Marwice precinct | NSCA (KOWR) Szczecin | RDEP (RDOŚ) Szczecin | Permanent grassland | 1.0000 |
| 7 | 355 | Widuchowa municipality, Marwice precinct | NSCA (KOWR) Szczecin | RDEP (RDOŚ) Szczecin | Permanent grassland | 1.0000 |
| 8 | 366 | Widuchowa municipality, Marwice precinct | Natural person | - | Permanent grassland Land covered by ditches | 2.6400 |
| 9 | 366 | Widuchowa municipality, Marwice precinct | Natural person | - | Permanent grassland Land covered by ditches | 2.6400 |
| 10 | 366 | Widuchowa municipality, Marwice precinct | Natural person | - | Permanent grassland Land covered by ditches | 2.6400 |
| 11 | 380 | Widuchowa municipality, Krajnik precinct | Gryfino municipality | - | Permanent grassland Land covered by ditches | 1.0500 |
| 12 | 195/3 | Widuchowa municipality, Marwice precinct | NSCA (KOWR) Szczecin | RDEP (RDOŚ) Szczecin | Permanent grassland Permanent pasture Arable land Land covered by ditches Wooded land | 9.2000 |

| | | | | | | |
|----|--------|--|----------------------|--|---|---------|
| 13 | 195/3 | Widuchowa municipality, Marwice precinct | NSCA (KOWR) Szczecin | RDEP (RDOŚ) Szczecin | Permanent grassland Permanent pasture Arable land Land covered by ditches Wooded land | 9.2000 |
| 14 | 195/2 | Widuchowa municipality, Marwice precinct | State Treasury | State Forests, Gryfino Forest District | Forests | 4.5600 |
| 15 | 416/2 | Widuchowa municipality, Marwice precinct | Natural person | - | Permanent pasture | 3.1600 |
| 16 | 134/9 | Gryfino municipality, Krajnik precinct | Gryfino municipality | - | Permanent grassland Arable land Wasteland Land covered by ditches | 7.8200 |
| 17 | 134/9 | Gryfino municipality, Krajnik precinct | Gryfino municipality | - | Permanent grassland Arable land Wasteland Land covered by ditches | 7.8200 |
| 18 | 134/10 | Gryfino municipality, Krajnik precinct | Natural person | - | Permanent grassland Arable land Land covered by ditches | 2.3000 |
| 19 | 134/14 | Gryfino municipality, Krajnik precinct | NSCA (KOWR) Szczecin | - | Arable land | 0.3500 |
| 20 | 222/2 | Gryfino municipality, Krajnik precinct | State Treasury | State Forests, Gryfino Forest District | Forests Miscellaneous land | 17.4500 |
| 21 | 222/2 | Gryfino municipality, Krajnik precinct | State Treasury | State Forests, Gryfino Forest District | Forests Miscellaneous land | 17.4500 |
| 22 | 222/2 | Gryfino municipality, Krajnik precinct | State Treasury | State Forests, Gryfino Forest District | Forests Miscellaneous land | 17.4500 |
| 23 | 222/2 | Gryfino municipality, Krajnik precinct | State Treasury | State Forests, Gryfino Forest District | Forests Miscellaneous land | 17.4500 |

Table 5 Breakdown of the lots planned for the works of Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, removal of powerline poles.

The pump station is situated in the embankment body, so it can be accessed only through the road on the embankment crown, and the road can be accessed only by earth roads used mostly by farming machinery. The roads will be used during the implementation and if any of them is damaged, the contractor is obliged to repair it.

2.3. Entities in charge of implementation of the Project

Since 1 Jan 2018 management of national waters has been the responsibility of State Water Holding Polish Water (Polish Water, for short) with its head office in Warsaw.

SWHPW was established pursuant to the Water Law dated 20 July 2017 and the charter granted under the Regulation of the Minister of Environment on 28 Dec 2017. (Dz. U. 2017, Item 2506). Polish Water is a state legal person (Art. 9, Item 14 of the Act dated 27 Aug 2009 on public finance Dz. U. of 2009, Item 1240 as amended).

SWHPW responsibilities include comprehensive management of all Polish waters and relevant investment projects. The entity also represents the State Treasury and executes the State Treasury's proprietary rights to the owned waters, water facilities, and other property related to management of waters. The detailed breakdown of responsibilities and rights, including division of competence between specific internal units and separate organizational bodies, is specified in Art. 240 of Water Law. The following organizational units are included in Polish Water: National Water Management Board with its registered seat in Warsaw, regional water management boards, Regional Water Management Boards, and water management stations.

The legislator regulated with Art. 536 of Water Law the issues related to continuing investment project that started before the act came in force by transferring to Polish Water the rights and obligations resultant from agreements and regulations related to investment projects on public waters owned by the State Treasury and basic hydrological structures, including contracts finances or co-financed from foreign funds implemented so far by water management boards, voivodeships, voivodeship marshals or relevant voivodeship organizational units. Provisions of Art. 526 of Water Law specify that Polish Water also perform the duties of former President of the National Water Management Board, former directors of regional water management boards, and voivodeship marshals related to handling of waters and other property of the State Treasury related to management of waters and investment projects in the water management sector. It should be pointed out that all the liabilities, receivables, rights and obligations of the former National Water Management Board and regional water management boards became the liabilities, receivables, rights, and obligations of Polish Water. Therefore, there was a statutory general succession from the former regional management boards to Polish Water.

The direct reason for the reforms of water management was the obligation to implement provisions of Directive 2000/60/EC of the European Parliament and of the Council dated 23 October 2000, so-called Water Framework Directive, that sets the basis Community action in the field of water policy. Putting the reform in place was the condition Poland had to meet in order to be able to use the funds from EU operational programs scheduled for 2014-2020.

The Project Implementation Unit (PIU) for the Task is State Water Holding Polish Water, having the legal personality and exercising proprietary rights on behalf of and for the State Treasury. The Regional Water Management Board in Szczecin is an internal organizational unit of Polish Water. Therefore, the Investor of the undertaking will be State Water Holding Polish Water.

3. Basic principles of LA&RAP¹

The primary objective of the Land Acquisition and Resettlement Plan is to acquire the real property necessary for delivering the Contract for works according to Polish law and World Bank operational policy OP 4.12 in a manner that minimizes the negative impact on Project Affected Persons, improves or at least reinstates their standard of living, and ensures long-term sustainable use of natural resources in the area.

Unless necessary precautions and preventive measures are taken in advance, land acquisition may result in generating hardship to those affected and cause project delays. The key principles to be followed in the design and implementation of the land acquisition and resettlement program are as follows:

1. Involuntary permanent acquisition of real property should be minimized or avoided when possible. Where unavoidable, the procedures and requirements outlined in LARPF will be followed to prepare site-specific Land Acquisition and Resettlement Action Plans to mitigate adverse impacts.
[http://www.odrapcu.pl/doc/OVFMP/Ramowy dokument dotyczacy Przesiedleni i Pozyskiwania Nieruchomosci.pdf](http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedleni_i_Pozyskiwania_Nieruchomosci.pdf)
2. The land acquisition procedures will ensure that the livelihood and living conditions of project-affected people are improved, or at least reinstated to pre-project levels.
3. All project affected persons (PAPs) will be meaningfully consulted and be active participants in the negotiated settlements and will have access to adequate and accessible grievance redress mechanisms. Consultations will consider all social issues (also gender) and take into account the needs of stakeholders who may be considered vulnerable.
4. Implementation of effective grievance redress procedures for PAPs and provision of access to legal, fair and accessible proceedings of their appeal to independent authority or court without intentional delay if enforced.
5. All cases of land acquisitions and resettlement, either permanent or temporary, will undergo procedures based on Polish regulations and OP 4.12 as per LARPF and to be detailed for each site in the respective LA&RAP. LA&RAP must be consistent with LARPF
[http://www.odrapcu.pl/doc/OVFMP/Ramowy dokument dotyczacy Przesiedleni i Pozyskiwania Nieruchomosci.pdf](http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedleni_i_Pozyskiwania_Nieruchomosci.pdf)
6. LA&RAP also concerns cases of permanent or temporary limitations to the access to the property resulting in the loss of business income (permanent or temporary) or worse standards of living.
7. The implementation of the LA&RAP will be monitored and reported and in the end evaluated.
8. The process of social participation, protective and mitigation actions will be carried out in accordance with fair treatment regardless of age, sex or disability of affected people. Particular attention will be paid to the households of vulnerable groups.
9. Resettlement plan and land acquisition are designed and completed within the Project. All costs connected with implementation of compensation actions will be included in the budget as well as the advantage of the project.
10. Compensation for those economically affected by the Project, especially the expropriated persons, should be paid prior to starting construction works on that affected land.
11. Priority will be granted to “land for land” compensation, i.e. allocating alternative land of equivalent productive potential. Cash compensation will be used in the cases where land

¹ Chapter content consistent with LARPF

acquisition has no impact on the use of land for its former purposes as well as in cases where affected persons express their will to receive cash compensation.

12. In case of temporary acquisition of the assets, after the works they will be reinstated to the same condition as beforehand to enable the owners or users to resume 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 LARPF. Lack of legal title should not be a bar to compensation and/or rehabilitation. A detailed procedures of land acquisition, social participation and protective, preventive, compensatory and mitigation measures are established in this LA&RAP.

The objectives of LA&RAP include collecting most important social and economic data of the persons affected by the project, identifying the impact, determining the measures that mitigate or compensate the impact, establishing if the conditions for further use of the affected property is reinstated (in case of properties owned by both natural persons and public entities). LA&RAP specifies also the procedures, budget and timing of attaining the above objectives.

As the works progress, the Consultant and PIU will continuously monitor and update LA&RAP according to set indicators and new circumstances that impact its implementation. It will ensure, among others, providing relevant project affected persons with relevant information, early identification of risks, and taking the measures that would help minimize or eliminate the risks. The monitoring results will be presented in the quarterly RAP report.

The ex-post evaluation will be conducted six months after the LA&RAP is fully implemented and its objectives are assessed and documented.

4. Impact minimization

4.1. Social impact

Pursuant to OP 4.12 land acquisition-related social impact means any direct losses, economic or social, resultant from expropriation, permanent limitation of the current manner of using or access to the property. One of the basic criteria for assessing the importance of the social impact is the percentage share of the expropriated part in the whole real property. Furthermore, the data collected in the social and economic studies need to be taken into consideration.

Social impact of the Investment Project can be diversified as follows:

1. **Direct and indirect** impact;
2. Severity of the impact: **relevant** and **irrelevant**;
3. Subjective assessment: **positive** and **negative** impact.

In this LA&RAP the assessment of the social impact has been based on the following criteria consistent with OP 4.12:

- **Relevant impact:** in the case of real property other than agricultural and wasteland the relevant impact is loss of more than 20% of the farm's land. In the case of farms it will be the impact, where the acquisition exceeds 10% of the farm's production area or resources, the division line running in the way preventing use of the real property for agricultural or horticultural production;

- **Irrelevant impact:** in the case of real property other than agricultural and wasteland the secondary impact is loss of less than 20% of the farm's land or resources with no physical resettlement. In the case of farms the impact is considered irrelevant / secondary when the acquisition covers less than 10% of the farm's production area or resources, with no physical resettlement.

When dividing the impact on farms into relevant and secondary, 10% was used because the Task is to be implemented in rural areas, so to some of the residents that run farms a loss of 10% and more of the farm's production land will result in certain limitation of their income from agriculture but it should not relevantly impact the economic profitability of the agricultural business because of the land structure of the farms. When expropriating wasteland, the impact is considered irrelevant because acquisition of the land does not impact the farm's sources of income.

Sometimes despite acquiring 100% of the real property of a small area that PAP used only for recreational purposes it cannot be stated that the property was the family's source of income, so the impact should be considered irrelevant.

Nonetheless, in case of the poor it should be pointed out that a loss of even a small part of the property / farm can preclude use of the remaining part. In such cases a loss of less than 10% of the assets of the property, technically with irrelevant impact, will further worsen their financial situation, so those PAPs should not only be compensated in cash but also be offered relevant additional support measures.²

4.2. Presence of social impact

4.2.1. Flood protection of Piasek

In the case of Task 1A.2 - *Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, the section of Flood protection of Piasek upon the Odra River* the land required for the investment project will be acquired according to the Building Permit.

At the current stage of works on LA&RAP no limited rights in rem, groundless use of property or other liabilities have been identified. The Consultant undertakes to determine the above circumstances and update this document accordingly. To collect the information, property owners will be sent letters with requests to provide information on concluded leasehold contracts. It will also be determined then if the real properties have been registered for EU subsidies.

No lots were identified as Family Allotment Gardens.

As of the date of drafting this document, no impact was identified that would require physical resettlement of households or farms. Furthermore, for the planned task there are no economic resettlements identified caused by changing the manner of using the property. It follows from the nature of the investment project: it is designed for flood risk areas, so it does not stipulate changes in use of the land needed for the structure or the structure itself because of its flood risk location. However, the undertaking will contribute to changing the use of areas of high flood risk: as a flood protection investment project, it will reduce the area by about 0.45km² (H1%), reducing the scale of loss. Furthermore, use of the already delivered structure will not pose any emissions burden but will protect residents of Piasek against floods, so its impact on living standards should be considered positive.

² Yes *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Chapter 5, Page 74*

The public consultations held in Piasek so far show that the local community finds the Task needed. What also should be borne in mind is that according to the National Protection IT system the undertaking is located in the high flood risk area with flood probability of 0,2%, 1,0%, and 10%. Furthermore, the area is located also in the direct flood risk area identified in the "Flood Protection Study" prepared by the Director of Regional Water Management Board (RZGW) in Szczecin. Therefore, the investment project will protect life and property of the residents against possible future floods.

It should also be pointed out that the project does not involve destroying or damaging structures of historical or cultural significance.

During the meetings organized for public consultations surveys were handed out but completed forms have not been collected yet.

The local community reported that the investment project would take over a place in Piasek where rescue boats could be launched. As a consequence, a request have been filed to specify a place for launching rescue boats at the section between Siekierki and Piasek. It was pointed out during the public consultations that due to the flood protection nature of the investment project there were no sound arguments for routing the embankment away from the canal to make space for slipways, which was proposed by representatives of local administration bodies. Furthermore, it was pointed out that there was no possibility of modifying the canal bottom, and a proper construction of a slipway requires providing a protected (with steel watertight walls, for instance) slipway ramp to the bed of Kanał Piasek that would make it possible to launch the vessel in the time of water level changing in the canal. It was also said that the investment project in no way limited the possibilities of building the slipway in the future. Because of the comments and requests regarding boat launching in Piasek area during implementation of the investment project submitted by the residents, the usual place for boat launching will be left intact. The above is possible because of designing construction of ramps of sufficient slope and a small maneuvering yard.

Furthermore, during the meeting held on 21 Jan 2020 in Piasek a request was filed by a PAP (an owner of the lot number 153, precinct Piasek 0002) for compensation for a planned acquisition of a piece of the owner's property on "land for land" basis, indicating the lot number 202 as meeting the PAP's expectations. Therefore, it was identified that the real property was owned by Cedynia Municipality and was a subject matter of a contract of leasehold between Cedynia municipality and the PAP submitting the request. The submitted request will be reviewed for both the guidelines and principles of OP 4.12 and possibilities of acquiring the lot number 202 for the PAP. It should be pointed out that in the compensation process priority is given to "land for land" compensation approach, i.e. allocating a real property of similar production capacity. Cash compensation should be used in the cases where land acquisition has no impact on the use of land for its former purposes as well as in cases where the affected person expresses their will to receive cash compensation. Furthermore, the Flood Act does not indicate any preference for the land-for-land compensation; financial compensation allowing for purchasing similar real property is rather assumed. Analysis of the available data shows that 0.0750 ha of the PAP's land would be occupied, which makes 17.86% of the total lot area. What needs to be analyzed then is the actual use of the part of the lot subject to acquisition. The Consultant undertakes to determine that and offer the PAP (in writing) a compensation solution with other available options. Currently talks are being conducted with Cedynia Municipality about the options of acquiring the part leased by the PAP and using it for "land for land" compensation. This solution would result in granting the PAP a replacement property for the property that would be used for the Task. Should no consent be reached, a compensation in cash will be granted.

4.2.2. Flood protection of Ognica upon the Odra River

Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, Flood protection of Ognica village on the Odra River element will not be implemented pursuant to provisions of the Act dated 8 July 2010 on special principles of preparation and execution of flood prevention construction investment projects. The act regulates detailed terms and conditions of preparing investment projects for flood protection structures and weather radar stations. As specified by the act, the investment project does not meet the flood protection structure criteria. The Task will be performed pursuant to the Act dated 7 July 1994 on Building Code.

As of the date of drafting this document, no impact was identified that would require physical resettlement of households or farms. Furthermore, for the planned task there are no economic resettlements identified caused by changing the manner of using the property. No lots were identified as Family Allotment Gardens. According to Table 3 in Chapter 2.2. Implementation of Task 1A.2, Subchapter 2.2.2. Flood protection of Ognica upon the Odra River, 9 out of the 15 real properties subject to the investment project are owned by natural persons, and the number of physical persons being owners of the lots is 12. Despite the relatively high percentage share of natural persons owning the lots covered by the investment project, each of the cases requires acquisition of only a small portion of respective properties (not more than 12.78% of the whole lot).

Furthermore, the properties needed for the project will be acquired pursuant to voluntary agreements between the Investor and owners of specific properties (*voluntary resettlement*). In case of a failure to acquire a property pursuant to voluntary agreements, expropriation option will be considered. According to the Act dated 21 August 1997 on the real property management, expropriation can be executed for real properties on land designed in local spatial plans for public purposes or for real properties covered by a decision on determining the location for a public interest investment project. Expropriation consists in depriving of or limiting, by issuing relevant decision, the ownership title, eternal usufruct rights, or any other rights in rem to real property, and can be exercised when the public interest cannot be attained in a way other than the deprivation or limitation of the rights to real property and the rights cannot be acquired pursuant to an agreement.

According to WB principles and guidelines, reaching the consensus should be preceded with an informative campaign for the owners or lawful possessors of the real property, learning their expectations, precise determination of the manners to proceed, and organization of public consultation meetings focused on the issues. The scope of the undertaking includes reconstructing the existing culvert in Kanał Rynica - Ognica bed, and forming of the outflow section of the structure to increase the flow capacity and improve the outflow of high water discharged by Kanał Rynica - Ognica, mainly during heavy rains. It should be noted that regulating the bed means moving the banks of Kanał Rynica - Ognica and new borders of the flowing waters land lots at the section covered by the investment project. In result of the regulation areas of some lots will increase, while of others - decrease, and the final breakdown will be prepared after completing the task. New lot borders will be set, then independent and objective valuations will be prepared by a licensed property appraiser. The work, however, will be done after completing the designed flood protection solution because only then the breakdown of changes (increased or decreased areas of specific lots) will be available.

According to Art. 157 of the Civil Code, the ownership of an immovable property cannot be transferred conditionally or with a reservation of a time limit, and if the agreement stipulating the transfer has been concluded conditionally or with a reservation of a time limit, the transfer requires an additional agreement between the parties covering their unconditional consent to an immediate devolution of

ownership. The regulation results from the need to ensure safety of trade in real property. The content of the agreement stipulating the transfer is not subject to ban on conditional or the time-limited agreements because the limitations apply only to the disposition the transfer is. The result of a conditional or time-limited agreement obliging to transfer ownership of a real property is binding and a claim for actions transferring the ownership of the property arises when the contractual condition is met or the contractual time expires. However, it should be pointed out that in the case of regulating the legal status of land covered with waters in result of completed or current regulation of waters ownership title is transferred pursuant to the act on real property management and Civil Code and the right to acquire real property requested by relevant Polish Water unit rests with the Starosta. If ownership title was not transferred at the investment project implementation stage, the basis for establishing the State Treasury's ownership of land covered with flowing waters is the draft document separating it from adjacent land. The act of drafting bank borders for land covered with waters in result of their regulation does not transfer ownership title to the State Treasury as specified in Art. 223 of the Water Law, which regulates permanent coverage of land by waters - if inland flowing waters, territorial sea waters or inland sea waters permanently and naturally cover land owned by the owner of the waters, the land, upon the coverage, becomes by law the property of the owner of the waters. The transfer to the assets of the State Treasury specified in Art. 218(1) of the Water Law takes place at a request of a relevant unit of Polish Water, submitted to the starosta with due powers, for acknowledgment of the asset's transfer or, accordingly, removing from the assets pursuant to provisions of the real property management act. Representation of the State Treasury's ownership rights to flowing waters and the land covered by them by Polish Water is confirmed, for subsequent legal acts, by a voivode decision issued pursuant to Art. 258 of the Water Law. Due to the above regulations it will be possible to draft only frame agreements that specify the principles and time limits for the settlements between the parties without specifying the amounts or areas of the real property because it is not possible to determine the amounts at the stage of concluding the agreements and it could be detrimental to the property owners.. Although, bearing in mind the principles and guidelines of World Bank Operational Policy 4.12, the Investor is obliged to pay an advance for the compensation before starting the works in an unquestioned amount agreed by the parties, especially by the owner.

