



LAND ACQUISITION  
ACTION PLAN



ODRA-VISTULA FLOOD  
MANAGEMENT PROJECT

Odra-Vistula Flood Management  
Project



# Land Acquisition Action Plan

## ODRA-VISTULA FLOOD MANAGEMENT PROJECT

The Land Acquisition Action Plan is prepared for the Works Contract implemented by the STATE WATER HOLDING POLISH WATERS REGIONAL WATER MANAGEMENT AUTHORITY IN WROCŁAW.

**COMPONENT 2:**  
PASSIVE FLOOD PROTECTION FOR KŁODZKO VALLEY

**SUB-COMPONENT 2B:**  
Passive protection

**2B.1 Contract**  
Flood protection of the Nysa Kłodzka river valley

**WORKS CONTRACTS 2B.1/1**  
Flood protection of the Nysa Kłodzka river valley

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**ODRA - VISTULA FLOOD MANAGEMENT PROJECT CO-FINANCED BY:**

World Bank, Loan Agreement no. 8524 PL  
Council of Europe Development Bank (CEB), Framework Loan Agreement No. LD 1866  
European Union Cohesion Fund (OPI&E 2014 - 2020)

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## 1 Summary

This document presents the Land Acquisition Action Plan (LAAP) for Contract 2B.1/1: *Flood protection of the Nysa Kłodzka river valley*, implemented within the framework of the Odra-Vistula Flood Management Project executed as one of the investment elements of the Odra-Vistula Flood Management Project (OVFMP).

Task 2B.1/1 Protection of the Nysa Kłodzka river valley is a part of Subcomponent 2B - Passive protection, covering the valleys of altogether the four rivers: the Ścinawka, the Nysa Kłodzka, the Biała Łądecka with the Morawka and the Bystrzyca Dusznicka with the Kamienny Potok.

Task 2B.1/1 is composed of 4 facilities:

- Task 2B.1/1 Flood protection of Nysa Kłodzka river valley - Kłodzko facility.
- Task 2B.1/1 - Flood protection for the Nysa Kłodzka river valley - Bystrzyca Kłodzka facility.
- Task 2B.1/1 - Flood protection for the Nysa Kłodzka river valley - Długopole-Zdrój facility
- Task 2B.1/1 Flood protection of Nysa Kłodzka river valley - Miedzylesie facility.

The scope of land occupation associated with the implementation of the Task will include areas along the Nysa Kłodzka river within the boundaries of Kłodzka, Bystrzyca-Kłodzka, Długopole- Zdrój and Miedzylesie. Narrow strips of properties adjacent to the river will be subject to occupation. The occupied parts of the properties are not used for agricultural purposes, nor are there any business or agricultural or other informal activities (which are sources of income for PAPs). There are no illegal users (squatters) on the occupied plots. In general due to the small size of occupation, they will not cause economic resettlement. Project implementation will not result in physical resettlement, either. The Project will have a positive impact on PAPs' quality of life, as it will protect PAPs' assets and their properties from flooding.

The main principle adopted in the design of the Investment is to ensure that the permanent occupation of properties should be avoided as far as possible. Where permanent occupation is unavoidable, the procedures and requirements laid down out in this LAAP will apply to minimize the impact of real property occupation on the stakeholders. The land acquisition process will be closely linked to the schedule of the Task implementation so that the expropriated persons are compensated before their properties are physically occupied.

The land acquisition and valuation of the properties itself will be carried out in accordance with the principles contained in the following legal acts:

- Constitution of the Republic of Poland of April 2nd 1997 (Dz. U. [Journal of Laws] No. 78, pos. 483, as amended).
- The Civil Code act of 23 April 1964 (consolidated text Dz. U. [Journal of Laws] of 2020, pos. 1740, as amended), hereinafter referred to as the CC [Civil Code]
- Act of 08 July 2010 on particular principles for the preparation to execute an investment project regarding flood control structures, Dz. U. [Journal of Laws] of 2021, pos. 933), hereinafter referred to as the special purpose flood control act,

- Real Estate Management Act of 21 August 1997 (consolidated text Dz. U. [Journal of Laws] of 2021, pos. 1889, as amended), hereinafter referred to as the RPM

All the cases of property occupation will be implemented in accordance with the procedures set out in the Bank's operational policy OP 4.12 Involuntary Resettlement.