PAPs that own real property in the project's area shall, therefore, be compensated according to the "land for land" principle as the primary option. If granting a part of a real property in return of an acquired part is not possible, cash compensation will be used. Moreover, if the area of the acquired land is greater than what the owner receives in result of changing the lot borders, the owner is additionally compensated in cash. Negotiations with the owners on the contractual provisions will be preceded by an independent and objective valuation prepared by a licensed real property appraiser determining the value of the real property.

During the meetings held in Ognica upon the Odra River as part of public consultations it was pointed out that the investment project required consent of all the owners of the lots adjacent to the bed. The residents attending the meetings assured of their commitment and a expressed willingness to provide support in potential negotiations, as well as approval for the investment project.

4.2.3. Flood protection of Gryfino

Works of *Flood protection of Gryfino* will be performed at two properties. One of them, i.e. property on Lot 35, Gryfino 3, precinct 0003, is owned by the State Treasury, PGW WP. Therefore, there is no need to acquire the lot by the Investor. The other property is owned by Gryfino municipality. At that property, the works will involve reconstruction of the existing wharf access road. It will include leveling the gradeline and paving the surface. Concurrently to the works on reconstructing the roads, it is planned to make a water connection from the existing water network laid along the road. It will ensure

access to running water for vessels mooring at the wharf. The Consultant notified the Municipality of the works planned on the lot.

The planned embankment will be located at Lot 35, precinct 0003, next to the border of Lot 25, precinct 0003, owned by the State Treasury and held in perpetual usufruct by a natural person. What needs to be emphasized is that no impact of the investment on the property and no necessity to intervene has been identified, so it has been determined that the perpetual usufructuary will not be classified as a person affected by the Project.

Furthermore, the planned works will require restoring the existing fencing (four cases) and entry gates (two cases). The fencing is located at borders of the following lots:

- 35, precinct 0003, with 33, precinct 0003, and 34, precinct 0003,
- 33, precinct 0003, with 31, precinct 0003,
- 33, precinct 0003, with 34, precinct 0003,
- 35, precinct 0003, with 33, precinct 0003, and 32, precinct 0003.

The entry gates are located at borders of the following lots:

- 35, precinct 0003, with 33, precinct 0003,
- 33, precinct 0003, with 32, precinct 0003.

Some of the properties that border with the structures are owned by the State Treasury and are held in perpetual usufruct by natural persons (Lot 32, precinct 0003, and Lot 34, precinct 0003). The entry gates and fencing will be reconstructed under this stage of the Task. The Investor will also be obliged to restore the properties' state from before the works. Furthermore, should any damage occur to the properties in result of the works, owners of specific lots will be granted compensation in a form agreed in negotiations between the Investor and the owner, pursuant to an appraisal of damage report.

4.2.4. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station

Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station covers only modernization of the pump station, while the scope of the intended use of the waters will include building and dismantling the temporary structures that are necessary for securing the area of the works needed for the modernization.

The properties on which the works related to the investment will be carried out are owned, among others, by the State Treasury, so there is no need to acquire them. Furthermore, the lack of necessity to acquire the real property the powerline construction works will be performed at results also from the nature of the works, i.e. construction of the power supply line only. The planned investment project does not involve clearance of trees and bushes or routing temporary access roads because the access to the construction site is possible using the existing roads. The improvement of the pump station will not limit the possibilities of using the adjacent lots of land.

Bearing the above in mind it was determined that there was no social impact related to acquisition of real properties, which, according to OP 4.12, would include all the direct losses, economic or social, resultant from expropriation, permanent limitation of the current use or access to the property.

This stage of the Task will also include installation of a power supply line to replace the existing one because of its technical condition. Furthermore, a section of the MV connection to be covered by the works is owned by the Investor.

The planned route of the cable crosses thirteen properties owned by Widuchowa municipality and the State Treasury. There are no properties owned by natural persons. Therefore, it is necessary to enter the properties to perform the works. Due to the nature of the works the Investor does not have to obtain rights to use the real property. Parts of the lots at which the works will be carried out will be acquired only temporarily. The average width of the strip of land to be acquired for the works will be 3 to 4 meters because of the space needed for storing the spoil. Furthermore, it is expected that the scope of impact after the power line is constructed is a strip about 0.6 wide.

To make it possible for the Investor to enter the property, it is planned to conclude agreements with the property's owners as a base for obtaining a statement about the right to use the property for construction purposes. Moreover, a compensation will be set for the owners for temporary acquisition of the lots based on a valuation report prepared by an independent valuator. The agreements will also specify principles of determining the compensation for potential real property damage in result of the works. After completion of the works the area's original (before starting the works) condition will be restored.

Should no consent with the owners of the lots described in Chapter 2.2 *Implementation of Task 1A.2* be reached, due to the necessity of entering the property, it will be necessary to take actions aimed at making it possible to enter the lots pursuant to generally applicable regulations.

In case of properties owned by the State Treasury (PGL LP), the regulations of the Forest Act dated 28 September 1991 may be applicable. Options considered include, in particular, transferring the right to use the necessary lots pursuant to Art. 40, Item 1 of the Forest Act. If so, a relevant minister will request the Director General of State Forests to transfer the right to use the property to the Investor for reasons related to flood protection. The rights will be transferred by the Director General subject to an agreement specifying the timing and conditions of the use and the body supervising forest management. Deprivation of the right to use takes place when the premises for the transfer cease. There is also an option is to lease the part of the property that is necessary for performing the works pursuant of Art. 39 of the Forest Act. The provision may constitute a base for leasing, by the relevant forest district manager (approved by the director of the regional directorate of State Forests), the property:

1. that is a part of a coherent area of at least 0.10 ha, covered by a forest stand(s), i.e. trees, bushes, and forest undergrowth, or temporarily deprived of it, and designed for forestry production;
2. that is land related to forest management, used for forest management (buildings and structures, hydrological structures, spatial division lines in forests, forest roads, areas under power supply lines, forest nurseries, wood stocking areas, and used for forest parking areas and tourism facilities;
3. that is subject to State Forests' silviculture, management of land and other real property and movables related to forest management, and included in records of State Treasury assets and their value.

It should be pointed out that the planned undertakings should be very beneficial to the owners and users of the real property covered or affected by the investment project, so the Investor does not expect any difficulties in concluding the agreements. The benefits consist mostly in removal of the physically worn and leaning poles of the existing power line that would otherwise require immediate restoration or reconstruction. Furthermore, laying cables underground ensures limiting the impact range (to 0.6 m in this case) and favorably affects populated areas in aesthetic and urban terms and is less burdensome to the environment. Moreover, the cable line has negligible electromagnetic impact

because of its structure and it is assumed that it has no negative impact on land surface. At the same time, the line is characterized by reduced exposure to weather conditions, which minimizes the risk of failure.

Bearing in mind the benefits and the fact that the agreements will involve compensating the owners for the temporary acquisition and any potential damage, it should be stated that there are no rational arguments against the willingness to conclude the agreements between real property owners and the Investor.

The underground power supply line is to replace the existing one, so it will be necessary to remove the current powerline's poles. The poles are physically worn and lean because of their unstable fixing in the ground. It will also be necessary to enter the properties with the elements to be disassembled. To perform the works, the Investor will obtain from respective owners statements about the right to use the land for construction purposes and will conclude agreements specifying all the terms and conditions for entering the lots. Similarly to the agreements of the properties the cable route crosses, the agreements will also specify mainly the principles of determining compensation for potential real property damage in result of the works. Other arrangements will include possible compensation and restoring the area's original condition after completing the works.

4.2.5. EU subsidies

The investment project is to be implemented on 9 real properties that include arable land, so there is a risk that the land is subject to EU aid programs, such as subsidies or financial support paid pursuant to agreements with an accredited state paying agency, i.e. the Agency for Restructuring and Modernization of Agriculture (ARMA).

Expropriation of real properties covered by the programs can lead to the beneficiaries' inability to discharge their obligations specified under specific support programs and, in result, their obligation to return the received payments and pay relevant administration fees.

The issue can be resolved by introducing, at the EU legislation level, a special mechanism and definition of force majeure, i.e. an extraordinary, unpredictable circumstances beyond the control of the entity that invokes it, the consequences of which could not be avoided despite exercising due diligence. Such circumstances would clearly prevent farmers from discharging their contractual obligations. The regulations contain an open catalog of force majeure situations and it includes expropriation of real property. Determining if a case is force majeure or not depends on the circumstances, i.e. determining if the case, under the circumstances, was extraordinary and unpredictable, beyond the control of the entity that invokes it, and with consequences that could not be avoided despite exercising due diligence. Considering a case force majeure requires meeting all the three conditions. Moreover, use of the procedure requires the beneficiary's initiative. The beneficiary has to report in writing the occurrence of force majeure, i.e. expropriation or permanent restriction of real property use, supported with relevant evidence, to the Manager of County Office of ARMA within 15 business days following the day the beneficiary or a person authorized by the beneficiary is able to do so, and provide evidence supporting the case of force majeure (in case of Rural Development Program (RDP) 2007-2013 and 2014-2020 the time limit is 10 business days).

The Manager of County Office of ARMA initiates the administrative procedure and issues a decision determining if an act of force majeure took place. Issuing the decision confirming the act of force majeure leads to:

- in case of RDP 2007-2013 and 2014-2020 (long-term liabilities and payments): no obligation of the beneficiary / farmer to return the part or the whole of the support received for previous

years, for the year of the force majeure occurrence the support can be granted in a reduced amount, the liabilities or payments are continued according to their original schedule (if the eligibility criteria, e.g. the minimum area, are met), furthermore, no cross compliance administrative fines apply,

- in case of direct payments: the support received is not returned, the beneficiary retains the right to the payments under the direct support schemes for the area or animals that were eligible for payments under the direct support scheme at the time of the force majeure occurrence.

Currently there are no PAPs confirmed to be using the support programs executed by ARMA. However, to eliminate the risk of returning the subsidies, PAPs will be notified in writing about the need to take relevant actions, and if use of the support schemes is confirmed, an additional informative campaign will be organized for relevant farmers. Furthermore, during the meetings organized as part of the public consultations the Consultant will communicate in detail what steps need to be taken, and support will be provided in preparing notifications to ARMA. Moreover, the compensation a PAP is entitled to for an expropriated property will have the option of receiving a subsidy or support.

4.3. Minimizing the impact: organizational measures

1. Project works are performed in a manner that minimizes the area that has to be acquired.
2. The amount of the compensation for lost property will be determined on the basis of the appraisal studies prepared by licensed real property appraisers in a decision issued by Zachodniopomorskie Voivode. The valuation being the basis for determining the compensation amount will be reliable, objective and independent, so that the current owner receives compensation for the real property of the value reflecting the actual loss that actually minimizes the adverse impact of the loss of real property on the owner's economic standing.
3. Priority will be granted to "land for land" compensation, i.e. allocating alternative land of equivalent productive potential. Cash compensation will be used in the cases where land acquisition has no impact on the use of land for its former purposes as well as in the cases where the affected person expresses their will to receive cash compensation.
4. Any costs related to carrying out the minimizing and compensating adverse impact will be included in the cost of the Project as eligible cost.
5. Any person subject to expropriation will be entitled to free use of land in the current manner until the payment of the compensation or (if the amount of the compensation is not agreed) its unquestioned part.
6. The Employer will notify PAPs of the commencement of the works in the advance sufficient for closing the use of the real property not later than 90 days before the commencement.
7. Proper organization of construction and installation works will be ensured, i.e. the construction works will be performed in daytime, from 6.00 a.m. to 10.00 p.m., limiting empty mileage, limiting of running vehicles' combustion engines on idle, limiting the speed of vehicles in the investment area, limiting the amount of equipment that is most noisy, supplying the construction site only during daytime. It will ensure minimizing the social impact by reducing the burden of the investment project.
8. Real property will be handed over after harvesting the crops in the case of farmed land.
9. During the construction works the required distances to overhead power lines will be observed.
10. Before starting the works the Employer will organize an information campaign about implementing the investment project and opening an information stand for persons impacted by the undertaking, where they could submit their requests and comments regarding the

works planned and being performed. An information brochure will be prepared and sent to all the persons affected by the project. It will contain information about the possibility of submitting complaints (according to LA&RAP) and relevant contact data.

11. Before taking over any lot of land the Contractor will carry out its current condition evaluation and support it with photo documentation.
12. The Contractor will prepare the current condition evaluation for the access roads that will be used when implementing the Investment Project.

The minimizing measures are also described in the Environment Management Plan.

5. Social and economic studies

5.1. Sources and methodology

Social and economic studies were conducted by the legal and social team forming part of the Consortium – the Consultant responsible for drawing this LA&RAP.

The main information source on the development and use of occupied property is an analysis of GIS data, excerpts from the land and property register, excerpts from land and mortgage registers, as well as on-site verification at the place of implementing the Task. The ownership status of occupied property was determined on the basis of the land register, land and mortgage register, and verification at the Task implementation site. Infrastructure presence was determined on the basis of an analysis of GIS data, excerpts from LPR, project documentation, and verification at the Task implementation site.

With respect to social impact, the key source of information was data collected from available registers (e.g. register on economic activity). GUS statistical data and materials published on the Internet were also used. Once data was collected social profiling was performed, i.e. assigning a PAP to a specific group of eligible entities due to the implementation of the Task.

On the basis of analyzed sources of information social and economic studies were performed. A meeting was organized in Piasek, during which there was a presentation of proposed protection, and the purpose and scope of drawing LA&RAP and EMP documents was discussed.

Anonymous questionnaires were handed out for completion at the meetings to, specifically, characterize the standard features of resettled farms and entities affected by the Project. The questionnaires had questions about the features and properties of the farms and about the opinion of the respondent regarding the investment and its impact on the economic situation of the entity. During the meetings the Consultant highlighted that the survey was anonymous and required only to learn features of PAPs affected by the Project. However, no completed surveys were received as the participants of the meetings were not interested in the questionnaires. Despite the above, during the consultations and individual interviews conducted with PAPs, the most important information was obtained on the nature of and manner in which properties constituting the area of investment were used. This was sufficient for analysis purposes and to draw conclusions. Additionally, information was obtained on PAPs' expectations regarding activities undertaken by the Investor.

A discussion was also held, which was a valuable source of information as regards questions asked by the local community. The residents accepted the discussed proposed protection as long as their comments and objections would be taken into account as far as possible and, in the case of meetings in Ognica, the residents expressed their approval for the implementation of the investment, also indicating that they were committed and willing to help in possible negotiations.

5.2. General social and economic data

Piasek – Cedynia municipality

Piasek is located in Cedynia municipality, Gryfino county in Zachodniopomorskie Voivodeship. It is located in the northern part of Cedynia municipality. From the northeast it borders with Raduń, while from the southwest with Bielinek. Piasek is situated within Cedynia Landscape Park, near Piasek Forest.

There are two important historic buildings in Piasek – the Church of the Blessed Virgin Mary Queen of Poland, built in neo-Gothic style in 1865, and a Manor House built in the early 20th century, having an area of 470 m². It is a red-brick, single-storey building, with a protruding *avant-corps*, ending in a triangular gable wall. In Piasek there is also a Roman-Catholic cemetery from the 16th century. There is also a Primary School (*Szkoła Podstawowa im. Leśników Polskich*) in the village.

According to data from the 2011 National Population and Housing Census, the population of Piasek was 475 people, of whom 50.9% were women and 49.1% were men. 66.9% of Piasek residents are in the productive age, 18.7% in pre-productive age, and 14.3% of the residents are in post-productive age.

In 2017 in Piasek there were 37 national economy businesses registered in the REGON register, 34 of which were natural persons conducting business activity. The highest number of businesses in Piasek, i.e. 36 are micro-enterprises employing between 0 and 9 employees. According to the data from REGON register, 10.8% (4) of the entities declared agriculture, forestry, hunting and fishing as their type of activity. 40.5% (15) of the entities declared as their type of activity industry and construction, while 48.6% (18) of entities in the register were classified under other activities. Natural persons conducting business activity in the Piasek most often declared as their type of activity Construction (38.2%) and Wholesale and retail trade; followed by repair of motor vehicles, including motorcycles (29.4%).

There is no public road classified as provincial or higher passing through Piasek.

Raduń – Chojna municipality

Raduń is a settlement belonging to the Polish village of Zatoń Dolna, located in Zachodniopomorskie Voivodeship, Gryfino county, Chojna municipality. According to the data, the population in 2006 was 10 people.

There are no historic monuments, schools or cultural places in Raduń.

Ognica – Widuchowa municipality

Ognica is a village in Poland located in Zachodniopomorskie Voivodeship, Gryfino county, Widuchowa municipality.

Within the village there is a church named after St. Hedwig of Silesia and dating back to the 15th century, built of erratic blocks. Next to the village there is a semicircular hillfort from the 9th–11th century, which during the Piast dynasty's times had watchtower functions over the Odra River.

According to data from the 2011 National Population and Housing Census, the population was 446 people, of whom 51.3% were women and 48.7% were men. 63.5% of Ognica residents are in the productive age, 22.0% in pre-productive age, and 14.6% of the residents are in post-productive age.

In 2017 in Ognica there were 23 national economy businesses registered in the REGON register, 19 of which were natural persons conducting business activity. According to REGON register, the highest

number of businesses in Ognica are classified as micro-businesses, i.e. 23, employing between 0 and 9 employees. 4.3% of entities declared as their type of activity agriculture, forestry, hunting, and fishing; 52.2% of the entities declared as their type of activity industry and construction, while 43.5% of entities in the register were classified under other activities. Natural persons conducting business activity in the village of Ognica most often declared as their type of activity construction (52.6%) and wholesale and retail trade; followed by repair of motor vehicles, including motorcycles (36.8%).

One public road passing through Ognica village is classified as provincial – provincial road no. 122. No railroad passes through the village.

Krajnik – Widuchowa municipality

Krajnik is a village located in Zachodniopomorskie Voivodeship, in Gryfino county, Gryfino municipality, however, from the administrative point of view the pumping station is sited in Widuchowa municipality, Gryfino county, Zachodniopomorskie Voivodeship, near the town of Krajnik.

5.3. Gender equality

In Poland there is legal prohibition of discrimination, as stated in the Constitution of the Republic of Poland of 2 April 1997. Its Article 32 stipulates that no one shall be discriminated against in political, social or economic life for any reason whatsoever. Discrimination against women means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, 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).

Wishing to be a member of the European Union, Poland had to adapt its legislation to EU regulations, also with regard to gender equality. This resulted mainly in amendments of the Labor Code, but also changes in the approach of politicians and public administration to this topic.

According to the Human Development Index (HDI) of the United Nations Development Program (UNDP) for 2012, Poland is among the countries with a very high human development index. Poland claims 39th place in the ranking of 187 countries, which is above the average of the EBRD's operations region and close to the average for Central Europe and the Baltic States. The HDI consists of three components: health, education, and standard of living. In terms of the UNDP's Gender Inequality Index (GII), Poland ranks even higher, claiming 24th place in the world ranking. The Gender Inequality Index is a measure that reflects the loss of development opportunities in a country due to gender inequality and covers three elements that are evaluated: reproductive health, empowerment, and economic activity rate.

As regards women's participation in public life, the share of women holding positions in elected public bodies is low. This, among others, includes the low percentage of women sitting in the Polish Parliament's Lower (Sejm) and Upper (Senat) Houses. Similarly negative trends characterize other elected bodies: municipality councils, county councils, or voivodeship assemblies (women constitute about 1/4 of all councilors). What should also be highlighted is that for years women have constituted a small percentage of heads of municipalities, or town or city mayors. On the other hand, it should be pointed that there is a growing number of women holding the function of the head of the village, which is one of the most important functions in the context of civic activity and building social capital. Experience also shows that women are equal participants in public consultations, and often their

involvement and local activity makes them play a leading role in these consultations. In conclusion, it should be stressed that in order to promote women and increase their numbers in decision-making bodies and business management, numerous civic initiatives are undertaken. Also, political parties make specific declarations and examples from other countries are popularized, while the European Commission ex officio starts its own initiatives, etc., which should translate into improved equality between women and men in the areas of labor market participation or decision-making bodies. An analysis of the research results for the last 10 years shows gradual progress in this area.

5.4. Data on property

5.4.1. Flood protection of Piasek

A significant area on which the project *Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III – modernization of Krajnik pump station – section Flood protection of Piasek* is planned is located in Cedynia municipality, Gryfino county, Zachodniopomorskie Voivodeship. Part of the investment is also sited within the Raduń village settlement, Chojna municipality, Gryfino county, Zachodniopomorskie Voivodeship. The structure planned for construction is located between the Odra River canal and Piasek. The majority of its length (ca. 1.5 km) runs along the canal embankment, while in the northern part, for ca. 0.2 km it is perpendicular to the canal. To the west of the project there is the Odra River canal, while to the east the area is used in a variety of ways – there are, among others, forest areas, agricultural areas and infrastructural facilities, such as flood protection, drainage and road facilities. At a section about 0.4 km long the investment project borders built-up areas of Piasek.

The project involves the construction of two sections of an earth flood embankment of a total length of up to 1200 m. The embankment's sections will be connected with a 900 m long flood protection wall made of steel sheet piling. The total length of protection is 2100 m. The scope includes the reconstruction of a part of a public road (paved surface municipal road) within the boundaries of lot 483, within Piasek, Cedynia municipality, over the length of up to 120 m. The part of public road to be rebuilt changes into a road lying on the State Treasury land belonging to PGL Chojna Forest Inspectorate – lot 12/1, Raduń precinct, Chojna municipality. A 140 m long section of road running through Chojna Forest Inspectorate will be also reconstructed to match the height of the traffic route on the public road.

The southern section of the flood embankment is 900 m long. A technical road will also be constructed along the embankment's downstream slope to allow access for technical services during flood control operations. This road will be incorporated into the existing dirt road. From the side of the public road located on lot 680, within Piasek, an exit will be made to the technical road. The southern embankment section will be connected to a flood wall of up to 900 m long. The area of lot 669, within Piasek, having an area of ca. 0.15 ha, located immediately next to lot 343/2, which is a private property, and lot 342 constituting a public road will be used for the construction of a maneuvering yard for technical services, and a water intake point for combating natural disasters.

From the north, the flood wall will be connected with the section of the northern embankment being designed. The technical road will be incorporated into the crown of the designed embankment and further into the public road on lot 483 in Piasek. The scope of work also includes maintenance of existing ditches both on the downstream and upstream sides. The section of the north embankment will be closed leading up to the existing road within the boundaries of lot 483 stretching up to 120 m, and to the section of road on lot 12/1 in Raduń, along the length of up to 140 m.

A list of investment lots broken down into lots intended for expropriation, and lots not subject to expropriation but necessary for the implementation of the investment, for which the use of the land will be permanently restricted, with a description for the purpose of the land, and the planned percentage of occupation, is given in Table 1 and Table 2 in Chapter 2.2. Area of implementation of task 1 A.2. in subsection 2.2.1. Flood protection of Piasek.



Figure 1 Location of the undertaking (against an orthophoto backdrop)

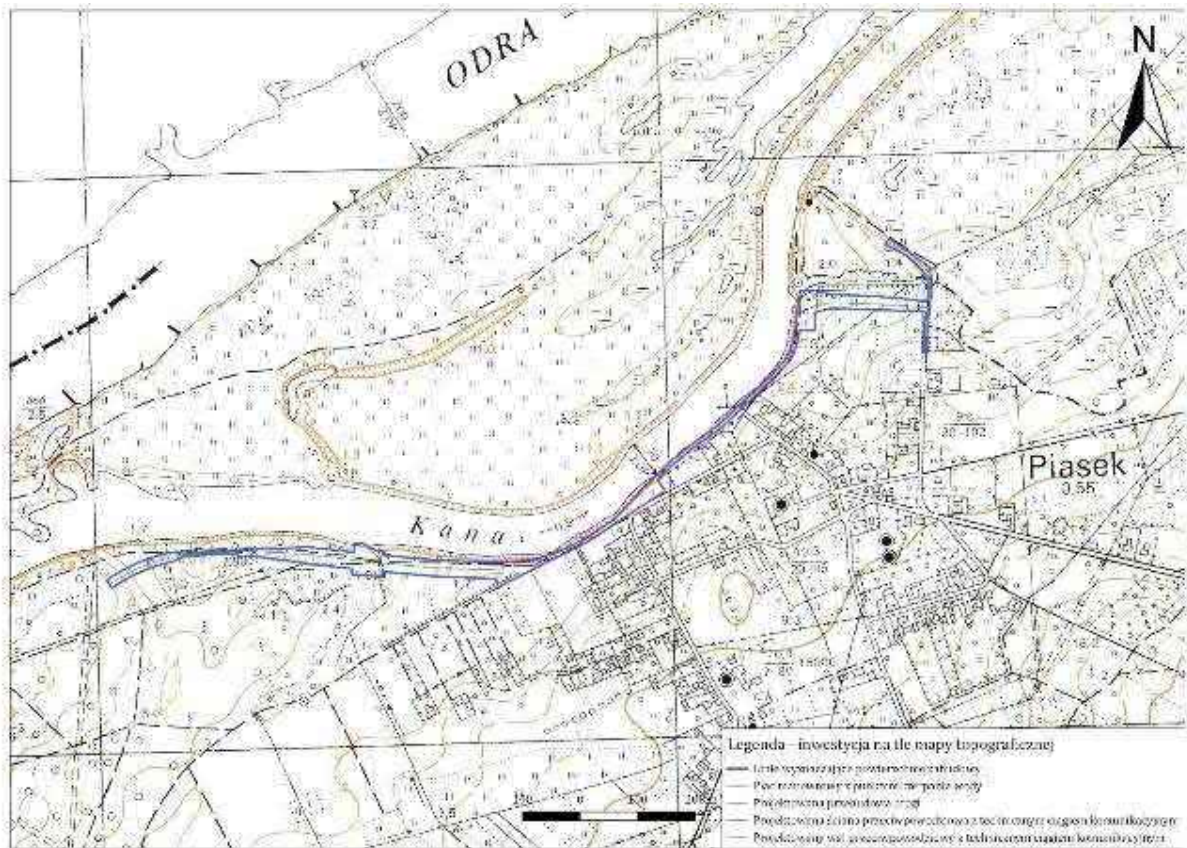


Figure 2 Location of the undertaking (against a topographic map backdrop)

5.4.2. Flood protection of Ognica upon the Odra River

The area covered by the project *Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, the section of Flood protection of Ognica upon the Odra River* is located in Ognica village area, Gryfino county, Widuchowa municipality, Zachodniopomorskie Voivodeship.

The scope of the undertaking includes the reconstruction of the existing culvert in Kanał Rynica - Ognica, at the place of collision with the existing municipal public road no. 415003Z in Ognica, and the shaping of the estuarial section of the watercourse in order to clear it and improve the flow of high water through Kanał Rynica - Ognica. In the estuarial section of Kanał Rynica - Ognica, 247 m long, a new canal will be created.

The area allocated for the investment project is within borders of two Nature 2000 areas: the Lower Odra special bird protection area PLB320003 and Lower Odra Community importance area PLH320037. The project area is located outside protected underground and surface water intake areas and outside inland water reservoirs protected areas.

This project will be implemented within the boundaries of real properties designated as lots of land numbered: 3, 9, 10, 11/2, 12, 13, 14/3, 15, 34, 39/3, 40/1, 40/2, 82, 633, 634 precinct 0008 Ognica, Widuchowa municipality, Gryfino county, Zachodniopomorskie Voivodeship, and the list of investment lots is given in Table 3 in Chapter 2.2. Area of implementation of task 1 A.2 in subsection 2.2.2. Flood

protection of Ognica upon the Odra River. The implementation of this undertaking will require acquisition of rights to parts of 4 properties owned by the Widuchowa municipality and 9 properties owned by natural persons. In addition to the above properties, the investment will be carried out on two lots of land, which are the property of the State Treasury.

5.4.3. Flood protection of Gryfino

The area covered by *Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station, the section of Flood Protection of Gryfino upon the Odra River project* is located in Gryfino, Gryfino municipality, Gryfino county, Zachodniopomorskie Voivodeship.

The land in question is special flood risk area, for which, according to Flood Risk Map, three flood risk variants have been specified: areas with low flood probability (once every 500 years), areas with medium flood probability (once every 100 years), and areas with high flood probability (once every 10 years).

The works are to be carried out at two lots: Lot 33, precinct 0003, and Lot 35, precinct 0003. Furthermore, it is planned to reconstruct the existing entry gates and fencing located as specified in Chapter 4.2.3. *Flood protection of Gryfino*.

5.4.4. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station

The pump station to be modernized during this investment is located within the right flood embankment of the eastern Odra River. It is near Krajnik, in Widuchowa municipality, Gryfino county, Zachodniopomorskie Voivodeship.

The pump station building scheduled for renovation under the undertaking is located at real property designated as lot number 111, Widuchowa cadastral district 0007. The property is owned by the State Treasury. The temporary structures will be located on lot 111, Widuchowa cadastral district 0007, and lot 234/4, Widuchowa cadastral district 0007, owned by the State Treasury. All the planned works under the Task will take place on site of the two aforementioned properties.

In order to carry out the modernization of the pump station, it is necessary to separate the work site from the water coming from the inlet canal and the outlet canal. To achieve the above, the plan is to build temporary structures upstream and downstream in the form of a bulkhead made of sandbags.

The planned works include building a MV power supply line for the pump station's connection, the line is to be installed in two or three sections. It is planned to cross 13 properties, one of which is the lot at which the pump station building is located. The underground power supply line is to replace the existing one. Therefore, it will be necessary to remove the existing poles, physically worn and leaning because of their unstable fixing in the ground, and build an underground power line instead. As a consequence, it will be necessary to enter the lots where the poles are located.

Ten of the properties to be crossed by the cable route are owned by the State Treasury. One of them is managed by PGL LP, Gryfino Forest Division, two are owned by the State Treasury (NSCA, Szczecin Branch, managed by RZGW Szczecin), two are owned by ST (NSCA, Szczecin Branch, managed by RDEP Szczecin), and one is owned by NSCA, Szczecin Branch. The remaining four properties are owned by the State Treasury. Furthermore, three lots with land use specified as roads, are owned by Gryfino municipality.

The said investment is located within the body of underground water designated by the European code PLGW60004.

5.5. Conclusions of the performed social and economic study

The analyses carried out at the current stage show that there will be no economic relocations or physical resettlements, while the socioeconomic costs of the Contract itself will not be significant.

According to the analysis, in the case of the section *Flood protection of Piasek*, only 18% of the properties acquired for the purposes of the investment is owned by natural persons, while a massive 47% is owned by the State Treasury, and 35% by Cedynia municipality. An analysis was also carried out as regards the percentage of occupied property area by ownership category. The above analysis shows that properties owned by natural persons make up only 13% of the total area planned for acquisition in connection with the implementation of the investment (3.807 ha). 44% of the acquired area is owned by the State Treasury and 43% by Cedynia municipality.

The permanent restriction on the use of the property applies to only four properties, two of which are owned by the State Treasury and two by Cedynia municipality, however, on one of the properties owned by the local government unit there are plans to create only an exit from a public road to the maneuvering yard being planned.

Moreover, the investment does not necessitate any destruction or damage of structures of historical and cultural importance. The relatively low socioeconomic costs of the Contract are also a consequence of the fact that there are no public benefit institutions in the investment area, such as schools, offices, workplaces or churches, or seats of other religious associations, which means that the expropriation procedure will have a low impact on persons who do not own properties under expropriation. The closest structure listed in the register of the Voivodeship conservator is 70 m away and it is a Roman Catholic church cemetery.

An analysis of data concerning the investment section *Flood protection of Ognica on the Odra River* shows that the majority of properties whose parts need to be acquired in the course of the investment are owned by natural persons – nine out of fourteen required lots of land, owned in total by 12 natural persons. However, the acquisition of properties for the investment will take place on the basis of voluntarily concluded contracts between the Investor and the owners of individual properties. Furthermore, in each case it is necessary to acquire a small part of the lot (no more than 12.78% of the total property).

Works of *Flood protection of Gryfino* will be performed at two properties, one of them is owned by ST, RZGW Szczecin. The other is a lot owned by Gryfino municipality, so it will be necessary to enter it to perform the planned works described in preceding chapters regarding this stage. Furthermore, some fenced properties with entry gates are owned by the State Treasury and held in perpetual usufruct by natural persons. The entry gates and fencing will be reconstructed under this stage of the Task. The Investor will also be obliged to restore the properties' state from before the works. Furthermore, should any damage occur to the properties in result of the works, owners of specific lots will be granted compensation in a form agreed in negotiations between the Investor and the owner, pursuant to an appraisal of damage report.

Stage III of the undertaking, i.e. *Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station* consists only in the modernization of the pump station and, due to the need to protect the work area from the water coming from the inlet and outlet canal, in the creation of temporary structures upstream and downstream in the form of a bulkhead made of sandbags. Furthermore, installation of a powerline is planned. The planned route of the cable crosses thirteen properties.

Therefore, it is necessary to enter the properties to perform the works. Due to the nature of the works the Investor does not have to obtain rights to use the real property. Parts of the lots at which the works will be carried out will be acquired only temporarily. The remaining properties needed for the works described in preceding chapters and related to the investment project are owned by the State Treasury, so it is not necessary to acquire them.

As of the date of drafting this document, it has been determined that those who are entitled to receive compensation are persons who belong to the category of property owners.

According to information obtained at meetings organized in the course of public consultation, the local community considers the implementation of Task 1A.2 to be appropriate. The residents of Piasek have accepted the submitted project, provided that, in as far as possible, their comments and reservations are taken into account. The residents of Ognica directly pointed out that they approved of the investment, also declaring their commitment and willingness to help in negotiations.

6. Applicable laws and methodologies

This LA&RAP for the specified Task 1A.2 *Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station*, is based on Polish law regulations, and, as it is financed from the World Bank funds, on Operational Policy OP 4.12. Involuntary resettlement.

The Loan Agreement between Poland and the World Bank is an instrument of international law, and by its conclusion Poland is obliged to apply the policies of the World Bank.

Should there be differences between Polish regulations and WB policies, those regulations are applied which are more beneficial for the community affected by the Project.

6.1. Obligations under PO 4.12³

Obligations under OP 4.12 apply if the implementation of the Project requires:

- forced seizure of property resulting in:
 - change or loss of place of residence,
 - loss of goods or access to goods,
 - loss of sources of income or a reduction in the standard of living and quality of life,
- forced restriction of access to parks and protected areas, resulting in adverse impact on the quality of life of people affected by the Project.

In order to mitigate the impact of these activities, the borrower is under the obligation to prepare LARPFs and LA&RAPs depending on whether or not specific interventions and related effects have been identified.

Furthermore, the following obligations arise from OP 4.12:

- All feasible alternative projects should be implemented in such a way as to avoid or minimize the need for resettlement, and where the latter cannot be avoided, measures should be taken to minimize their scale and impact.
- The resettlement process should be planned and carried out as a development activity, providing adequate resources and means to enable the persons affected by the resettlement participation in the benefits of the implemented Project. The assistance should be aimed at social groups

³Chapter conforming to LARPF

affected by the resettlement process in order to improve their economy, income and standard of living, or should at least reinstate the status prior to the Project implementation.

- Resettled persons should receive full compensation prior to resettlement in the amount of replacement costs, assistance in moving house, and assistance and support during the transitional period.
- Lack of title to the land should not hinder obtaining compensation;
- Special attention should be given to vulnerable individuals and groups (e.g. single mothers, the disabled, the poor).
- Communities should be given opportunity to participate in the planning, implementation and monitoring of their resettlement.
- Displaced persons should be helped in integrating with their host community.
- The resettlement process should be closely aligned with the implementation schedule of the main Task, so that resettled persons are compensated before the start of construction, or the start of other Project activities.
- A monitoring and evaluation exercise of resettlement should be performed.
- In rural or agricultural areas, even where monetary compensation can be used, compensation in the form of “land for land” is particularly recommended if it is economically viable. Farms which have completely lost their fixed assets and become totally unprofitable should receive compensation equal to the value of the whole farm.
- For losses for which the valuation or monetary compensation is complicated, for example: access to public services, access to customers or suppliers, access to fishing areas, pastures and woodland, efforts should be made to ensure access to equivalent and culturally appropriate resources and income opportunities.

6.2. Requirements of Polish law

The most important normative acts related to the acquisition of title to properties necessary to perform the Task are:

- The Constitution of the Republic of Poland of 2 April 1997 (Dz. U. [journal of laws] of 1997, item 483 as amended),
- Act of 23 April 1964 the Civil Code (Dz. U. of 2018, item 1025 as amended), hereinafter referred to as the CC,
- Act of 21 August 1997 on Real Property Management (Dz. U. of 2018, item 2204 as amended) hereinafter referred to as RPM,
- Regulation of the Council of Ministers dated 21 September 2004 on Property Appraisal and Appraisal Study Preparation (Dz. U. of 2004, No. 207, Item 2109 as amended)
- Act of 7 July 1994 the Building Law (Dz. U. of 2020, item 1333, as amended), hereinafter referred to as BL,
- Act of 8 July 2010 on Special Principles of Preparation and Execution of Flood Prevention Construction Investment Projects (Dz. U. of 2019, Item 933), hereinafter referred to as Special Act on Flood Management.
- Act of 20 July 2017 the Water Law (Dz. U. of 2018, item 2268, as amended) hereinafter referred to as the WL.
- Act of 16 December 2016 on the Principles of State Assets Management (Dz. U. of 2020, item 735, as amended), hereinafter referred to as PSAM.

The Civil Code governs the legal relations between natural persons and legal persons, including the conclusion of contracts for the sale of property. The applying principle here is freedom to formulate

the content of the contract and to decide whether and with whom the contract should be concluded. Unanimous declaration of the parties determine the conclusion of the contract. The Civil Code provides for a specific form of concluding contracts if they apply to real property. Such contracts must have the form of a notarial deed, otherwise being null and void. Apart from general regulations concerning the sale and purchase of real property, the CC introduces rules of settlements between property possessor and property owners. These regulations are semi-imperative in nature and can therefore be regulated differently by the parties to the concluded agreements.

The mechanisms of forced acquisition of rights to properties are stipulated in the Special Act on Flood Management and RPM. It should be noted that the Task *Flood protection of Gryfino, Ognica, and Piasek upon the Odra River. Improvement of Marwice Polder, Stage III: modernization of Krajnik pump station – section Flood protection of Ognica on the Odra River*, will not be implemented under the provisions of the Act dated 8 July 2010 on Special Principles of Preparation and Execution of Flood Prevention Construction Investment Projects. The act regulates detailed terms and conditions of preparing investment project for flood protection structures and weather radar stations. As specified by the act, the investment project does not meet the flood protection structure criteria. The acquisition of properties for the investment will, firstly, be carried out through voluntary contracts concluded with property owners (*voluntary resettlement*). Should there be no agreement, the Investor will consider a forced acquisition of property on the basis of the provisions of the Act on Real Property Management (RPM). If force has to be used, the owners will be paid appropriate compensation. The procedure for purchasing property under the provisions of the RPM is described in the following chapters. It should also be noted that the mere decision to establish the shoreline does not form the basis for the transfer of ownership title to the property. The shoreline establishment procedure is of a special nature, limited only to the establishment of the shoreline, and does not interference with other proprietary rights. Consequently, the Investor will enter into voluntary agreements with property owners, and in the absence of their consent, the Investor will consider forced acquisition of lots of land through expropriation.

According to earlier held consultations, individual residents approve of the activities planned by the Investor. There are plans to anew establish the shoreline of Kanał Rynica - Ognica in the section covered by the investment, which line constitutes the boundaries of a lot of flowing waters, which will result in a reduction or increase in the area of some properties, with the final profit and loss account determined after completing the investment – after the implementation of the flood management solution. Once the new boundaries of lots of land are determined, prices will be estimated on the basis of an opinion of a property appraiser. Accordingly, this information was shared with property owners during the public consultations. It should be emphasized that an agreement will be reached with all owners of the acquired properties regarding the amount of compensation equal to the replacement cost of lost goods. If the Investor and the expropriated person reach an agreement on the amount of compensation, a written agreement will be concluded specifying the amount of compensation, as well as the date and method of payment. Therefore, only some of the properties covered by the Task will be acquired under the Special Act on Flood Management, while in the remaining scope, the necessary condition for the implementation of the Task will be reaching a voluntary agreement with property owners and proceeding in accordance with the provisions of the Civil Code. This LA&RAP describes both procedures for acquiring property and ways of determining the amount of compensation.

6.2.1. Acquisition of property under the Special Act on Flood Management

According to the provisions of the Special Flood Act, expropriation of real property or its part and permanent or temporary limitation of the manner of using real property or its part in the Building Permit issued by the Voivode at the investor's request. The Building Permit (BP) approves real property

subdivision and the lot borders specified in the Building Permit are used as subdivision borders. Moreover, the Building Permit is the basis for making relevant entries to land register and property cadaster.

The Voivode notifies all the stakeholders about commencing the procedure for issuing the Building Permit. BP is issued by the Voivode within 90 days following the submission of the application but the period does not include the time limits provided by law for specific procedures and time when the BP procedure is suspended or delayed for reasons attributable to the Applicant or beyond the authority's control.

If title to the property is transferred to the State Treasury or local government unit, the owner of such property or its perpetual usufructuary is entitled to compensation. Its amount should be agreed between the investor and the current owner, perpetual usufructuary or person who has a limited right in rem to the property. If the amount of compensation is not agreed within 2 months from the date on which the decision on the permission to implement the investment becomes final, the voivode shall determine the amount of compensation by way of a decision. The amount and payment of compensation is appropriately governed by the provisions of the Act of 21 August 1997 on Real Property Management.

The amount of the compensation shall be determined according to the condition of the property on the date of issue of the BP by the authority of 1st instance, and according to the value of that property on the date on which the compensation is determined. If the current owner or perpetual usufructuary of a property covered by the BP releases the property forthwith but no later than within the statutory deadline, the amount of compensation shall be increased by an amount equal to 5% of the value of the property or perpetual usufruct right.