### 1.1 APPLICATION OF OP 4.12 IN THE LAAP

The table below summarises the responsiveness of this LAP to the WB's requirements:

Item	OP 4.12	LAAP	Remarks
2 (a)	Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.	The requirements considered in Chapters 5, 6 and 7.	The scope of permanent occupation and permanent restrictions has been significantly reduced in the course of design works. Only small areas of plots, of negligible economic importance, will be subject to occupation/PRs (see Chapters 6 and 7 in this regard). Temporary occupation will be made for the shortest possible periods necessary to carry out the construction works.
3.	This policy covers direct economic and social impacts <sup>5</sup> that both result from Bank-assisted investment projects, <sup>6</sup> and are caused by (a) the involuntary <sup>7</sup> taking of land <sup>8</sup> resulting in (i) relocation or loss of shelter; (ii) lost of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location	The requirements considered in Chapters 5, 6,7, 9 of the LAAP.	The economic and social impacts caused by involuntary property acquisition were identified during the socio-economic study. Physical replacement, loss of shelter and loss of sources of livelihood were not identified. Permanent and temporary occupation of properties and permanent restrictions, as well as the economic consequences resulting therefrom, were treated as loss of goods or access to goods.
6	The item requires the preparation of a resettlement plan, taking into account the following: (a) ensuring that resettled persons are informed of the options and rights available with respect to resettlement, are consulted on those options and on the available technically and economically feasible alternatives to resettlement, and receive prompt and effective compensation equal to the replacement value of the assets lost,	The requirements considered in Chapters 8, 9. The Task does not result in the physical or economic resettlement.	The LAAP has been prepared in accordance with the requirements of OP 4.12. As no physical or economic replacement is anticipated, adequate and effective compensation is provided for in the LAAP as required by OP 4.12. The valuation principles are contained in Chapter 8. The compensation payment mechanism, on the other hand, is closely correlated with the mechanism for acquiring rights to the property and is described in Chapter 8.



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7	The item relates to loss of access to legally designated protected areas.	The Task does not provide for the loss of access to legally designated protected areas.	
8.	Particular attention should be paid to specially vulnerable/exposed groups.	Considered in Chapters 7 and 9.	No persons belonging to vulnerable/exposed groups were identified in the course of the works and in the socio-economic study. As it is possible that such persons may come to light in the course of the Task execution (for example, due to a change in the economic or factual status of a person or group of persons), provisions relating to specially vulnerable/exposed groups are left in Chapter 9.
9.	The item relates to the resettlement of indigenous peoples	Not applicable..	There are no indigenous peoples in the Task implementation area.
10.	The acquisition of property and the goods associated with it can only take place after compensation has been paid.	Considered in Chapters 5 and 8.	This is the basic principle adopted in the LAAP. In Poland the procedures meant to determine compensations are long-lasting. This may have a negative impact on the investment implementation schedule and the possibility of the investment implementation as such. A special remedial procedure was therefore adopted to counteract the effects of lengthy compensation proceedings. It was assumed that the obviously due part of the compensation (recognised as indisputably due by the PAP and by the Investor on the basis of an expert opinion prepared by an expert) would be paid before the commencement of the investment execution and before the decision establishing the amount of compensation is issued by the Province Governor (the body of first instance).
11.	Priority should be given to compensation on a "land for land" basis. If compensation in this form is not the preferred option, compensation should be paid in cash. In the case of physical/economic resettlement, such payment should be supplemented by the additional measures provided for under this point.	Considered in Chapter 5..	Only small parts of the property, which do not constitute sources of income for the local community, will be subject to expropriation.
12	Monetary compensation is adequate if the income is not based on land.		
13	This item concerns a procedure of physical resettlement	Not applicable.	There will be no physical resettlement