The decision issued in the appeal proceedings may be appealed against with the Voivodeship Administrative Court within 30 days from the day on which applicant raising the claim is delivered the decision. A party has the right to bring an appeal before the Supreme Administrative Court on points of law (so called, *cassation* appeal) against the judgment of the Voivodeship Administrative Court within 30 days from the day the party is delivered a copy of the reasoned decision of the Voivodeship Administrative Court.

If permanent restrictions on the use of the property are established, the owner or perpetual usufructuary of the property may demand the purchase of the property by the State Treasury on the basis of an application submitted within 90 days from the day of receipt of a notice of the start of proceedings to issue a decision with permission to implement the investment. The above entitlement, however, does not apply to an owner of property through which public roads pass.

At the Investor's request, justified by a social or economic interest, the Voivode makes the BP immediately enforceable, which means that the existing owners are obliged to release the property within 90 days from the date of issue of the BP, while the Investor is entitled to take actual possession of the property and start construction works. The above, however, should be considered in the light of rules under OP 4.12 PAP, and thus the start of works depends on whether compensation had been paid.

6.2.2. Purchase of property under voluntary civil law contracts

If the acquisition concerns property which is necessary for the investment, the priority should be to reach an agreement with the owner of the property both on the conditions of transferring ownership title to the State Treasury, and on its temporary acquisition. The conclusion of a contract on the acquisition of property should be preceded by an information campaign among the persons who are

the owners or entitled possessors of the property and by consultations with such persons, in particular to learn their expectations and to present further proceedings.

The agreements will give an appropriate price for the transfer of title to the property or appropriate compensation for its use during the undertaking. The above will be the result of negotiations between the Investor and property owner, which will be preceded by obtaining an independent and objective valuation prepared by an authorized property appraiser that will give the value of the property.

Only if it is impossible to reach an agreement the Investor will consider applying to the relevant administrative authorities to start and carry out the procedure resulting in a forced acquisition of the property.

6.2.3. Acquisition of property under the Act on Real Property Management

In accordance with the provisions of Polish law on the acquisition of property necessary to achieve public purposes, the acquisition of property which is owned by third parties (or to which third parties have the right of perpetual usufruct) may take place by way of a voluntary sale to a public entity under civil law contracts. If it is impossible to acquire property in the aforementioned way, in particular due to the lack of the owner's consent, the provisions of Polish law provide for specific administrative proceedings enabling the acquisition of property for the implementation of an investment aimed at public purposes, namely expropriation.

Expropriation may take place only with respect to property located in areas designated in local development plans for public purposes or to property for which there has been issued a decision specifying the location of a public purpose investment. Such expropriation may take place only if the public purposes cannot be achieved otherwise than by depriving or restricting rights to the property, and such rights cannot be acquired by way of a contract. Expropriation consists in depriving or limiting, by way of a decision, the ownership title, the right of perpetual usufruct or other right in rem to property. Expropriation may apply to all or part of the property, but if the remaining part is not suitable for proper use for existing purposes, at the request of the owner or perpetual usufructuary of the property such part is purchased under a contract to the benefit of the State Treasury or a local government unit.

As described above, Polish law primarily provides for the acquisition of property by way of voluntary contracts, which is also reflected in the Act on Real Property Management. According to the provisions of the aforementioned act, the initiation of expropriation proceedings should be preceded by negotiations on the acquisition of rights by way of a contract, conducted between the starosta and the owner or perpetual usufructuary, as well as the person who has a limited right in rem to the property. During such negotiations, a replacement property may be offered. The initiation of expropriation proceedings to the benefit of the State Treasury takes place ex officio, however, such initiation may also take place as a result of a notification submitted by the entity that intends to pursue a public purpose. Ownership title is transferred to the State Treasury or local government units on the day the expropriation decisions becomes final. The expropriated property is leased to the previous owner at his/her request until the property is used for the purpose due to which expropriation took place.

Furthermore, the starosta may restrict, by way of a decision, the use of the property by granting a permit for the establishment and construction of drainage ditches, cables and equipment for the transmission or distribution of liquids, steam, gases and electricity, as well as public communication and signaling equipment and other underground, ground or above-ground facilities and equipment necessary for the use of such cables and equipment, if the owner or perpetual usufructuary of the property does not agree to this. This restriction shall comply with the local development plan or, in the

absence of a plan, in accordance with the decision to determine the location of the public purpose investment. As in the case of expropriation of property, the granting of the aforementioned permit should be preceded by negotiations with the owner or perpetual usufructuary of the property to obtain consent to perform the works. After the installation or construction of ditches, cables and equipment, the property should be reinstated to its previous condition, and should this prove impossible or causes excessive difficulties or costs, the owner of the property shall be entitled to compensation corresponding to the value of the damage suffered, and if the damage reduces the value of the property, the compensation shall be increased by the amount corresponding to that reduction. If the installation or construction of ditches, cables and equipment makes it impossible for the owner or perpetual usufructuary to continue proper use of the property in its current way or in a way consistent with its current purpose the owner or perpetual usufructuary may demand that the starosta buys from him/her to the benefit of the State Treasury, under a contract, title to or perpetual usufruct of the property.

Expropriation of ownership of property, perpetual usufruct or another right in rem shall be for a compensation paid to the expropriated person that corresponds to the value of such rights. If other rights in rem are established on the expropriated property or right of perpetual usufruct of that property, the compensation is reduced by an amount equal to the value of such rights. Compensation is determined by the starosta in the property expropriation decision, after obtaining the opinion of a property appraiser, specifying the value of the property. The amount of compensation shall be determined according to the condition, purpose and value of the expropriated property on the date of the decision on expropriation. When the Head of municipality performing state administration duties issues a separate decision on granting compensation, the compensation amount is set on the basis of the real property's status and designation on the day of depriving of or limiting the rights. As part of the compensation, the owner or perpetual usufructuary of the expropriated property may be given, with his/her consent, an appropriate replacement property from the State Treasury pool of properties, as well as from the Agricultural Property Stock of the State Treasury in agreement with the Director General of the National Support Center for Agriculture. The difference between the amount of compensation fixed in the decision and the value of the replacement property is compensated for by a cash payment.

Compensation is paid once, within 14 days from the day on which the expropriation decision becomes enforceable. The amount of compensation fixed in the decision is subject to revaluation as at the date of its payment. The revaluation is made by the authority, person or organizational unit obliged to pay compensation.

6.3. Mechanisms used to obtain title to property⁴

The LARPF identifies a number of inconsistencies between OP 4.12 and Polish law:

| OP 4.12 | Polish law | Corrective instruments |
|---|--|---|
| Lack of title to land should not prevent payment of compensation. Persons without legal title receive compensation. | The Polish legal system does not recognize the right to compensation for owners/users of land holding no legal title to it (except for persons whose legal title was lost, or who acquired the right to property by prescription, i.e. the acquisition of ownership through an uninterrupted | In the case of persons without legal title to the property affected by the Task, each such case should be considered on a case by case basis, looking at the option to apply general mechanisms of the Civil Code to achieve the objectives of OP 4.12. |

⁴ Chapter content consistent with LARPF

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| | possession of property for a period specified in the CC) | According to OP 4.12, persons affected by the investment without legal title to the property are not entitled to monetary compensation for the property. However, they are entitled to receive compensation for any facilities, plantings and improvements to the property made before the cut-off date and to relevant solutions, in cases where they will have to be relocated physically or economically. In such cases, appropriate mitigation measures will also be applied. |
| WB policy requires compensation for the loss of income ⁵ (e.g. from economic activity, agriculture, etc.) in connection with acquisition of property | The Polish law does not provide for compensation for loss of income as a result of an investment. | Persons who have lost their income or employment will receive support (health insurance, vocational training, etc.) from employment offices. In the case of entrepreneurs, it is possible to apply the general mechanisms of the Civil Code (covering any suffered damage and lost profit). |
| Special attention should be given to the needs of particularly vulnerable groups, especially the poor, elderly, single mothers, children, and ethnic minorities. | Polish law does not require any planning of specific measures to provide additional support for particularly vulnerable groups (the elderly, disabled, poor, and others who may have special needs). | Expropriated persons will be given every assistance in obtaining support provided by offices and institutions to citizens. Additional action will also be taken to ensure that the objectives set out in OP 4.12 are achieved. |
| The WB policy requires additional compensation of expenses incurred by PAPs in connection with physical relocation (e.g. transport of materials) and assistance related to the resettlement. | No aid is envisaged to cover costs of moving house or other similar costs arising from the need for citizens and businesses to move to a new place. | In order to cover costs of moving house or similar ones, the general mechanisms of the Civil Code may be used to achieve the objectives set out in OP 4.12. |
| Compensation should be paid before the land is physically occupied for the purpose of implementing the investment | The Special Act on Flood Management allows an area to be occupied and work to be started, before payment of compensation. In all other cases, the provisions of the CC and BC Law apply, which do not have such a condition. | In all cases, the start of works is subject to receiving confirmation that a PAP has been informed in advance of the start of works, compensation has been paid, and permission to enter the site has been obtained. Exceptions to the above rule are cases where appeal proceedings have been initiated due to negotiation failure, absence of owners, or inability to determine who they are. To minimize the risk of starting works before compensation of |

⁵ In the understanding of the Polish economy understood as revenue

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| | | loss, any occupation of properties should be planned and carried out in advance before the works start. |
| Compensation for loss of goods is based on their market value increased by all transaction costs (e.g. taxes, fees) and should be sufficient to effectively replace lost goods (replacement value). | Standard valuation methods may result in undervaluation of property value compared to the prices of similar properties on the local market. | The valuation of property will be given to an independent and experienced appraiser. The expert opinion of the property appraiser should be reviewed by the Project Implementation Office. The expropriated person should be given sufficient time to go through the excerpt from the appraisal statement of the property appraiser. If there is doubt, whether the amount of compensation due is sufficient, the value of the property may be appraised by an independent property appraiser on behalf of the expropriated person. Regardless of the case, the valuation must specify the replacement value. |
| Requirement to prepare a social and economic study, LA&RAP, there must be monitoring of compensatory measures, resettlements, measures aimed at restoring the quality of life, as well as evaluation of the effectiveness of all these measures. | Under the Polish law there is no obligation to prepare a social and economic study, or to draw up an LA&RAP as such. There is no obligation to monitor and evaluate implementation of the above. | Social and economic studies and an LA&RAP are prepared in accordance with LARPF, OP 4.12, and good practices. |

6.4. Valuation principles⁶

The current owner or perpetual usufructuary of property or a part of property that is necessary for the performance of the Contract, is entitled to compensation for the transfer to ownership of the property to the State Treasury or a local government unit.

Regardless of the case, the compensation must be based on the **replacement value** of the property, which shall be an amount necessary to replace the assets without taking into account their depreciation due to age, condition or other factors. This is usually based on the market value of the property and goods related to it (e.g. plantings or other items) increased by the transaction costs needed for the replacement such as taxes or fees. The compensation is determined on the basis of a valuation made by an authorized property appraiser and, if necessary, by a team of property appraisers (e.g. including an agricultural valuer).

According to OP 4.12, the “replacement value” with regard to property and facilities is defined as follows:

a) for agricultural land, it is the higher of market value of the land before the Project and before the relocation, corresponding to the market value of land with comparable production or use potential,

⁶ Chapter content consistent with LARPF

located near the land occupied by the Task, together with the cost of preparing this land to perform a function similar to the function performed by the land acquired for the investment, together with transaction costs;

b) for property in urban areas – it is the market value before relocation, corresponding to the value of land of comparable size and use, with similar or better access to infrastructure and services and located close to acquired property, together with transaction costs;

c) for houses and facilities – it is the market value of materials required to build new houses and facilities replacing houses and facilities affected by the investment, in a quantity and of a quality similar or better to the one existing in expropriated houses and facilities or partially affected by the investment, together with the costs of transport of materials to the construction site, salaries for construction workers, and transaction costs, fees, and taxes related to the erection of new facilities.

When determining the replacement value, neither the depreciation of assets, nor the value of the surviving materials, nor the value of benefits resulting from the Project and deducted from the valuation of property affected by the Project are taken into account. Where Polish regulations do not provide the need for compensation corresponding to the replacement value, the compensation provided for in the Polish law is increased by additional measures ensuring the payment of compensation is at the standard of compensation according to the replacement value, such as support in the transitional period after resettlement, which constitutes a reasonable time necessary for the restoration of the quality of life (including livelihoods), etc.

Compensation is payable in the amount agreed between SWHPW RZGW in Szczecin and the current owner, perpetual usufructuary, person who has a limited right in rem to the property, or a person using the property from the State Treasury. In all cases, compensation should at least correspond to the replacement value of the property or lost goods.

As regards flood protection projects, the amount of compensation is determined on the basis of the condition of the property on the date of issue of the building permit by the authority of first instance and on the basis of the value of such property on the date on which the amount of compensation is determined, which results directly from the Special Act on Flood Management. The compensation shall be indexed as at the date of payment, in accordance with rules applicable for the return of expropriated property. Compensation is determined on the basis of a valuation made by a professional property appraiser.

Where property is acquired by way of expropriation under the Act on Property Management, the amount of compensation is determined on the basis of the condition, purpose and value of expropriated property on the date of the decision on expropriation. When the Head of municipality performing state administration duties issues a separate decision on granting compensation, the compensation amount is set on the basis of the real property's status and designation on the day of depriving of or limiting the rights. Compensation is determined on the basis of a valuation by a property appraiser. The basis for determining the amount of compensation is the market value of the property, unless its market value cannot be determined due to there being no trading of such property, and if that is the case, then its replacement value is determined. When determining the market value of property, particular consideration is given to its type, location, manner of use, purpose, condition of the property and current prices in property trading. The value of the property for the purposes of compensation is determined according to its current use, if the use of the property, consistent with the purpose of expropriation, does not increase its value. If its value increases, the value of the property for compensation purposes shall be determined according to the alternative use of the

property resulting from that use. When determining the replacement value of the property, the value of the land and the value of its components are determined separately. When determining the value of buildings or parts of buildings, structures, technical infrastructure facilities and other equipment, the cost of their replacement shall be estimated, taking into account the degree of wear and tear, while the value of the forest stand or stands of trees, if the forest stand contains useful material, shall be estimated on the basis of the amount of timber in such 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. If it is necessary to determine the value of sowings, crops and other annual harvests, the value of the forecast yields at market prices shall be estimated, reducing it by the value of the outlays required to harvest those crops. 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. In the case of a voluntary contract, if there are differences in the areas being swapped to the disadvantage of the PAP, a surcharge will be determined in the amount determined by a property appraiser. The value of the added amount will require PAP's prior approval.

NOTE: Valuation methods are defined by a legal act which has the force of a regulation, i.e. Regulation of the Council of Ministers of 21 Sep. 2004 on Property Appraisal and Appraisal Study Preparation. It contains details concerning, among others, methods and techniques of estimating the value of compensation.

6.4.1 Real property valuation⁷

The basis for determining the compensation is the market value of the 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 local or regional real property market allow the valuer to ascertain the market value of the property, they should apply one of the market approaches, i.e. the sales comparison approach, the income capitalization 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 valuer 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.

6.4.2 Valuation of Movable Assets⁸

Compensation for items not permanently attached to the property applies to cases where:

- a) they are not suitable for use in the new location, and/or
- b) the affected person will not use them due to resettlement (e.g. moving house from rural areas to a city apartment).

⁷ Chapter content consistent with LARPF

⁸ Chapter content consistent with LARPF

When determining the value of items not permanently attached to the property (e.g. machinery and equipment), the appraiser shall make an assessment on the basis of such data as: make, model and type, year of manufacture, manufacturer, place and date of manufacture, as well as other data needed to identify the movables. The book value of such movable assets may increase or decrease in the process of valuation. The causes of the decrease may be in particular technical (wear and tear), functional (modifications in terms of material or construction) or economic (lack of particular material or workforce, changes in legal provisions, decreased demand). When valuating movables, an appraiser uses the cost or comparative approach.

In order to determine the value of construction facilities constituting a separate object of ownership from the land, one can apply the cost approach, the replacement cost method, or the indicator technique. The cost approach consists in determining the value of the property on the assumption that this value corresponds to the cost of its restoration (replacement).

The value of the land components shall be deemed to be the amount equal to the cost of their restoration or replacement.

The essence of the cost approach is the assumption that the buyer of the property will not be willing to pay for the property more than the cost of erecting the property using the same technology or function, in the same place. The consequence of such an assumption is the distinguishing of two types of costs:

- cost of restoration, and
- cost of replacement.

In order to apply the restoration cost method, it is necessary to have technical data about the valuated construction objects, data on prices of materials and construction works. Replacement cost means the cost of building an object identical (exact copy) to the object being valuated. When determining the value, the property appraiser takes into account the same design, equipment, quality of construction work and takes into account in the calculation of costs all defects, shortcomings, as well as unnecessary items of equipment or structure, or materials coming out of use. Replacement costs also include the costs of construction of accompanying equipment directly associated with the object being valuated, preparation of the site and putting it into good order, as well as the costs of developing design documentation and construction supervision. Therefore, when determining the cost of the replacement of the object, it is necessary to provide the current cost of building its replica as of the date of valuation. Only if the materials of which the object is built today are no longer available on the market, when determining the value one should take the prices of materials closest to the previously used materials.

6.4.3 Valuation of plants and crops⁹

When determining the value of a forest stand or stands of trees, if the forest stand contains useful material, then the value shall be estimated on the basis of the amount of timber in such a 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.

⁹ Chapter content consistent with LARPF

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. 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 other assets ¹⁰

Other assets related to the property are civil fruits, i.e. revenues which the property brings as a result of a legal relationship. In order to determine the value of contractual obligation rights (including rights related to lease, tenancy, lending for use, and life annuity) and their impact on the property, the property appraiser may take into account, in particular, such elements as:

- type, nature, scope, term of the contract,
- relevant legislation,
- form of payment,
- type and amount of other benefits,
- method and times of paying rent and other benefits,
- obligations and entitlements arising from contractual obligation rights and from concluded rights,
- parties' claims related to the settlement of outlays incurred on property, and
- available information concerning the valuated real property and the particular section of the market involving obligations.

7. Eligibility criteria and categories of eligible persons

7.1. Eligibility criteria

According to the World Bank's Operational Policy, the following groups of people are entitled to receive compensation and assistance in connection with land occupation resulting in material property loss and (physical or economic) displacement:

(a) Persons holding a valid title to land or other material property affected by the Project (including titles held under customary or traditional law),

(b) persons without a valid title at the time of compiling the list of affected residents, but holding a claim to land or other property, based on domestic law or identified in the course of work on the LA&RAP,

(c) persons without a valid title or claim to the property to be occupied.

The persons referred to in point (a) and (b) should receive compensation for lost land as well as other assistance. The persons referred to in (c) should receive resettlement assistance instead of compensation for the land to be occupied and, if necessary, other assistance necessary to achieve the objectives of OP 4.12 – as long as they occupied the Project area before the cut-off date. Persons who begin to occupy the area after the cut-off date will not be entitled to receive compensation or other

¹⁰ Chapter content consistent with LARPF

forms of assistance in connection with resettlement. All persons specified in (a), (b) and (c) should be compensated for lost property other than land.

In the present case, at the current stage of LA&RAP development, only persons with a formal real property title have been identified. No persons without a valid title to land have been identified.

The method of estimating the impact on PAPs is described in Chapter 4.1. Social impact.

7.2. Categories of eligible persons

Eligibility for compensation and assistance will be established as follows:

- PAPs legally holding real property in the Project area will be compensated in full; land for land compensation will be preferred,
- PAPs who are leaseholders, tenants (incl. life tenants) and other property users other than owners in the Project area will receive full compensation for the loss of their rights,
- PAPs holding limited rights in rem to real property will be fully compensated for the loss of their rights,
- holders of crops, plants, structures and other embedded facilities will be compensated for the value thereof,
- in addition to compensation offered in accordance with the above, residents of houses and apartments that will have to be resettled will receive resettlement assistance, adequate access to social infrastructure and, if necessary, a tailored package of protective measures,
- PAPs who will lose income, salaries or business opportunities due to the Project implementation will receive appropriate compensation and, if necessary, a tailored package of protective measures,
- PAPs holding properties in the Project area illegally, without a legal title and without the right to acquire a legal title in the future will not receive compensation for expropriation from the property, as this is not allowed by the Polish law. However, such PAPs will receive compensation for plants, structures and items owned by them and, if necessary, a tailored package of protective measures to restore or improve their quality of life.

PAPs will be entitled to receive compensation for the following impact/loss categories:

- **Permanent loss of property** – wherever possible and accepted by the PAP concerned – land for land compensation will be used (awarding property whose value, location and functions are similar to that of the expropriated property). If a property which meets the adequate compensation requirements cannot be found, if the PAP concerned does not agree to 'land for land' compensation or only a small part of the lot is to be acquired, the compensation will be paid in cash and will correspond to the market value of the expropriated property or part thereof. Additionally, for the immediate release of the real property, it will be possible to increase the compensation by an amount corresponding to 5% of the value of the expropriated real property, according to the principles set out in the Special Act on Flood Management. PAPs who are not owners or perpetual usufructuaries but hold a valid title to the real property (e.g. tenants or leaseholders) will receive compensation corresponding to the value of the expropriated rights. At the request of the PAP concerned, the investor will take over the real property in its entirety and compensate them 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 in the project area without any legal title (i.e. illegally) will not be granted any compensation for property expropriation. However, they will receive compensation for plants,

plantings and structures belonging to them and, if necessary, a package of protective measures required to improve or restore their quality of life.