14	<p>Once the need for involuntary resettlement has been identified under the project, the borrower shall conduct a census in order to identify persons who will be affected by the project (see appendix A, paragraph 6(a)), to determine who will be eligible to aid and to discourage the influx of ineligible persons. The Borrower will also develop a procedure satisfactory to the Bank for determining the criteria by which displaced persons are entitled to compensation and resettlement assistance. The procedure includes provisions for meaningful consultation with affected individuals and communities, local authorities and, where appropriate, non-governmental organisations (NGOs) and stipulates the grievance mechanisms.</p>	<p>Considered in Chapters 7, 9 and 10.</p>	<p>No physical or economic resettlement will occur in connection with the Task implementation. A preliminary census was carried out for preparing the socio-economic study and can be found in the corresponding appendix (list of properties). The cut-off date was, in accordance with Polish law, set as the date of issuing the IPIP decision. Public consultation with interested persons was initiated even before starting to prepare the LAAP and is carried out in accordance with the principles adopted in Chapter 10.</p>
15	<p>The item defines the eligibility criteria.</p>	<p>Considered in Chapter 9.</p>	<p>The eligibility criteria and principles take into consideration all groups of persons identified in OP 4.12. However, it was established during the socio-economic study that there is only a group of people with formal rights to the property in the area of the Task execution.</p>
16	<p>The item defines the rules for determining compensation for particular groups of people, depending on their title to the property</p>		
18	<p>The item indicates that the Borrower is responsible for preparing, implementing and monitoring the resettlement plan. The LAAP should present a strategy to achieve the objectives of OP 4.12 and address all aspects of the proposed resettlements.</p>	<p>Considered in the LAAP document.</p>	<p>The LAP contains all the elements relevant to this document and required by Annex A to OP 4.12. In preparing the LAAP, the PIU was guided by the objectives of OP 4.12. These are pointed out in Chapter 5 of the LAAP and reflect the requirements resulting from OP 4.12. Best practices and requirements from the "Involuntary resettlement sourcebook. Planning and implementation in development projects" are also followed. The scope of the LAAP was tailored to the complexity of the project. This is a project with negligible negative social impact, but is being implemented in an area of social tensions related to previous SWH PW's investment plans (legacy issues).</p>
19	<p>Resettlement planning should include early screening, scoping of key issues, selection of resettlement instruments and information required for preparation of the resettlement plan. The scope and degree of information required varies depending on the intensity and complexity of the resettlement. The persons to be physically resettled should be informed at the earliest possible stage so that their opinions can be expressed and taken into account.</p>		<p>. An additional problem may be that a small number of plots are occupied and the associated formal and legal issues (e.g. related to the co-ownership of land belonging to housing communities, where several co-owners may exist on small plots of up to 7 m2). For these reasons, the LAAP places a particular emphasis on mechanisms</p>

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			<p>related to conducting the public consultation and timely consultation with the local community.</p> <p>The construction design has been prepared to reduce the number of permanent property occupation as much as possible.</p>
20	<p>The Borrower shall be responsible for adequate monitoring and evaluation of the LAAP implementation</p>	<p>Considered in Chapter 13.</p>	<p>Chapter 13 provides a description of the procedure for monitoring the LAAP implementation, which will allow the LAAP implementation to be managed adequately.</p>

## 2 List of abbreviations used in the document

ARiMR	The Agency for Restructuring and Modernisation of Agriculture
AP	Affected Population (en. <i>Affected Population</i> )
World Bank / WB	International Bank for Reconstruction and Development
BKP/ PCU	Biuro Koordynacji Projektu Ochrony Przeciwpowodziowej Dorzecza Odry i Wisły – Project Coordination Unit for the OVFMP
BŚ / WB	See: the World Bank
GDOŚ	General Director for Environmental Protection
GIS	Geographic Information System - a terrain information system comprising a database with terrain information pertaining to a given area as well as procedures and techniques for systematic capturing, updating and presenting data.
GUS	Central Statistical Office
JRP /PIU	Project Implementation Unit - a separate organizational unit appointed within the PIU responsible for Contract/Investment execution
Investor	Państwowe Gospodarstwo Wodne Wody Polskie - Regionalny Zarząd Gospodarki Wodnej we Wrocławiu [State Water Holding Polish Waters - Regional Water Management Authority in Wrocław]
Engineer	<i>The Engineer, pursuant to the Contract Conditions (FIDIC)</i>
Consultant	a Consultant for the State Water Holding Polish Waters Regional Management Authority, Regional Water Management Authority in Wrocław
k.c. [CC]	The Civil Code act of 23 April 1964 (consolidated text Dz. U. [Journal of Laws] of 2020, pos. 1740, as amended)
KOWR	National Support Centre for Agriculture
k.p.a. [CAPA]	The Act of June 14th 1960 - Code of Administrative Procedure (consolidated text Dz. U. [Journal of Laws] of 2021, pos. 735, as amended,
LARPF or RPF	Land Acquisition and Resettlement Policy Framework
MaxPP	Maximum damming level
LSDP	Local spatial development plan