- **Permanent restriction of the current use of a real property** – as a rule, cash compensation will be offered, taking into account the loss of the real property market value. Tailored protective measures will also be proposed on a case by case basis. On the request of the PAP concerned, the real property to be affected by a permanent restriction of the current use will be expropriated and the PAP will receive compensation on terms applicable to permanent loss of property.
- **Residential buildings** - the compensation will be offered on the same conditions as for permanent loss of property. Moreover, displaced PAPs will receive an additional payment of PLN 10,000. Depending on the case, such people will be offered alternative accommodation by the Investor. In case of squatters (i.e. PAPs holding real property illegally, without a valid title and without the right to acquire it in the future), who are not entitled to receive compensation, the investor is in certain cases obliged to offer alternative accommodation. Such persons will also be offered a package of protective measures, including assistance in finding accommodation. The unemployed and persons with addictions will be offered measures to support their job market situation and will be offered appropriate treatment;
- **Non-residential buildings and structures** (stables, fences, technical infrastructure etc.) – as a rule, owners and users of these buildings and structures will be compensated on terms applicable to permanent loss of property. Among the protective measures, the Investor will propose rerouting of infrastructure and, where appropriate, redevelopment of buildings and structures at the expense of the investor. In addition, local government units that have built or are currently building buildings or structures funded by the EU or other foreign sources, where such buildings or structures are to be affected by the project, financial compensation will be increased by the amount of subsidies to be returned (including interest);
- **Loss of plantings** will be compensated in cash . Compensation will be paid to the legal owner of the property, taking into account the costs of planting and cultivation, as well as the value of profits lost from the date of expropriation to harvest completion,
- **Loss of trees** will be compensated for in the same way as the loss of plantings. Depending on the case, the compensation may also be based on an estimated value of the timber that can be harvested;
- **Impact on entrepreneurs and employment** will be compensated in cash by compensating for damages actually suffered by entrepreneurs and for profit lost as a result of the Project. These values will be determined on the basis of accounting and billing documents, or the tax returns of the entrepreneurs concerned. People who lose their employment will receive unemployment benefits. Both regular employees and people employed on a freelance basis who lose their income-earning opportunities will receive free health insurance, assistance in finding a job and, possibly, assistance in the form of vocational training allowing them to find alternative employment;
- **Lost or limited access to social infrastructure** (e.g. parks) will be compensated for as far as possible by the restoring such infrastructure in a new, adequate located location. If infrastructure restoration in a new location is impossible or unnecessary, PAPs will be offered access to the existing social infrastructure;
- **Cost of resettlement of households** – to cover resettlement expenses, PAPs will receive PLN 10 000. They will also be offered a special package of protective measures, including, if necessary, assistance in finding a moving company will be provided and transportation expenses exceeding PLN 10 000 will be covered;

- **Particularly vulnerable groups** will receive compensation in the form of a tailored package of protective measures (the timing for the implementation of these measures respect will be determined on a case by case basis). Children and students will be offered assistance in finding a location allowing them to continue education in the school attended thus far; the same principle will apply to children attending crèches and kindergartens. Elderly people will be resettled to places that are free of architectural mobility barriers and ensure equal or more convenient access to health care, whilst enabling them to continue their previous lifestyle. Poor people will be offered assistance in obtaining additional institutional support from central and local government agencies and from relevant non-governmental organizations.
- **Temporary acquisition of property** will be compensated in cash by paying monthly amounts corresponding to the market rates for property rental or leasing. Moreover, if a PAP suffers a loss as a result of temporary acquisition of their property, they will receive additional compensation on the above terms. After the completion of construction activities, all properties will be reinstated to their original condition;
- **Damage to houses, buildings and structures in connection with construction works (e.g. vibrations, accidents, etc.)** will be compensated so as to enable complete restoration or purchase of a new asset, depending on the nature of the damage suffered. Depending on the situation, appropriate rules will be applied for the payment of compensation for the above-mentioned impacts.

At the current stage of the project, all entities identified as eligible for compensation should be classified as property owners. Detailed categories of persons eligible for compensation in connection with the execution of the *Flood protection of Piasek* and *Flood protection of Ognica upon the Odra River* sections are listed in Attachments 2 and 3, respectively. These attachments will not be published for data protection reasons.

No properties with unclear legal status have been identified during the preparations for this Task. As at the date of drafting this LA&RAP, no perpetual usufructuaries or other persons holding rights other limited rights in rem to real property have been identified.

Additional rights with the indication of the corresponding social group, together with mitigation measures and assistance offered are shown in the table below.

7.3 Eligibility matrix¹¹

| Impacts/losses | PAP group | Compensation |
|----------------------------|--|--|
| Permanent loss of property | Owners, holders of perpetual usufruct rights and owner-like possessors | <ul style="list-style-type: none"> • land for land compensation • financial compensation, if land for land compensation is impossible or unacceptable, • payment for all transaction costs. |
| | Illegal possessors | <ul style="list-style-type: none"> • no compensation for loss of property |
| | Holders of easements, mortgages, lien on property | <ul style="list-style-type: none"> • monetary compensation for lost rights, • for land easement holders – assistance in finding a solution allowing for continued use of their property (which is the dominant property for expropriated land), e.g. by establishing an alternative easement of access • payment for all transaction costs. |
| | Illegal easement holders | <ul style="list-style-type: none"> • for illegal easement holders – assistance in finding a solution allowing for continued use of their property (which is the dominant property for the expropriated land). |
| | | <ul style="list-style-type: none"> • financial compensation for losses related to restricted use of the property, |

¹¹ Chapter content consistent with LARPF

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| Restriction in real property use | Owners, holders of perpetual usufruct rights and owner-like possessors | <ul style="list-style-type: none"> • purchase of the remaining part of the property, if reasonably requested by the owner, • payment for all transaction costs. • proposed institutional support and advice on an alternative use of the property. |
| | Illegal possessors | <ul style="list-style-type: none"> • proposed institutional support and advice on an alternative use of the property. |
| | Illegal easement holders | <ul style="list-style-type: none"> • assistance in finding a solution for using their property (which is the dominant property for expropriated land). |
| Non-residential buildings and structures (farm buildings, fences, technical infrastructure, etc.). | Owners and owner-like possessors of buildings and structures | <ul style="list-style-type: none"> • Cash compensation at replacement value for lost assets, • Moving or reconstructing lost assets. |
| | Users | <ul style="list-style-type: none"> • Cash compensation at replacement value for lost assets, • Moving or reconstructing lost assets. |
| | Illegal owners of buildings and structures | <ul style="list-style-type: none"> • Cash compensation at replacement value for lost assets, • Moving or reconstructing lost assets. |
| | Leaseholders and tenants of buildings and structures | <ul style="list-style-type: none"> • Cash compensation at replacement value for lost assets, • Moving or reconstructing lost assets. |
| Loss of plantings | Owners, owner-like possessors of properties | <ul style="list-style-type: none"> • cash compensation, including costs for reforestation and maintenance of the planting and for lost crops, • Allowing for collection of crops. |
| | Users | <ul style="list-style-type: none"> • cash compensation, including costs for reforestation and maintenance of the planting and for lost crops, • Allowing for collection of crops. |
| | Leaseholders, tenants, users of properties | <ul style="list-style-type: none"> • cash compensation, including costs for reforestation and maintenance of the planting and for lost crops, • Allowing for collection of crops. |
| | Illegal possessors | <ul style="list-style-type: none"> • Allowing for collection of crops. |
| Loss of trees | Owners, owner-like possessors of properties | <ul style="list-style-type: none"> • cash compensation, including costs for arranging and curing of trees and for lost crops and benefits. |
| | Users | <ul style="list-style-type: none"> • cash compensation, including costs for arranging and curing of trees and for lost crops and benefits. |
| | Leaseholders, tenants, users of properties | <ul style="list-style-type: none"> • cash compensation, including costs for arranging and curing of trees and for lost crops and benefits. |
| | Illegal possessors | <ul style="list-style-type: none"> • allowing for felling trees and collecting timber |
| Municipal property | Municipality | <ul style="list-style-type: none"> • Restoration or replacement of damaged items (upon consultation with the municipality) |
| Temporary acquisition of property | Owners, holders of perpetual usufruct rights and owner-like possessors | <ul style="list-style-type: none"> • cash compensation, • reinstate the property to its previous status. |
| | Illegal possessors | <ul style="list-style-type: none"> • reinstate the property to its previous status. |
| | Property users, leaseholders | <ul style="list-style-type: none"> • cash compensation, • reinstate the property to its previous status. |

Table 7 Eligibility matrix

8. Stakeholders

Flow of information between the Investor and the Stakeholders is vital for effective consultations and social commitment in the Project, therefore the Investor has decided to start with identifying the Stakeholders.

The following table lists external stakeholders and their impact on the Land Acquisition and Resettlement Plan.

| External stakeholder | Type of impact on LA&RAP |
|------------------------------------|--|
| Competent Minister | <ol style="list-style-type: none"> 1. Consideration of appeals against BP; 2. Consideration of appeals against decisions fixing the amount of compensation. |
| Zachodniopomorskie Voivode | <ol style="list-style-type: none"> 1. Issue of BP; 2. Issue of decision fixing the amount of compensation. |
| Cedynia mayor | <ol style="list-style-type: none"> 1. Cedynia municipality representation; 2. Providing PAP with information about public consultations organized by the Consultant; 3. Participation in public consultations. |
| Head of Piasek | <ol style="list-style-type: none"> 1. Providing PAP with information about public consultations organized by the Consultant; 2. Informing the local community of the Project and the Task; 3. Participation in public consultations; 4. Support in resolving disputes and conflicts with the local community and in submitting comments, petitions, and communicating the local community's needs; 5. Representing the local community in implementation of LA&RAP. |
| Entities subject to appropriation. | <ol style="list-style-type: none"> 1. Participation in public consultations and socio-economic study; 2. Submitting comments, petitions and reservations related to the investment project. 3. Communicating the needs and losses related to the investment project. 4. Selection of the format and range of compensation. |
| Piasek residents | <ol style="list-style-type: none"> 1. Indicating the needs related to the investment project and measures taken in relation to building the flood protection structures. 2. Participation in public consultations. |

Table 8 – Preliminary identification of stakeholders participating in public consultations, entities influencing the preparation and implementation of the LA&RAP – section Flood protection of Piasek

| External stakeholder | Type of impact on LA&RAP |
|------------------------------------|--|
| Mayor of Widuchowa Municipality | <ol style="list-style-type: none"> 1. Representation of Widuchowa Municipality 2. Providing PAP with information about public consultations organized by the Consultant; 3. Participation in public consultations. |
| Head of Ognica village | <ol style="list-style-type: none"> 1. Providing PAP with information about public consultations organized by the Consultant; 2. Informing the local community of the Project and the Task; 3. Participation in public consultations; 4. Support in resolving disputes and conflicts with the local community and in submitting comments, petitions, and communicating the local community's needs; 5. Representing the local community in implementation of LA&RAP. |
| Entities subject to appropriation. | <ol style="list-style-type: none"> 1. Participation in public consultations and socio-economic study; 2. Submitting comments, petitions and reservations related to the investment project. 3. Communicating the needs and losses related to the investment project. 4. Selection of the format and range of compensation. |
| Ognica village residents | <ol style="list-style-type: none"> 1. Indicating the needs related to the investment project and measures taken in relation to building the flood protection structures. 2. Participation in public consultations. |

Table 9 – Preliminary identification of stakeholders participating in public consultations, entities influencing the preparation and implementation of the LA&RAP – section Flood protection of Ognica on the Odra River.

The process of notifying the Stakeholders specified in Tables 5 and 6 will be staged as follows:

- Informing the local authorities, community leaders and local community organizations about the planned project as early as possible, along with asking them to further disseminate the information,
- Presentation of project institutions and managers and people who are in constant contact with the community remaining within the expected impact of the project and of mitigation measures,
- Developing and providing information about the principles of land acquisition for the investment project, principles of setting and value and payments of compensation for land acquisition and possibilities of filing complaints, comments and proposals related to the planned investment.
- Development and regular publishing of information about the Project.

The public can be notified about OVFMP and draft LA&RAP, planned dates of the public debate over draft LA&RAP, and the possibilities of making proposals and comments to draft LA by:

- posting the information at the website of State Water Holding Polish Water - wody.gov.pl,
- posting the information at the website of Odra-Vistula Flood Management Project - odrapcu2019.odrapcu.pl,
- posting the information at the website and notice board of the municipalities the project covers,
- posting the information at the notice board at the Investor's / RZGW head office,

- announcements in local media,
- posting the information at county notice boards / posters / in the towns and villages covered by the investment project,
- individually inviting the persons whose property will be subject to land acquisition,
- a consultation stand for persons affected by the Contract, where they could submit their proposals and comments regarding the works planned and planned acquisitions,
- information materials (leaflets, posters, brochures),
- social media (e.g. PGW Wody Polskie Facebook profile).

Additionally, the Stakeholders can request information about OVFMP and the planned Contract at the following addresses:

State Water Holding Polish Water

Regional Water Management Board in Szczecin

ul. Tama Pomorzańska 13A

70 – 030 Szczecin

phone (91) 44 11 200

e-mail: szczecin@wody.gov.pl

www.szczecin.wody.gov.pl

State Water Holding Polish Water

National Water Management Board

Odra-Vistula Flood Management Project Coordination Unit

ul. Jaworowa 9-11, 53-123 Wrocław

phone +48 71 787 86 90

e-mail: pcu@odrapcu.pl

www.odrapcu2019.odrapcu.pl

Office of the Consultant Engineer:

SWECO Consulting Sp. z o.o.

ul. Łyskowskiego 16,

71-641 Szczecin

e-mail: dolnaodra.szczecin@sweco.pl

www.bs.rzgw.szczecin.pl

9. Public consultations

Due to the adopted principles of land acquisition necessary for delivering the Contract for works according to Polish law and World Bank operational policy OP 4.12 in a manner that minimizes the negative impact on Project Affected Persons, improves or at least reinstates their standard of living and ensures long-term sustainable use of natural resources in the area, the Investor took actions aimed at involving the public in preparation and implementation of LA&RAP.

Therefore, the draft of this document was subject to a public consultation procedure conducted in accordance with World Bank Operational Policy OP 4.12.

Publication of draft LA&RAP and the dates of public consultations as well as the opportunity to make proposals and comments to LA&RAP was communicated to the public by posting announcements about public consultations on the following websites:

- PGW WP RZGW Szczecin - <https://szczecin.wody.gov.pl/>
- Odra-Vistula Flood Management Project Szczecin - <http://bs.rzgw.szczecin.pl/>
- OVFMP Coordination Unit - <http://odrapcu2019.odrapcu.pl/>,

at which draft LA&RAP was also posted, and:

- posting the information about the consultations at the sites of offices:
 - www.cedynia.pl,
 - www.widuchowa.pl,
 - www.gryfino.pl,
- publishing local press announcements, e.g. in Kurier Szczeciński,
- individually inviting PAPs and communes

Due to the continuing COVID-19 limitations, stakeholders are not allowed to enter public institutions. Therefore, no printed version was made available for public reference at the Authorities or other Institutions.

Detailed information about how to access the document and how to submit motions and comments, including detailed contact particulars (email address, address of the place where the draft document can be read, office hours, telephone number and name of the contact person) was made public on the above websites and in the local press – „Kurier Szczeciński” and on the websites of the contractors involved in task 1A.2, as well as on the websites of the following municipalities: Cedynia, Widuchowa and the town of Gryfino.

Due to the limitations regarding social life in Poland after the outbreak of SARS-CoV-2 virus causing COVID-19, having taken into consideration the World Bank’s recommendation and necessity to ensure safety, the public consultations were not held in the form of actual public meetings. To meet the obligation to hold public consultations and provide PAPs with the opportunity to view LA&RAP and submit motions and comments, a decision was taken to hold consultations by mail and finalize them with a virtual consultation meeting (webinar) open to all the stakeholders. Information about LA&RAP was presented and all attendees were given an opportunity to ask questions and submit motions. The webinar was organized using commonly available, free-of-charge, and safe communication channels.

Due to the above all the PAPs were sent a summary of draft LA&RAP. Together with the draft, they also received a form for submitting motions, comments, and questions along with a cover letter including in particular:

- presentation and brochure about the Project and Contract for Task 1A.2,
- name and surname of the person handling the case,
- contact data: telephone number, e-mail address, postal address,
- a statement that after the specified period of time for reading the draft (7 days), the process of one-to-one interviews with the interested PAPs would begin; the PAPs were encouraged to contact the Consultant, whose telephone number was provided.

The PAP were also informed that if they wished to read the document in its entirety or if there were any technical problems rendering the draft LA&RAP unreadable, a complete print-out could be sent to an address indicated by the PAP concerned.

The documents were sent by registered mail.

The public consultations by mail continued for 21 days. Publication of the document began on October 23, 2020 by sending the above documentation to the PAPs and by posting announcements on the following websites:

- PGW WP RZGW in Szczecin – www.szczecin.wody.gov.pl/,
- PGW WP RZGW in Szczecin (Project website) – www.bs.rzgw.szczecin.pl/,
- Project Coordination Unit – www.odrapcu2019.odrapcu.pl/,
- Municipality of Cedynia – www.cedynia.pl
- Municipality of Widuchowa – www.widuchowa.pl
- Town of Gryfice – www.gryfice.pl
- News portal – www.wszczecinie.pl

Since no telephone numbers of the PAPs were available, the Consultant's cover letter encouraged the PAP to use a contact number provided should they want to inquire about the Task in general and the LA&RAP in particular. However, none of the PAPs chose to contact the Consultant.

The webinar was held on November 13, 2020 from 3:00 p.m. to 4:30 p.m. A link enabling access to the webinar was posted on the Project's website. The webinar was attended by 7 persons. Three of them represented the Consultant, another three represented the Project Coordination Unit, and one person represented the PIU - PGW WP. No PAPs attended the webinar.

The process of public consultations by mail was concluded with a detailed report describing the manner of the consultations and the reason for selecting this particular procedure, constituting Appendix 4 to this report.

One complaint was submitted during the consultations. It is recorded in the complaints register. The content of the complaint and the measures taken by the Consultant are described in the report. Due to the nature of the complaint, no amendments to this document were required in this regard.

The final LA&RAP document, after obtaining WB's "no objection" clause, will also be made available to all interested parties so that they can go through it during working hours of the following offices:

- PGW WP RBMB Szczecin, ul. Teofila Firlika 19, 71 – 637 Szczecin,
- PGW WP RZGW Szczecin, ul. Tama Pomorzańska 13A, 70 – 030 Szczecin,
- Cedynia Town Hall, ul. Plac Wolności 1, 74 – 520 Cedynia,
- Seat of the village council chair - Piasek, Piasek 111, 74 – 520 Cedynia,
- Widuchowa Municipality Office, ul. Grunwaldzka 8, 74 – 120 Widuchowa,
- Seat of the village council chair – Ognica village, Ognica 72, 74 – 121 Krzywina,

and also by uploading to the websites:

- PGW WP RZGW Szczecin <http://szczecin.wody.gov.pl/>,

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

and will remain there until the Contract is completed. The contact details of the person or persons responsible for providing access will be given in the notice of accessing the LA&RAP. All updates of the LA&RAP document will also be available for anyone who is interested in the matter on the Project Implementation Office and PCU websites.

The plans to implement the Task were disclosed to PAPs directly at the investment site during direct talks with the Consultant. In May 2018, a representative of the Consultant went to Ognica in order to announce the date of public consultation. At that time a notice was placed on the local notice board in the center of the village. In addition, a meeting was held during which copies of a notice about the meeting were given to the former lady head of Ognica village, who undertook to inform local persons and interested parties on the subject of the meeting, in particular the entities owning property in the areas adjacent to Ognica canal and to hang the remaining notices in the places frequented by the village residents. During his stay in Ognica, a representative of the Consultant conducted a short community interview with the local community gathered around the notice board and informed about the purpose of the planned meeting. The meeting to present the policy of the World Bank, terms and conditions of the LA&RAP, roles and powers of local communities in the process of preparing and implementing the investment, presentation of technical variants of conceptual solutions, demand for the land, conditions of its acquisition, took place in Ognica in May 2018.

In October 2019, a meeting was organized in Piasek, where the scope of the project, the WB policy, aspects related to the financing of the investment were also presented. What was also presented was the procedure related to the acquisition of property, planned protection, the course of the embankment, its cross-section and technology of construction. Having discussed the above issues, a discussion started during which a representative of the Consultant answered questions asked by residents.

Due to the abandonment of the investment related to the construction of an embankment along the Odra River due to unfavorable ground conditions in the area in question, another meeting was organized in the village of Ognica in November 2019 as part of public consultations. At that time, the residents were presented with a modified plan of works proposed to be carried out and a discussion on the validity of the investment was started. Eventually, residents said that they support the implementation of the investment in the presented scope.