NBP	Central Bank of the Republic of Poland
NGO	Non-governmental Organisation
SAC	Supreme Administrative Court
OVFM	Odra-Vistula Flood Management
EIA	Environmental Impact Assessment
OP 4.12	Designation of the document which contains the principles for involuntary resettlements required for World Bank financing for Task with the World Bank's loan: Operational Policy 4.12 - Involuntary Resettlements.
PAP	Project Affected Person(s)
IPIP	Investment Project Implementation Permit
OVFMP	Odra-Vistula Flood Management Project
LAAP	Land Acquisition Action Plan
Project	See <i>OVFMP</i>
Valuator	A physical person with state professional qualifications within the scope of property valuations
RDOŚ	Regional Director for Environmental Protection
RZGW WR	Państwowe Gospodarstwo Wodne Wody Polskie Regionalny Zarząd Gospodarki Wodnej we Wrocławiu [The State Water Holding Polish Waters, Regional Water Management Authority in Wrocław]
special purpose flood control act	Act of 08 July 2010 on particular principles for the preparation to execute an investment project regarding flood control structures, Dz. U. [Journal of Laws] of 2021, pos. 933).
PR	Permanent restrictions to the manner of real property use
EU	European Union
RPM	The Real Estate Management Act of 21st August 1997 (consolidated text Dz. U. [Journal of Laws] of 2021, pos. 1889, as amended,
FGA	The Act of December 13th 2013 on Family Garden UoM (uniform text) of 2021, pos. 1073, as amended)
PAC	Provincial Administrative Court

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Contractor	An entrepreneur or a consortium of entrepreneurs implementing the Works Contract 2B.1/1 - <i>Flood protection of the Nysa Kłodzka valley.</i>
Task	<i>2B.1/1 Flood protection of Nysa Kłodzka river valley.</i>
Employer	Państwowe Gospodarstwo Wodne Wody Polskie Regionalny Zarząd Gospodarki Wodnej we Wrocławiu [The State Water Holding Polish Waters, Regional Water Management Authority in Wrocław]

### 3 Key definitions

The following key definitions are used in this document:

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

**Cut-off date** - the cut-off date after which the new purchaser of the given plot/structures will not be entitled to compensation or other forms of resettlement assistance. Such cut-off date shall be the date on which the IPIP decision was issued. Heirs of the owner of the property shall not be considered as a new purchaser for the purposes of this definition.

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

**Groups of persons requiring special care** - people who, due to: gender, ethnicity, age, mental or physical disability, difficult material situation or social position, are more vulnerable to the negative effects of resettlement than other groups, and who may have limited possibility to make claims or benefit from resettlement assistance or to take advantage of the benefits related to the project.

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

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

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

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

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

**Replacement value** - compensation for loss of assets valued based on their market value together with any transaction costs (e.g. taxes, registration fees), which aims to constitute a sufficiently effective substitution for the Project affected assets (replacement value). Replacement value is the amount needed to replace lost assets without taking into account the depreciation of assets due to age, condition or other asset-related factor.

**Land Acquisition and Resettlement Policy Framework (LARPF)** – a document approved by the World Bank, on the basis of which this Land Acquisition Action Plan is established. The formal project frameworks have been defined for the occupation of properties based on the LARPF. The Land Acquisition and Resettlement Policy Framework available at the web address:

<https://odrapcu.pl/projekt-opdow/popdow-dokumenty/>

\* All real property occupation, both permanent and temporary, will be carried out in accordance with the procedures defined in Polish law, World Bank's OP 4.12. and LARPF.



## 4 Introduction

### 4.1 PROJECT DESCRIPTION

The present document constitutes the Land Acquisition Action Plan for *Task 2B.1/1 Flood protection of the Nysa Kłodzka river valley* (passive protection), implemented within the framework of Component 2: Flood protection of the Kłodzka Valley of the Odra-Vistula Flood Management Project. The Odra-Vistula Flood Management Project (OVFMP) is executed with the aid of international financiers, including the International Bank for Reconstruction and Development (also referred to as the World Bank) and the Council of Europe Development Bank and also with the support of funds from the Cohesion Fund and the state budget.