On 21 January 2020, meetings were held in Piasek, where two property owners were present. At the meeting, the planned scope of the investment was discussed and there were presented drawings – Proposed Land Development Plan – and variants of possible compensation for the loss of some expropriated plots of land. One of the owners pointed that he expected compensation in the form of “land for land”, while the other – compensation in money. Moreover, on the same day, a meeting was held in Ognica with the owner of 4 investment plots. A draft land development plan was presented, with a technological drawing of the culvert in Kanał Rynica - Ognica. The owner did not make any comments on the design solutions and stated that he grants the right to use the property he owns for construction purposes related to the investment.

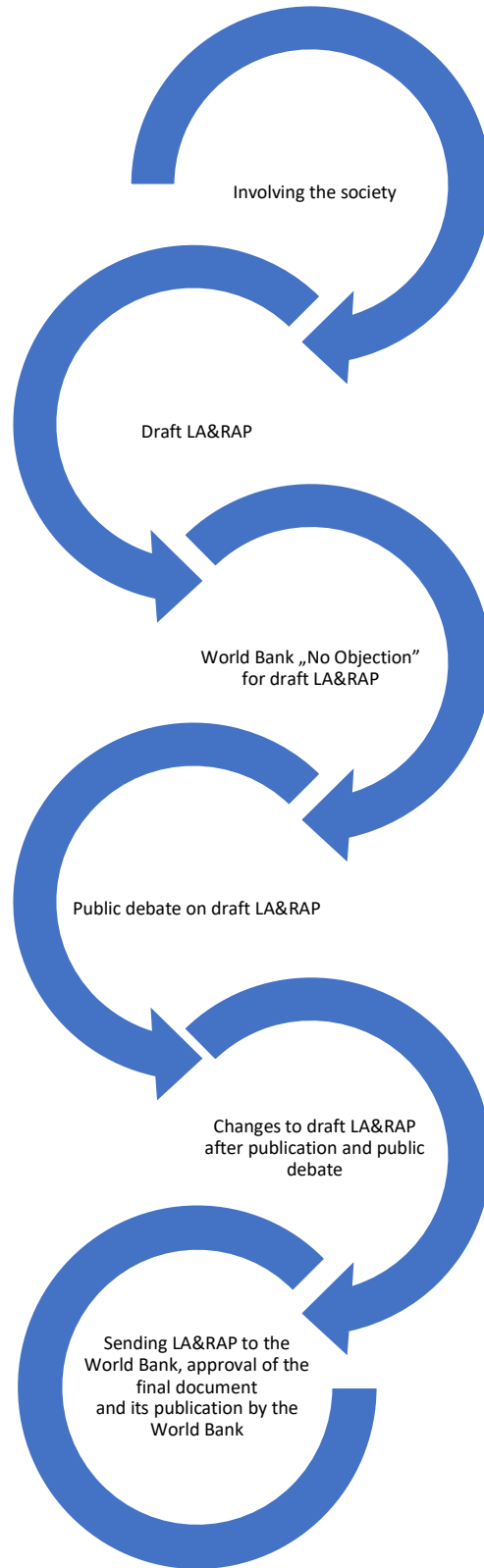


Diagram 1. Community's involvement in the preparation of LA&RAP

10. Conclusions – measures that require OP 4.12

Bearing in mind that the World Bank's operational policy OP 4.12, as set out therein, is applicable if the project requires forced seizure of property or forced restriction of access to certain locations. In the case of a part of the project - *Flood protection of Ognica upon the Odra River*, it is planned to conclude land-swap agreements with property owners, possibly including payment of compensation, and thus it is not necessary to apply the OP 4.12 policy. Similarly, the policy will not be applied in the case of part of Task 1A.2: *Improvement of Marvice polder, stage III - modernization of the pump station*, where land acquisition is not required. However, if no agreement is reached between the Investor and the property owners, an administrative expropriation procedure will be considered. It should be noted that expropriation may be carried out only with respect to land located in the areas designated for public purposes in local zoning plans, or to land for which a public purpose investment decision has been issued. However, also in such cases expropriation is only possible if the public purpose cannot be achieved by means other than deprivation or restriction of property title rights, whenever such rights cannot be acquired by contract. Expropriation consists in depriving or limiting, by way of a decision, the ownership title, the right of perpetual usufruct or other right in rem to property. Detailed principles of land acquisition through expropriation are described in section 6.2.4. *Land acquisition by virtue of the Land Management Act*.

Nine properties are owned by natural persons (14 natural persons in total), and four are owned by Widuchowa Municipality. The table below presents the properties for which, if no agreement is reached, forced property seizure against compensation will be necessary.

| Item | Lot No. Total area of the lot | Geodesic precinct / municipality | Approximate area of the land for subdivision [m ² / ha] | Owner of the lot subject to expropriation | Land use |
|------|----------------------------------|----------------------------------|--|---|--|
| 1. | 12 0.4363 ha | 0008 Ognica / Widuchowa | 6.00 m ² /0.0006 ha <u>~0.14%</u> | Natural persons (3) | RIVb – arable land Br-RIVb – arable built-up land |
| 2. | 13 0.4618 ha | 0008 Ognica / Widuchowa | 2.13 m ² /0.000213 ha <u>~0.05%</u> | Natural person | RIVb – arable land Br-RIVb – arable built-up land |
| 3. | 14/3 0.1566 ha | 0008 Ognica / Widuchowa | 200.11 m ² /0.020011 ha <u>~12.78%</u> | Natural person | ŁV – permanent grassland |
| 4. | 15 0.4829 ha | 0008 Ognica / Widuchowa | 302.20 m ² /0.030211 ha <u>~6.26%</u> | Natural persons (2) | RIVb – arable land Br-RIVb – arable built-up land |
| 5. | 39/3 0.3894 ha | 0008 Ognica / Widuchowa | 3.50 m ² /0.00035 ha <u>~0.09%</u> | Natural persons (2) | RIVb – arable land |
| 6. | 40/1 0.3239 ha | 0008 Ognica / Widuchowa | 173.20 m ² /0.01732 ha <u>~5.35%</u> | Natural persons (2) | RIVb – arable land |

| | | | | | |
|-----|-------------------|-------------------------------|--|------------------------|---------------------------|
| 7. | 40/2 0.1042 ha | 0008 Ognica / Widuchowa | 1.35 m2/0.000135 ha <u>~0.13%</u> | Natural person | RIVb – arable land |
| 8. | 3 0.5636 ha | 0008 Ognica / Widuchowa | 0.63 m2 <u>~0.02%</u> | Widuchowa municipality | rd - roads |
| 9. | 633 0.1581 ha | 0008 Ognica / Widuchowa | 6.04 m2/0.000604 ha <u>~0.38%</u> | Widuchowa municipality | RIVb – arable land |
| 10. | 9 0.9398 ha | 0008 Ognica / Widuchowa | 103.05m2/0.010305 ha <u>~1.10%</u> | Natural person | ŁIV – permanent grassland |
| 11. | 10 0.4944 ha | 0008 Ognica / Widuchowa | 1.17 m2/0.000117 ha <u>~0.02%</u> | Widuchowa municipality | rd - roads |
| 12. | 82 0.2674 ha | 0008 Ognica / Widuchowa | 36.25 m2/0.003625 ha <u>~1.36%</u> | Widuchowa municipality | rd - roads |
| 13. | 11/2 0.3371 ha | 0008 Ognica / Widuchowa | 11.62 m2/0.001162 ha <u>~0.34%</u> | Natural person | RIVb – arable land |

In the *Flood protection of Piasek* section, the project involves forced property seizures, and therefore the World Bank's Operational Policy 4.12 is required. In accordance with the list of properties that require seizure (see section 2.2.1 *Flood protection of Piasek*) and Attachment 2 hereto, 10 properties are owned by natural persons (3) and by Cedynia Municipality (7). Therefore, for the area in question, there are three entities - two natural persons (one of whom owns two properties) and the Cedynia Municipality – who qualify as PAPs entitled to compensation. The remaining properties (investment lots) are owned by the Treasury (10 properties) and must therefore be transferred from the portfolio of one entity to that of another.

Flood protection of Gryfino does not require acquiring the right to use real property, therefore there will be no physical resettlement. However, due to the planned works it will be necessary to restore the existing four fences and two entry gates. Some of the properties bordering the structures are owned by the State Treasury and are held in perpetual usufruct by natural persons. Therefore, the Investor will be obliged to restore them. Moreover, the owners will be entitled to compensation for any damages in result of the investment project. Consequently, the cost, both social, and economic, of this stage, should be considered marginal.

Furthermore, in the case of Task 1A.2 *Improvement of Marwice polder, stage III - modernization of the pump station*, there is no need to acquire land permanently but it will be necessary to set compensation for temporary acquisition and potential damages, pursuant to agreements with respective property owners. This stage of the Task involves installation of a power supply line to replace the existing cable line of poor technical condition. Furthermore, a section of the MV connection to be covered by the works is owned by the Investor. However, the cable's route will not cross any natural person's property but only lots owned by municipalities and State Treasury.

Nonetheless, the cable will replace the existing powerline, so it will be necessary to remove the current poles. The poles are physically worn and lean because of their unstable fixing in the ground. It will also be necessary to enter the properties with the elements to be disassembled. To perform the works, the

Investor will obtain, from respective owners, statements about the right to use the land for construction purposes and will conclude agreements specifying all the terms and conditions for entering the lots. Most of all, the agreements will specify the principles of determining compensation for potential real property damage in result of the works. Other arrangements will include possible compensation and restoring the area's original condition after completing the works.

It should be emphasized that, apart from the compensation or potential damages, the works specified above will be beneficial to the owners of the real property. Laying cables underground undoubtedly ensures limiting the impact range and favorably affects the populated areas in aesthetic and urban terms and is less burdensome to the environment. Moreover, the cable line has negligible electromagnetic impact because of its structure and it is assumed that it has no negative impact on land surface. At the same time, the line is characterized by reduced exposure to weather conditions, which minimizes the risk of failure. Therefore, the impact, if any, should be considered favorable.

The list below shows the properties for which compulsory acquisition is required, thus causing the need to apply OP 4.12 and to establish the entitlement to compensation for property acquisition.

| Item | Lot No. Total area of the lot | Geodesic precinct / municipality | Approximate area of the land for subdivision [m ² / ha] | Owner of the lot subject to expropriation | Land use |
|------|----------------------------------|----------------------------------|---|--|---|
| 1. | 145 0.52 ha | 0002 Piasek / Cedyňa | 5200 m ² / 0.5200 ha surface area as per the land register 100% | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | rd - roads |
| 2. | 675 0.06 | 0002 Piasek / Cedyňa | 143 m ² / 0.0143 ha ~23.83% | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | W – land covered by ditches |
| 3. | 153 0.42 ha | 0002 Piasek / Cedyňa | 750 m ² / 0.0750 ha ~17.86% | Private person | RIVb – arable land RV – arable land RVI – arable land |
| 4. | 676 0.55 ha | 0002 Piasek / Cedyňa | 5500 m ² / 0.5500 ha surface area as per the land register 100% | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | rd - roads |
| 5. | 680 1.52 ha | 0002 Piasek / Cedyňa | 433 m ² / 0.0433 ha ~2.85% | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | rd - roads |
| 6.. | 410 0.31 ha | 0002 Piasek / Cedyňa | 3100 m ² / 0.31 ha 100% | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | B – residential land rd - roads |
| 7. | 412 | 0002 Piasek / Cedyňa | 1324 m ² / 0.1324 ha ~15.05% | Private person | RV – arable land łIV – grassland |

| | | | | | |
|--|----------------|----------------------|---|--|---|
| | 0.88 ha | | | | Br-RV – built-up agricultural land – arable land |
| 8. | 413 0.10 ha | 0002 Piasek / Cedyňa | 112 m² / 0.0112 ha <u>~11.2%</u> | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | W – land covered by ditches |
| 9. | 414 0.64 ha | 0002 Piasek / Cedyňa | 2930 m² / 0.2930 ha <u>~45.78%</u> | Private person | ŁIV – grassland ŁV – grassland ŁVI – grassland |
| 10. | 426 0.58 ha | 0002 Piasek / Cedyňa | 3617 m² / 0.3617 ha <u>~62.36%</u> | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | RV – arable land ŁV – grassland ŁVI – grassland PsIV – pastures W-ŁVI |
| Properties to be subjected to permanent land use restrictions | | | | | |
| 11. | 680 1.52 ha | 0002 Piasek / Cedyňa | 990 m² / 0.0990 ha <u>~6.51%</u> | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | rd - road |
| 12. | 483 0.31 ha | 0002 Piasek / Cedyňa | 985 m² / 0.0985 ha <u>~31.77%</u> | Cedyňa municipality ul. Pl. Wolności 1 74-520 Cedyňa | rd - road |

The analyses and measures at this stage show that there will be no economic and physical resettlements and therefore the socio-economic costs of the Contract itself will not be significant. In addition, no-one has been identified as a particularly vulnerable person. Moreover, in the case of properties owned by the Cedyňa Municipality, the impact has been considered insignificant, as reposition of land from this entity does not have a significant impact on its condition and functioning.

11. Institutional setup and implementation team

The institutional setup of the LA&RAP team is presented in the diagram below.

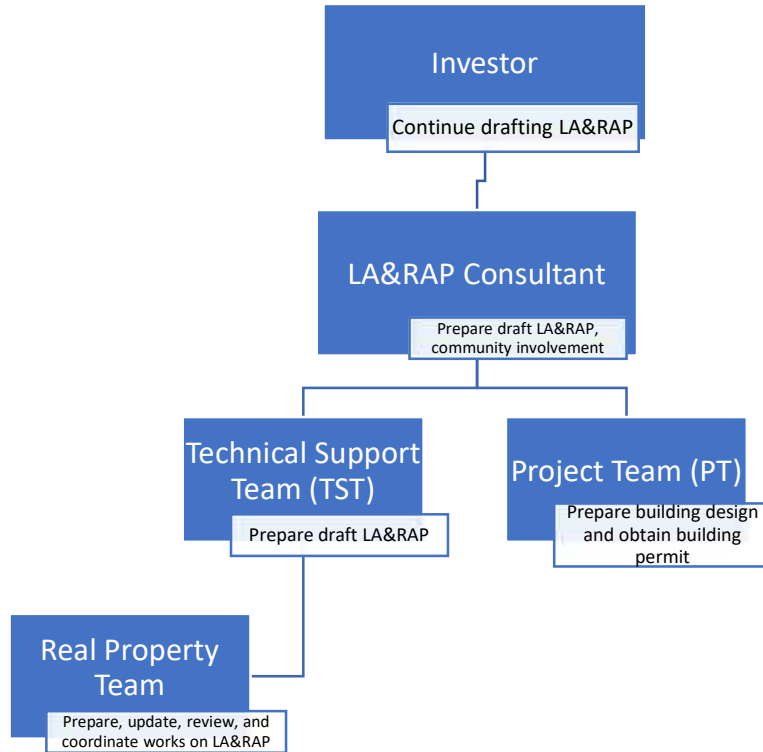


Diagram 2. Institutional setup of LA&RAP implementation

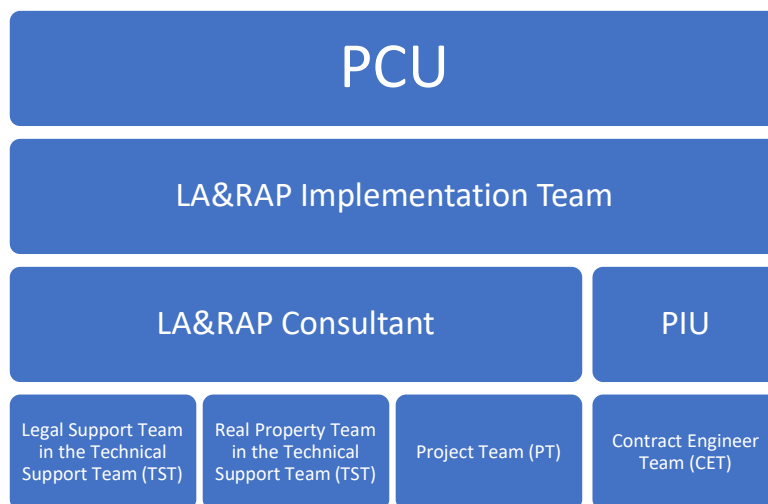


Diagram 3. Institutional setup of LA&RAP implementation and its location in the PCU structure

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

The roles and responsibilities of the LA&RAP team are as follows:

1. SWHPW RZGW - coordination of LA&RAP preparation:

- a. supervision over drafting and compiling the final version of the LA&RAP,
- b. ensuring smooth information exchange between the LA&RAP Consultant and the CPU
- c. ensuring incorporation of the necessary changes identified in the process of drafting the LA&RAP,
- d. supervising the public consultations process,
- e. monitoring the LA&RAP writing process.

1. Consultant – drafting the LA&RAP

- a. socio-economic research study,
- b. collection and analysis of data concerning land development and use,
- c. designing a public participation and consultation plan; coordination of the public consultation process,
- d. presentation of impact mitigation proposals and technical analysis of these proposals; submitting proposals for changes to the construction permit design,
- e. eligibility analyses,
- f. Preparation of compensation packages,
- g. compiling a draft LA&RAP,
- h. conducting public consultations,
- i. compiling the final version of the LA&RAP.

The Consultant's LA&RAP team remains outside the organizational setup of SWHPW. The roles and responsibilities of the LA&RAP team are as follows:

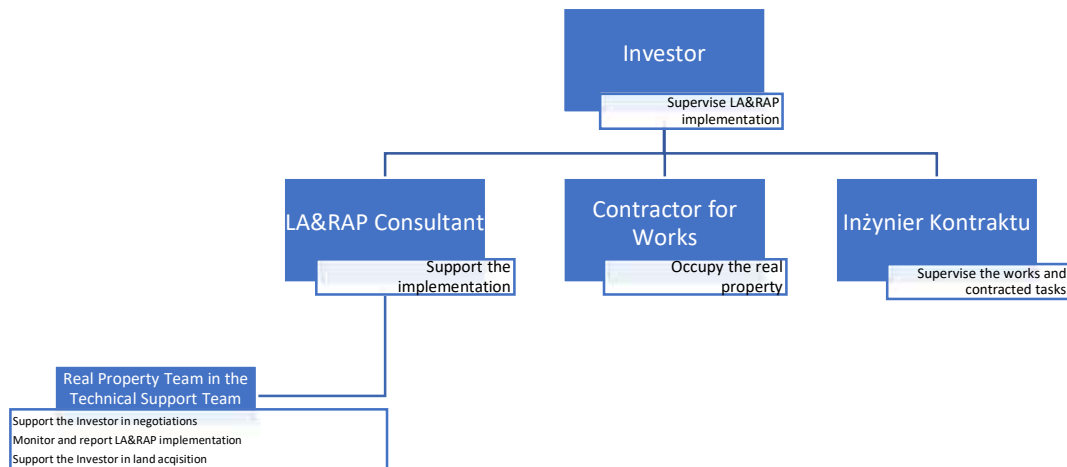


Diagram 4. Institutional setup of LA&RAP implementation during the Contract.

The roles and responsibilities of the LA&RAP team are as follows:

1. SWHPW RZGW

- a. supervision over LA&RAP implementation,
- b. negotiations and conclusion of agreements on the payment of compensation,
- c. payment of compensation,
- d. ensuring smooth information exchange between the LA&RAP Consultant, Engineer and Contractor,
- e. taking over the properties (with the support of the Consultant).
- f. ensuring that there is no impact on properties that have not been acquired and compensated for as properties to be used as part of the works.

2. The Consultant

- a. planning of and participating in negotiations,
- b. formal verification of valuation reports and expert appraisal reports,
- c. monitoring of LA&RAP implementation by the Contractor and the Engineer,
- d. proposing remedial measures in case of problem situations,
- e. supervision over the commencement and execution of works,
- f. supervision over the performance of the Contractor's obligations under the Construction Work Agreement, including those related to temporary acquisitions (if any).

3. Contractor

- a. acquiring land for temporary use,
- b. payment of compensation for real property acquired for temporary use,
- c. works on properties occupied on a permanent basis,
- d. reinstating the properties acquired for temporary use to the original condition.

4. PCU

- a. Coordination of project measures undertaken by the PIU, including the implementation of LA&RAP provisions,
- b. Submitting the LA&RAP project to the World Bank to obtain a 'No objection' clause.

12. Complaint and request management mechanisms.

As a rule, the Project Implementation Unit will take all possible measures to amicably resolve any complaints connected with or related to the Task. However, the complaint management mechanism must be differentiated to enable its integration with the administrative procedures in effect at different phases of the Task preparation.

12.1. General rules for complaint and request management.

One of the key general rules for complaint management is to ensure the right and offer an opportunity to anyone wishing to submit a complaint connected with or related to the Task, regardless of whether their land, interests or other property are located in the Investment area.

Moreover, submission of complaints and requests is free of charge. The complaining or requesting individual must not be exposed to any damage or criticism as a result.

The general complaint and request management mechanism will apply to the following complaints and requests:

- a. those submitted before the Investor applies for the BP/construction permit
- b. those submitted during the public consultation on the draft LA&RAP,
- c. those submitted directly to the Investor in the course of obtaining the construction permit or agreements establishing the amount of compensation,
- d. those submitted after the date of issue of the BP and the decision determining the amount of compensation for expropriated property/ those submitted after the date of issue of the building permit and/or agreements determining the amount of compensation,
- e. those submitted directly to the PIU, PCU, PGW, WB or another entity acting on behalf of PAPs in the course of obtaining the BP.

Complaints and requests may be made in writing, electronically and orally (if recorded in the minutes). They will be accepted if submitted directly, by telephone or by e-mail:

- a. at the registered address of the PIU,
- b. at the registered address of the Consultant,
- c. at the registered address of the Contractor selected for the Task.

Complaints and requests will be recorded in a separate register, indicating the dates of their submission and response and the outcome

If consideration of a complaint or request requires prior examination and clarification of the matter, the necessary evidence will be collected, and analyses and research will be conducted, etc. In such a case, a response to the complaint or request will be given within 14 days of the date of its submission. If no investigation is necessary, a response to the complaint or request will be given within 7 days of the date of its submission.

In particularly complicated cases and in cases where the examination of the complaint or request requires amendments to the LA&RAP, the response time will be extended to 30 days. If the time limit is insufficient, the applicant will be informed of the reason why their complaint / request has not been responded to within the prescribed period, together with an indication of a new date by which the response will be provided.

If a complaint or request is rejected, the applicant must be fully informed of the reasons thereof. A diagram of the general complaint and request management mechanism is presented below.

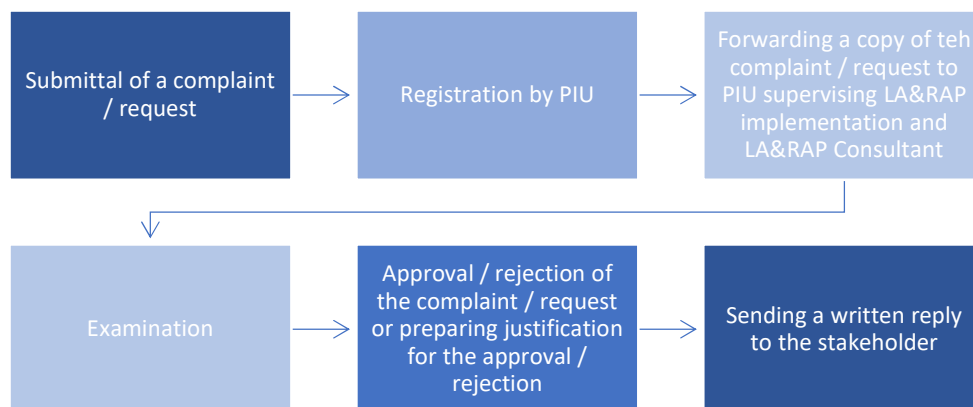


Diagram 5. General complaint and request management mechanism.

12.2. Special complaint and request management mechanisms – BP issuance procedure

Special rules for complaint and request management are directly related to the BP issuance procedure and to the procedure for determining compensation for lost property title and the related interests, including (but not limited to) lost contractual profit, equipment and machinery that are not suitable for use elsewhere.

Special rules for complaint and request management will apply during the BP issuance procedure, the negotiations on the determination of compensation to be conducted after the issuance of the BP, the Voivode's decision on the determination of compensation and the appeals and court proceedings concerning the BP and compensation.

12.2.1. BP issuance procedure

According to the provisions of the Special Flood Act, expropriation of real property or its part and permanent or temporary limitation of the manner of using real property or its part in the Building Permit issued by the Voivode at the investor's request. The Building Permit (BP) approves real property subdivision and the lot borders specified in the Building Permit are used as subdivision borders. Moreover, the Building Permit is the basis for making relevant entries to land register and property cadaster.

Persons whose properties are in the project area are parties to the BP procedure and have the right to actively participate in that procedure free of charge. This includes submitting comments and requests in the case directly to the Voivode. The Voivode notifies all the stakeholders about commencing the procedure for issuing the Building Permit. BP is issued by the Voivode within 90 days following the submission of the application but the period does not include the time limits provided by law for specific procedures and time when the BP procedure is suspended or delayed for reasons attributable to the Applicant or beyond the authority's control.

The Voivode delivers the BP decision to the applicant and notifies the other parties by way of announcements posted in the Voivodeship office and in the offices of municipalities located in the area affected by the investment, as well as on the websites of these municipalities and in the local press.

Appeals against the BP

Parties to the BP have the right to appeal to a higher-level authority, i.e. to the minister in charge of the construction industry (currently: Minister of Development). Appeals should be heard within 30 days.

Each party who is not satisfied with a decision issued by the Minister has the right to submit a complaint with the Voivodeship Administrative Court (VAC) within 30 days of receiving the decision. VAC will examine whether the voivode and minister conducted the proceedings in an appropriate and fair manner. If the VAC decision is unsatisfactory, the party has the right to submit a cassation appeal to the Supreme Administrative Court. This court will examine not only the correctness and legality of the proceedings conducted by the voivode and the Minister, but also the judgment issued by the VAC.

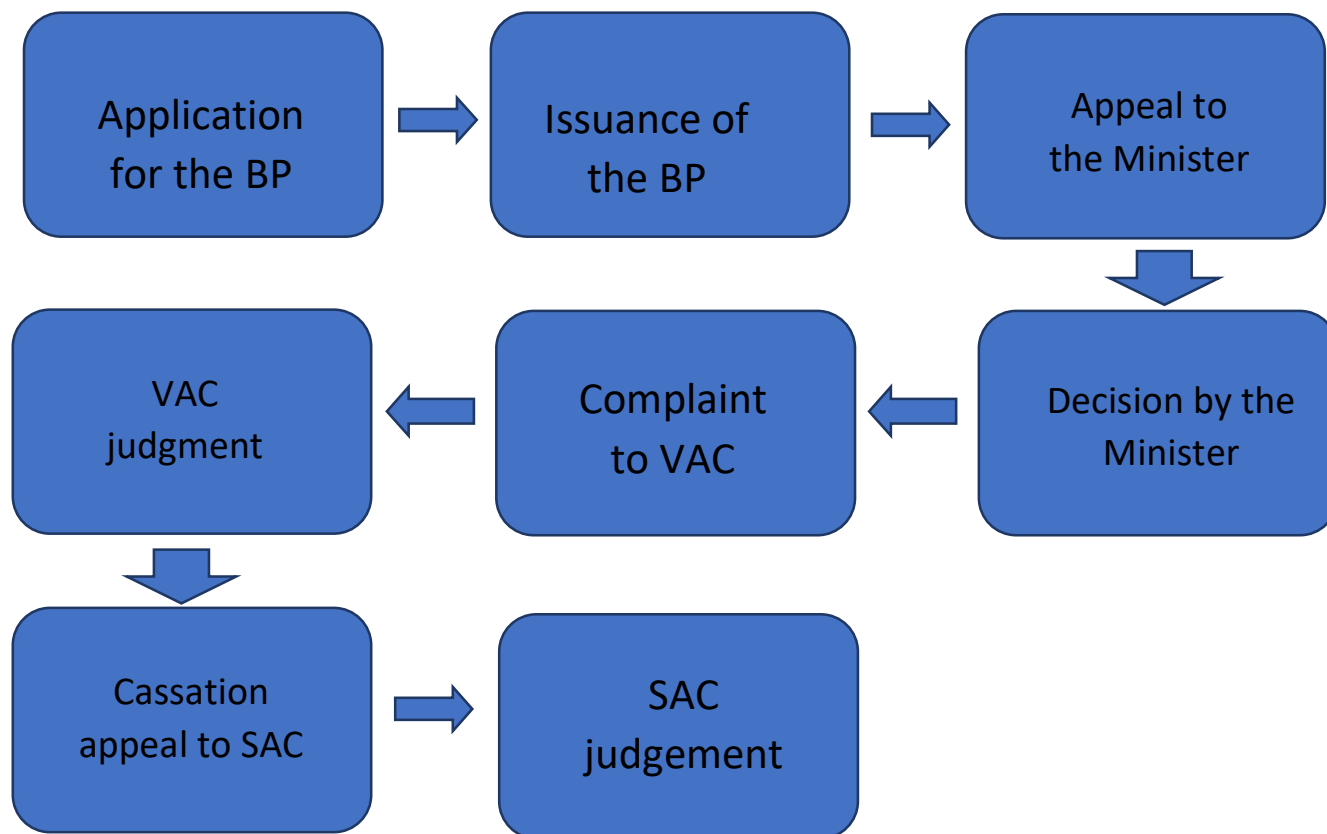


Diagram 6 Complaint management mechanism at the BP stage.

12.2.2. Determination of compensation amount.

A party whose property has been legally expropriated is entitled to receive compensation. Determination of the amount of compensation follows negotiations conducted between the Investor and the current owner / perpetual usufructuary / person holding a limited right in rem. In addition, the amount of compensation is determined by licensed property appraisers. All agreements must be in writing, otherwise being null and void nullity.

If no agreement is reached within 2 months from the date on which the BP has become final, the amount of compensation shall be determined by the Voivode. The decision establishing the amount of compensation will be issued by the Voivode within 30 days after the lapse of the aforementioned period.

If the party in question is not satisfied with the decision issued by the Voivode determining the amount of compensation, they have the right to submit an appeal with the minister in charge of the construction industry. If the party is not satisfied with the decision of the minister, they also have the right to submit a complaint to the Voivodeship Administrative Court. VAC will examine whether the voivode and minister conducted the proceedings in an appropriate and fair manner. If the VAC decision is unsatisfactory, the party has the right to submit a cassation appeal to the Supreme Administrative Court. This court will examine not only the correctness and legality of the proceedings conducted by the voivode and the Minister, but also the judgment issued by the VAC.

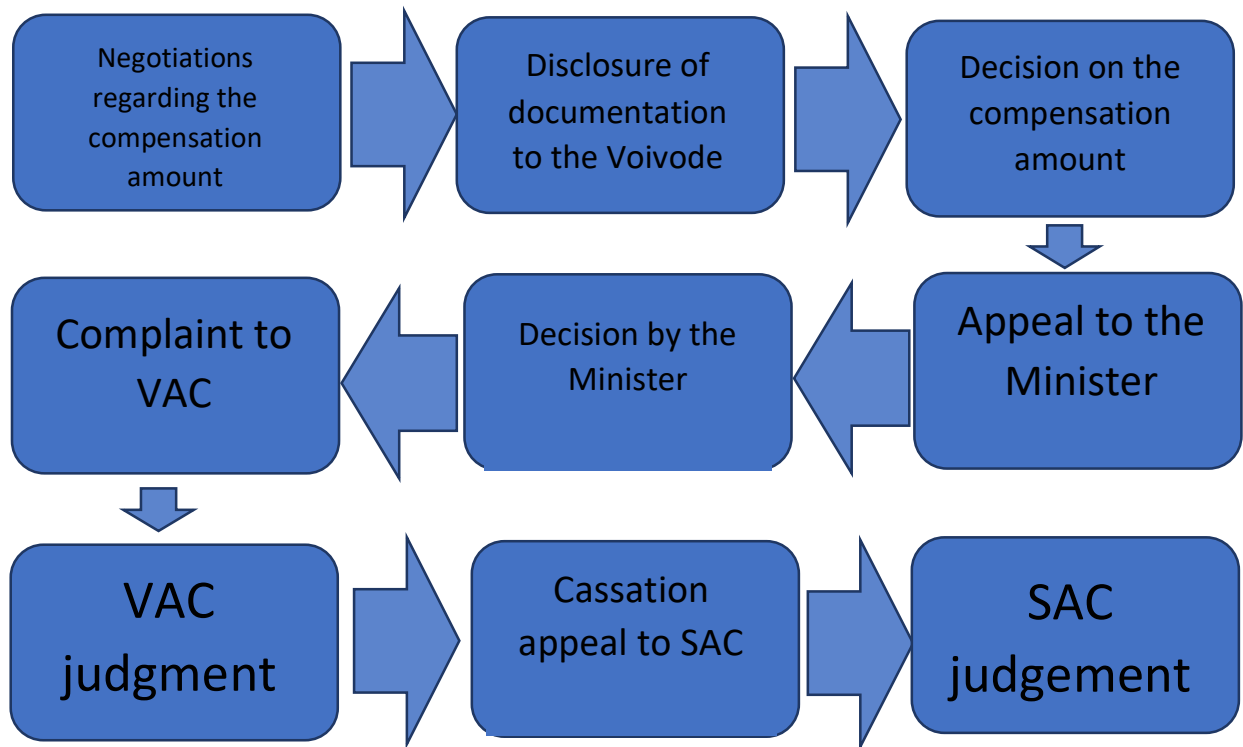


Diagram 7 The complaint management mechanism at the stage of issuing the compensation decision and after the BP has been issued and become final.

Importantly, if a party has filed an appeal, the amount of the compensation stated in the decision will be paid if the party so requests. Payment of this amount does not affect the outcome of the appeal proceedings. In other words, the fact of appealing against the decision defining the compensation amount does not in itself prevent the payment of damages to the entitled parties.

Detailed information on compensation for the transfer of property title to the State Treasury or a local government unit and on determining the amount of such compensation is provided in section 6.2.2. Acquisition of real property on the basis of the Special Act on Flood Management.

12.3. Special complaint and request management mechanisms - proceedings related to obtaining the construction permit

As stated in this document, a part of Task 1A.2 will not be implemented according to provisions of the Act dated 8 July 2010 on special principles of preparation and execution of flood prevention construction investment projects. Therefore, this part of the investment will not be implemented on the basis of the Voivode decision (i.e. the building permit (BP)), and thus the above complaint management mechanism applicable at the BP stage will not be applicable to this task.

However, this does not mean that the parties concerned will be unable to submit complaints and requests.

12.3.1. Construction permit procedure

The construction permit is a non-discretionary administrative decision, which one for which the grounds are strictly defined by law, as a result of which the decision-issuing authority cannot exercise discretion at the stage of considering the request. Thus, if the requirements set out in the Act are met, the competent authority cannot refuse to grant a construction permit to the investor.

The construction permit decision is issued by an administration body competent for architectural and construction matters (usually the starosta with jurisdiction over the location of the planned investment. In cities enjoying county rights, the authority competent for issuing the construction permit is the mayor, who also acts as starosta (county governor). The Voivode is the first-instance authority in matters concerning construction permits for facilities and works listed in Art. 82 par. 3 of the Construction Law and in matters listed in the regulation of the Council of Ministers issued on the basis of the authorization contained in par. 4 of this article. The Voivode is a higher-level authority, above the county head (or the mayor of a city enjoying county rights). While the Voivode is considered the first-instance authority, his decisions may be appealed against to the Chief Building Supervision Inspector.

The investor is a party to the proceedings for obtaining a construction permit. The group of parties involved in such proceedings also includes owners, perpetual usufructuaries and managers of properties located in the area affected by the building/structure to be constructed. If in the course of the proceedings, the architectural-construction administration authority in charge finds that some properties are within the area affected of the planned project, then it should grant their owners the status of a party to the proceedings and send them a copy of the construction permit decision. This allows such entities to file an appeal against the decision within 14 days of its delivery. The authority should issue the construction permit decision without undue delay. However, from the content of Art. 35(6) of the BP Law it can be inferred that the authority has a maximum period of 65 days for issuing the decision. However, this period does not include the statutory time limits for performing specific actions, periods of suspension of proceedings and periods of delays caused by the fault of a party or for reasons beyond the control of the authority.

Appeal against the decision

A construction permit decision issued by a first-instance authority may be appealed against to a higher-instance authority within 14 days of its delivery. At present construction permit decisions are additionally governed by Article 130(1) of the Administrative Procedure Code (APC), under which the decision does not become final until the end of the time limit for submitting appeals, and Article 130(2) of the APC, which provides that submission of an appeal suspends the enforcement of the decision. The above is equivalent to the principle that construction works covered by the construction permit decision may commence only after the decision becomes final. However, it should be noted that pursuant to Article 130(3)(1) and (2) and 130(4) of the APC, the decision is enforceable before the lapse of the time limit for filing an appeal, when:

1. it has been issued as immediately enforceable,
2. it is immediately enforceable by law,
3. it is consistent with the expectations of all the parties

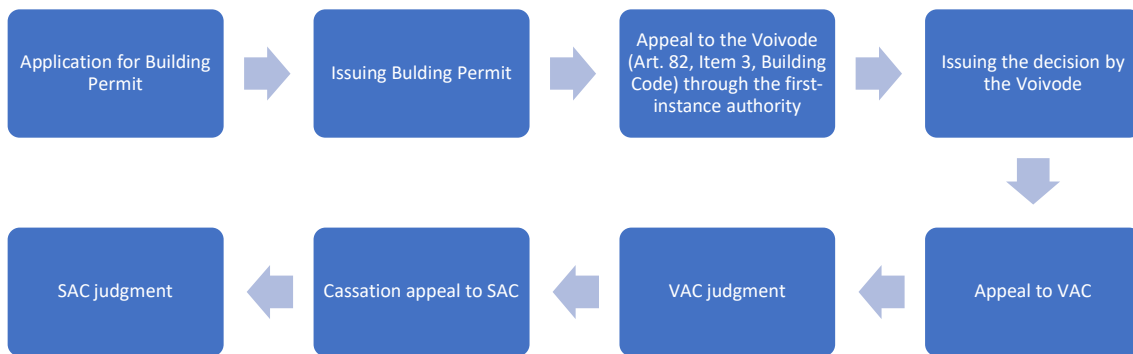


Diagram 8. Complaints management mechanism at the stage of obtaining a construction permit decision

12.3.2. Procedure to determine the compensation amount

Due to the fact that part of Task 1A.2 will be executed on the basis of a construction permit, in case of determining the amount of compensation, the provisions of the Law of 8 July 2010 on specific terms of preparing for implementation projects in the scope of flood protection will not apply.

Arrangements on the manner and amount of compensation will be made in the form of agreements, and their execution will be preceded by valuations made by a licensed appraiser, which will serve as a basis for determining the amount of compensation.

12.3.3. Special complaint and request management mechanisms - expropriation proceedings under the Property Management Act.

As stated in this document, a part of Task 1A.2 will not be implemented according to provisions of the Act dated 8 July 2010 on special principles of preparation and execution of flood prevention construction investment projects. If no agreement is reached with the property owner, property expropriation pursuant to the Property Management Act is necessary.

12.3.4. Expropriation decision procedure

Property may be expropriated if the public purpose cannot be achieved by means other than deprivation or restriction of property title rights, whenever such rights cannot be acquired by contract. The starosta (county governor) is the competent authority in expropriation cases. The initiation of expropriation proceedings for the benefit of the State Treasury takes place *ex officio*. However, it may also be initiated with a notification submitted by the entity that intends to pursue a public purpose. Expropriation proceedings are initiated after the lapse of a two-month period for negotiations leading to the conclusion of an agreement between the starosta and the property owner.

Once expropriation proceedings have been initiated, the starosta, as the representative of the state government, conducts an administrative hearing. Ownership title is transferred to the State Treasury or local government units on the day the expropriation decisions becomes final.

Appeal against the decision

The provisions of the Administrative Procedure Code apply to appeals against expropriation and compensation decisions issued by the starosta. Therefore, the property owner may submit an appeal within 14 days from the delivery of the decision. Information about the right to submit an appeal must also be stated in the decision. Although appeals are submitted via the issuing body, they are heard by a higher-level public administration body - in this case the Voivode. The appeal does not need to contain a detailed statement of grounds. It is sufficient if the appeal shows that the appealing party is not satisfied with the decision.

If a party disagrees with the decision issued in response to the appeal, they may file a complaint with the voivodeship administrative court. The decision issued by the Voivode in the appeal procedure may be appealed against to the VAC within thirty days from the date of its delivery. Finally, the appealing party has the right to submit a cassation appeal against the judgment of the Voivodeship administrative court with the Supreme Administrative Court within thirty days from the date of delivery of the judgment with a statement of grounds.

Compensation

Compensation will be determined in an expropriation decision issued by the starosta. A separate decision on compensation will be issued only with regard to the following:

1. lots of land allocated for use as public roads, lots of land allocated for use as new roads or for widening existing roads; equipment (whether owned or held in perpetual usufruct) which is embedded in and inseparable from the land, and for trees and bushes; land use restrictions and the obligation to ensure access to land for maintenance, repair or removal of failures, installation of traction elements, road signs and signals, and the installation of pedestrian routes; permit to extract minerals and a restriction of rights to the property in the case of force majeure and threatening damages;
2. if requested by the entity pursuing a public objective or the owner of the expropriated property;
3. when a party has been deprived of their property rights without compensation, contrary to applicable regulations.

The amount of compensation is determined taking into account the condition, purpose and value of the expropriated property on the date of the expropriation decision. When the Head of municipality performing state administration duties issues a separate decision on granting compensation, the compensation amount is set on the basis of the real property's status and designation on the day of depriving of or limiting the rights. The amount of compensation is determined after obtaining an opinion of a licensed appraiser specifying the property value. As part of the compensation the owner or perpetual usufructuary of the expropriated property may receive a replacement property, as long as he/she agrees to that.

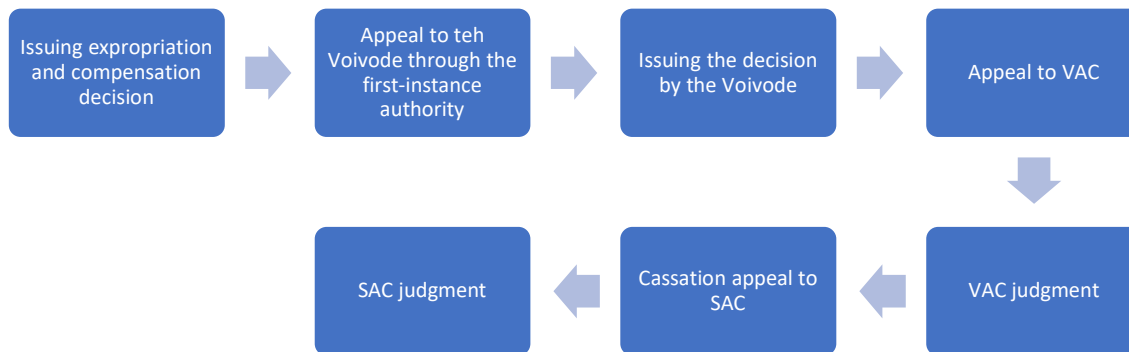


Diagram 9 Complaint management mechanism at the stage of obtaining the expropriation and compensation decision.

13. Mechanism of submitting complaints and requests concerning the implementation of the contract for works

The mechanism for submitting complaints and requests concerning the construction works carried out by the Contractor will be implemented before the commencement of the construction works and will be in place for the duration of the implementation, functioning and closure of the Task.

13.1. Place for submitting complaints

Complaints and requests may be filed by a party in one of three locations:

1. Directly in the Project's head office, which will serve as a consultation helpdesk: Office of the Consultant Engineer:

SWECO Consulting Sp. z o.o.
ul. Łyskowskiego 16,
71-641 Szczecin

2. Directly at the Employer's address:

State Water Holding Polish Water
RZGW in Szczecin
ul. Tama Pomorzańska 13A
70-030 Szczecin

3. Directly in the site office (the address of this office will be available on the Investment's website within 1 month before the works begin).

Additionally, complaints and requests may be submitted:

By post to either of the above addresses, or

online: <http://www.bs.rzgw.szczecin.pl/kontakt/>

e-mail: dolnaodra.szczecin@sweco.pl

13.2. Complaint response times

The times for responding to complaints and requests are as follows:

- a. written acknowledgement of receipt - within 7 days of receipt of the complaint;
- b. proposed resolution:
 - if consideration of the complaint or application requires prior examination and clarification of the matter, collecting materials, analyses, research, etc. In such a case, a response to the complaint or request will be provided within 14 days of its submission;
 - if the matter does not need investigation, a response to the complaint or request will be provided within 7 days of its submission;
 - In particularly complicated cases and in cases where the examination of the complaint or request requires amendments to the LA&RAP, the response time will be extended to 30 days.

A draft complaint registration form is presented in Annex 1

13.3. Persons in charge of dealing with complaints and requests

Designated persons (Social Consultants) responsible for handling complaints and for contacts with the general society will be appointed in the organizational structures of SWHPW RZGW in Szczecin. One person, competent and experienced in technical matters, will also be appointed in the Engineer-Consultant team.

13.4. Audits and independent appeal mechanism

It is assumed that periodically (once every six months) internal audits of the "complaint mechanism" will be conducted in order to assess its efficiency.

14. Personal data protection policy in the Project

The following rules, applied during the implementation of the Task, are aimed at ensuring transparency, protection and security of personal data of the project affected persons (PAP).

Personal data controller

The personal data controller is State Water Holding Polish Water Regional Water Management Board in Szczecin, ul. Tama Pomorzańska 13A, 70 - 030 Szczecin. It is responsible for the use of the data in a safe and lawful manner - in particular in accordance with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC.

Contact details of the Data Protection Officer

If you have any questions about how and to what extent your personal data is processed within the scope of SWHPW's operations, as well as questions regarding your rights, please contact the SWHPW Data Protection Officer at iod@wody.gov.pl

Legal basis for data processing

The legal basis for the processing of personal data is Article 6(1)(e) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC in connection with Article 3 of the Act dated 8 July 2010 on special principles of preparation and execution of flood prevention construction investment projects

What personal data may be collected and why

Personal data is any information of a personal nature that identifies a particular individual. SWHPW RZGW in Szczecin collects only those data which are necessary to carry out the investment tasks of SWHPW RZGW in Szczecin (in this case, the Contract for Works of 1A.2.). Such data are processed only to the extent disclosed by PAPs, on the basis of their voluntary consent expressed through the appropriate form and may include:

- a) identification data: full name and date of birth,
- b) contact details: telephone number, registered and/or residence address, e-mail address,
- c) data necessary for the payment of compensation for permanent land occupation: PESEL number, series and number of identity card, parents' names, bank account number.

Consent to storage and processing of personal data is voluntary. However, without such consent the PAP may not receive compensation and may not be informed about the commencement and progress of construction works.

SWHPW RZGW in Szczecin only stores current personal data of PAPs; each personal data change data should be notified by the PAP concerned to SWHPW RZGW in Szczecin.

What personal data has been obtained in a manner other than from the person concerned and from what source(s)

In order to identify owners/ perpetual usufructuaries/holders of real property and other eligible persons who will be subject to permanent occupation or restricted use, SWHPW RZGW in Szczecin has obtained personal data from the Land and Property Register, the electronic Land and Mortgage

Register system and from the register of residents and the register of property tax payers from municipal offices with jurisdiction over the place of residence of PAPs. The sourced data include:

- a. identity data: full name and surname and first names of parents (if available in the LRP), PESEL number (if available in the Land and Mortgage Register),
- b. changes in the above data: name changes, information about death, change or update of residence information,
- c. contact details: registered address (if available in the LRP).

Who may receive access to the collected personal data

Personal data of PAPs can only be disclosed to:

- a. entitled public entities for the purposes of their proceedings, when SWHPW RZGW in Szczecin is obliged to do so on the basis of applicable regulations and documents (e.g. subpoena, court order or other administrative or legal procedure),
- b. units involved in the implementation of the Contract for Works of 1A.2, only on the 'need-to-know' basis,
- c. postal service operators delivering information to PAPs,
- d. representatives of the Consultant and lawyers to support the implementation of the Contract for Works and compensation payments,

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

Rights of the data subjects

Every PAP has the right to:

- a. access, update and rectify their personal data,
- b. have their data deleted ("right to be forgotten") or transferred to another controller,
- c. restrict the processing of their personal data - some data may be marked for use only in certain circumstances,
- d. submit a complaint concerning data processing by SWHPW RZGW in Szczecin to the competent authority supervising the processing of personal data, if you consider that the processing of your personal data violates the provisions of the General Regulation on Personal Data Protection of 27 April 2016. (as referred to above),
- e. withdraw at any time their consent to the personal data processing by SWHPW RZGW in Szczecin.

PAP data will not be subject to automated decision making processes (profiling).

Contact details of the supervisory authority to which a complaint can be submitted

President of the Office for Personal Data Protection
ul. Stawki 2
00-193 Warszawa
tel. 22 531 03 00 fax 22 531 03 01
Opening hours: 8.00 a.m. – 4.00 p.m.
Helpline: 606-950-000, working days from 10.00 a.m. to 1.00 p.m.

Period for which personal data will be stored :

Personal data will be stored until the expiration of the statute of limitations for filing compensation claims by PAPs.

15. Monitoring and evaluation

Monitoring of the LA&RAP implementation is an integral part of the Contract monitoring and management system. For this reason, for the purposes of LA&RAP progress monitoring, the Contract monitoring tools will be used. The goal here is to enable reporting to the financing institutions and to provide current information on issues, unforeseeable events, irregularities. The LA&RAP is an integral part of the investment process, allowing for immediate response in the case of problems or irregularities. Appropriate cooperation between the Consultant, the PIU and the PCU is fundamental importance. The exchange of monitoring-related information is presented in the diagram below. The general monitoring and evaluation procedures are described in more detail in the document entitled Land Acquisition and Resettlement Policy Framework (LARPF), which is available here:

[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)

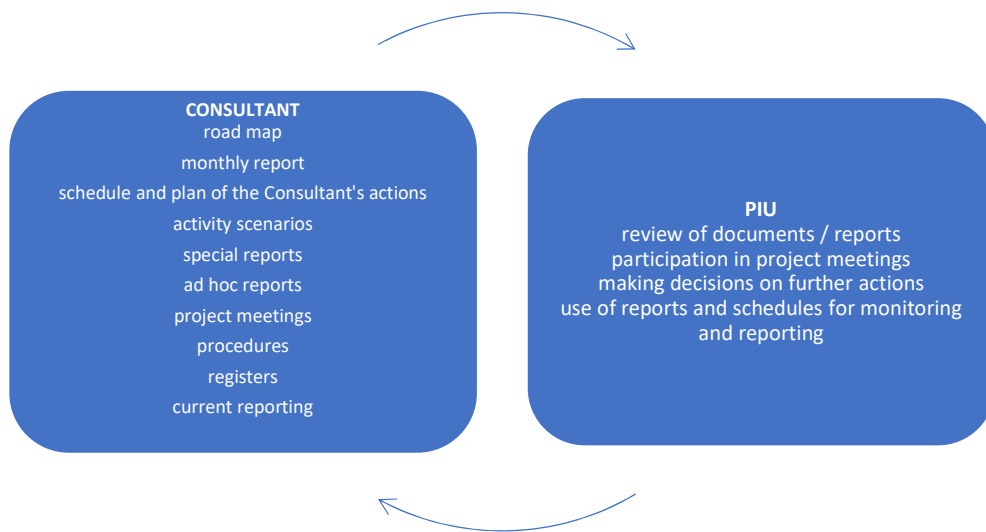


Diagram 10. LA&RAP implementation monitoring

The key aspect of monitoring the implementation of the LA&RAP is recording of events and facts by the Consultant and the PIU, in particular by means of a register of correspondence, a register of complaints, a register of progress in securing access to property for construction purposes and a register of progress in compensation payments. The data contained in these registers are taken into account in drafting reports on the number of properties purchased and the amount and type of compensation provided. All and any changes must be recorded in the registers. On the basis of the above-mentioned registers, the following parameters will be monitored in detail:

- a. number of properties to be expropriated and already expropriated,
- b. number of persons requiring resettlement and already resettled,
- c. number of properties for temporary acquisition (planned and achieved),
- d. amount of all resettlement-related expenditures (planned and achieved),
- e. paid compensation for the loss of legal title to the property,

- f. paid compensation for loss of sources of income,
- g. other compensation paid in connection with the project
- h. the degree and status of implementation of protective measures,
- i. acquired and granted replacement properties,
- j. number of complaints.

Such a system for LA&RAP implementation monitoring allows for quick response in case of any problems and for efficient reporting using the existing contract management systems. The document will be updated on a quarterly basis.

The main indicators that will be monitored in relation to the Contract implemented by SWHPW RZGW in Szczecin as part of task 1A.2 are shown in the table below.

| Indicator | Source of information | Monitoring frequency | Progress indicator |
|--|--|--|--------------------|
| On-target parameters | | | |
| Number of people at risk of flooding | Modeling study data | Once, at the investment project preparation stage | Number |
| Number of hectares of land at risk of flooding | Modeling study data | Once, at the investment project preparation stage | Amount (ha) |
| Number of properties to be expropriated | BP | Once, after issuing the BP | Quantity (pcs) |
| Number of properties subject to permanent use restriction | BP | Once, after issuing the BP | Quantity (pcs) |
| Number of project affected persons (PAP) | Land and mortgage registers, extracts from land registers, BP decision | Updated on an ongoing basis in the period of negotiation and payment of compensation | Number |
| Total resettlement expenditure, including (planned) compensation | Consultant's Register | Monthly / Quarterly | PLN |
| Number of real properties acquired | Consultant's Register | Monthly / Quarterly | Quantity (pcs) |
| Actual parameter | | | |
| Number of people protected against flooding | Investor's / Consultant's Register | Once, after delivery of the Contract | Number |
| Number of hectares of land protected against flooding | Investor's / Consultant's Register | Once, after delivery of the Contract | Amount (ha) |

| | | | |
|---|------------------------------------|---------------------|----------------|
| Total resettlement expenditure, including (actual) compensation | Investor's financial register | Monthly / Quarterly | PLN |
| Number of real properties acquired | Investor's / Consultant's Register | Monthly / Quarterly | Quantity (pcs) |
| Performance indicators | | | |
| Number of complaints | Investor's / Consultant's Register | Monthly / Quarterly | Quantity (pcs) |
| Number of complaints heard | Investor's / Consultant's Register | Monthly / Quarterly | Quantity (pcs) |
| Paid compensation (other) | Investor's financial register | Monthly / Quarterly | PLN |

The monitoring results will be presented in the quarterly RAP report.

The ex-post evaluation will be carried out six months after the LA&RAP is fully implemented. The evaluation will focus on the achieved objectives and will document the measures that directly affected the PAPs, looking at whether it was possible to reinstate the standard of living equal to or higher than before the implementation of the Project.

16. Cost and budget

| Item | Quantity | Total PLN |
|--|----------|-----------|
| Surface area of permanently occupied land* | N/A | N/A |
| Purchase of residual land | N/A | N/A |
| Contingencies | N/A | N/A |
| Cost of implementation** | N/A | N/A |
| TOTAL | | |

* compensation will be determined by an independent licensed appraiser and paid before the actual occupation,

** cost of the information campaign (correspondence with PAPs), cost of postal orders, if compensation is paid to persons without a bank account, etc.

Funding will come from the International Bank for Reconstruction and Development, the Council of Europe Development Bank and the State Budget.

Compensations will be paid by the Investor, i.e. SWHPW, RZGW in Szczecin. The funds are guaranteed by the State Treasury and are distributed to Polish Water via the Ministry of Finance and the Ministry of Maritime Economy and Inland Navigation.

PAPs will receive compensation by bank transfer from SWHPW. If a given PAP does not have a bank account, the payment will be made by postal order.

17. LA&RAP implementation schedule

The steps necessary for the preparation and implementation of the LA&RAP according to the LARPF are presented in the table below.

| LA&RAP development | | | |
|--------------------|---|---|---------------------------------|
| Step | Measure | Responsibility | Review of measures taken |
| 1 | Preliminary assessment of the social impact of the Task | The Consultant – the real property team | SWHPW RZGW – LA&RAP Review Team |
| 2 | Determination of the final scope of expropriation and development of the construction permit design | Designer/Consultant | SWHPW RZGW – LA&RAP Review Team |
| 3 | Definition of the framework for LA&RAP coordination with competent public administration bodies | PIU, SWHPW RZGW | SWHPW RZGW – LA&RAP Review Team |
| 4 | Collection of extracts and maps from the LPR and from zoning plans | PIU, SWHPW RZGW | SWHPW RZGW – LA&RAP Review Team |
| 5 | Evaluation of the social impact of the Task | The Consultant – the real property team | SWHPW RZGW – LA&RAP Review Team |
| 6 | Verification and update of the collected materials, impact analyses and economic analyses | The Consultant – the real property team | SWHPW RZGW – LA&RAP Review Team |
| 7 | LA&RAP draft | The Consultant – the real property team | SWHPW RZGW – LA&RAP Review Team |
| 8 | Public consultations of LA&RAP after the Bank's approval | The Consultant – the real property team | SWHPW RZGW – LA&RAP Review Team |
| 9 | To the extent reflecting the comments on and requests to the LA&RAP - verification and updating of the collected materials, impact analyses and economic analyses | The Consultant – the real property team | SWHPW RZGW – LA&RAP Review Team |
| 10 | To the extent reflecting the comments on and requests to the LA&RAP – modification of the LA&RAP | The Consultant – the real property team | SWHPW RZGW – LA&RAP Review Team |
| 11 | Submission of the LA&RAP to the World Bank | PIU, SWHPW RZGW | PCU |
| 12 | No objections from the World Bank | WB | - |
| 13 | Publication of the LA&RAP | PIU, SWHPW RZGW | - |

| Implementation of the LA&RAP | | | |
|------------------------------|--|---|--|
| Step | Measure | Responsibility | Review of measures taken |
| 1 | Definition of the detailed implementation schedule of the LA&RAP | The Consultant – the real property team in the Consultant Engineer’s team | SWHPW RZGW – LA&RAP Implementation and Monitoring Team |
| 2 | Application for the BP / construction permit decision | PIU, SWHPW RZGW | SWHPW RZGW – LA&RAP Implementation and Monitoring Team |
| 3 | Award of the BP / construction permit decision | PIU, SWHPW RZGW | SWHPW RZGW – LA&RAP Implementation and Monitoring Team |
| 4 | Notification of PAPs about the obtaining the construction permit decision/BP and its consequences and about the further actions planned by the Employer | The Consultant – the real property team in the Consultant Engineer’s team | SWHPW RZGW – LA&RAP Implementation and Monitoring Team |
| 5 | Valuation of land expenditures by independent licensed appraisers, in accordance with applicable law, followed by verification | The Consultant – the real property team in the Consultant Engineer’s team | SWHPW RZGW – LA&RAP Implementation and Monitoring Team |
| 6 | Providing PAPs with access to the appraisals, followed by negotiations. | The Consultant – the real property team in the Consultant Engineer’s team | SWHPW RZGW – LA&RAP Implementation and Monitoring Team |
| 7 | If the negotiations fail: 1. informing the PAPs about their right to bring an action asking a common court to determine the amount of compensation - <i>Flood protection of Ognica</i> section 2. obtaining a decision of the Voivode as to the amount of compensation - <i>Flood protection of Piasek</i> section | The Consultant – the real property team in the Consultant Engineer’s team | SWHPW RZGW – LA&RAP Implementation and Monitoring Team |
| 8 | Payment of compensation or release of replacement properties; commencement of other compensation and protection measures provided for in the LA&RAP | PIU, SWHPW RZGW | SWHPW RZGW – LA&RAP Implementation and Monitoring Team |
| 9 | Physical access to the acquired properties and commencement of works on the basis of a civil law agreement and construction permit / BP | SWHPW RZGW with the support of the Consultant Engineer | SWHPW RZGW – LA&RAP Implementation and Monitoring Team |
| 10 | Assessment of the implementation of LA&RAP | The Consultant – the real property team in the Consultant Engineer’s team | SWHPW RZGW – LA&RAP Implementation and Monitoring Team |

| RECURRENT TASKS | | | |
|-----------------|---|---|--|
| Step | Measure | Responsibility | |
| 1 | Ongoing internal monitoring of LA&RAP implementation | The Consultant – the real property team in the Consultant Engineer’s team | SWHPW RZGW – LA&RAP Implementation and Monitoring Team |
| 2 | Reporting to the World Bank | SWHPW RZGW – LA&RAP Implementation and Monitoring Team | PCU |
| 3 | Ongoing coordination with central and local government bodies | SWHPW RZGW – LA&RAP Implementation and Monitoring Team | PCU |
| 4 | Ongoing communication with PAPs | The Consultant – the real property team in the Consultant Engineer’s team | SWHPW RZGW – LA&RAP Implementation and Monitoring Team |

| POST-EXECUTION TASKS | | | |
|----------------------|--|------------------------------|--------------------------|
| Step | Measure | Responsibility | Review of measures taken |
| 1 | Assessment of the implementation of LA&RAP | Independent external auditor | World Bank |

18. Attachments

Attachment 1 – Complaint form;

Attachment 2¹² – list of PAPs – *Flood protection of Piasek*;

Attachment 3¹² – list of PAPs – *Flood protection of Ognica upon the Odra River*.

Attachment 4 - *Report on public consultations*

¹² This study is not published due to the protection of personal data in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons in relation to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC

Attachment 1

FORM FOR COMPLAINTS SUBMITTED TO THE CONSULTANT (based on WB guidelines)

| | |
|--|---|
| Case No. _____ | |
| First and last name <i>Note: a complaint may be made anonymously. The applicant may also request their data not be disclosed to third parties without the applicant's consent.</i> | First name of the applicant _____ Surname of the applicant _____ I want to submit my complaint anonymously _____ I request my personal data not to be disclosed without my consent _____ |
| Contact details <i>Please indicate how you wish to be contacted (by e-mail, by telephone, by post)</i> | By post (please enter your mailing address): _____ _____ _____ By telephone: _____ E-mail _____ |
| Preferred language of communication | Polish German English Other (please specify) |
| Describe the subject-matter of the case or complaint | |
| Please describe the subject-matter. Please provide the dates, places, persons involved, consequences, etc. | |
| | |
| | |
| Date of the incident / emergence of the subject matter / emergence of the case | |
| One-off incident /complaint (date _____) Recurring incident (please specify how many times it happened: _____) Ongoing (the problem persists) | |
| | |
| What measures would solve the problem, in your opinion? | |
| | |
| Signature: _____ Date: _____ Please forward this form to: [Last name] Safety Officer [Company name] Address _____ Tel.: _____ or E-mail: _____ | |