The Odra-Vistula Flood Management Project's objective is to enhance protection against flood for people living in selected areas of the Odra and the Upper Vistula river basins and to strengthen the institutional capacity of the public administration to mitigate floods more effectively. The project will provide three distinct areas of Poland with flood management infrastructure and related technical measures: (i) the Middle and Upper Odra river basin; (ii) Kłodzka Valley (the Nysa Kłodzka river basin); and (iii) the Upper Vistula river basin.

In scope of occupation of real properties, the formal framework of the Project is defined in the Land Acquisition and Resettlement Policy Framework available at the web address:

<https://odrapcu.pl/projekt-opdow/popdow-dokumenty/>

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

The actions performed within the scope of Component 2: the Kłodzka Valley with the highest potential to impact the population Affected Population - (AP) include actions encompassing the construction of embankments, embankment modernisation and demolition of structures. Business (in urban areas) and agricultural (in rural areas) activities may be affected.

#### Subcomponent 2B - Passive protection

Passive protection encompasses flood protection for areas lying along the course of the four main Kłodzka Valley rivers: Nysa Kłodzka, Biała Łądecka with the main left-bank tributary of Morawka river and Bystrzyca Dusznicka river with the left-bank tributary through Kamienny Potok.

Passive protection includes: reconstruction and renovation of the existing bank revetments and increasing flow capacity within the rivers and streams beds, constructing new or reconstructing the

existing embankments and protecting walls, increasing flow capacity of the existing weirs and barrages, increasing flow capacity of the existing bridge structures and bridge passes.

This LAAP addresses all impacts caused by the works planned under the Task execution.

## 4.2 TASK DESCRIPTION

The Task Investor is the State Water Holding Polish Waters Regional Water Management Authority in Wrocław, acting on behalf of the State Treasury in acquiring the properties necessary to execute the Task.

The planned activities constitute the first stage of limiting the flood-related losses and thus they include restoration of functionality for the control infrastructure and its adaptation to the conditions of so-called overflow discharge within the existing river bed.

As part of the design solutions, mainly renovation and reconstruction works are planned to improve the technical condition of the existing regulatory structures of the riverbed and to consolidate the course of the riverbed. The design solutions were determined using standard types of protection for mountain river areas, while preserving the existing character and form of protection, appropriate to the historical hydrological development of the river within the individual towns. The stone used to cover the bank reinforcements (walls) will be adapted in size and texture to the existing reinforcements. The works will not disturb the valuable interiors of the cities which are particularly well-developed within Klodzko area.

The need to provide access to the river, where this function of the riverbed currently exists, has also been taken into consideration when designing the technical solutions (such as the steps providing access from the real properties neighbouring the Nysa Klodzka river bed in Długopole-Zdrój and topography of the river line, along with making the steps and sidewalks along the river bed in Klodzko). The technical solutions have been developed taking into account the needs of protecting the sites of historical importance and/or those protected by the Provincial Monuments Conservator.

The planned technical solutions impact improved flood safety since they increase durability and stability of regulatory structures, restrict movement resistance, what will limit catastrophic consequences of a flood wave passage through Klodzko.

Task 2B.1/1 Flood protection of the Nysa Klodzka river valley covers the areas of 4 cities and highly-urbanised areas in the Klodzko Poviát in the Lower Silesia Province, located in the Nysa Klodzka river valley. The description of the works planned to be performed in particular cities:

### Miedzylesie

**Renovation and restoration works will be performed along both banks of the Nysa Klodzka river as well as on the mouth section of Dolna stream:**

- demolition and reconstruction of the walls,
- regrading of the walls,
- construction of bank revetments,

- regrading of the slopes,
- shaping the slope,
- unblocking the river bed,
- cleaning the embankment and the inter-embankment, repair of possible embankment damages,
- redevelopment of four barrages into rapids
- renovation of the mouth section of Dolna stream, i.e. removing the debris and rubbish from the stream bed to unblock the bed, making slopes revetments in the form arranging the rip-rap and underpinning.

Długopole-Zdrój

**Renovation and restoration works will be performed along both banks of the Nysa Kłodzka river as well as on the mouth section of Porębnik stream:**

- building the walls.
- demolition and reconstruction of the walls,
- regrading of the walls,
- slopes revetment,
- shaping the slopes,
- unblocking the river bed by eliminating the river bars within the bridge clearance,
- conversion of 2 barrages into stone riffles,
- renovation of the mouth section of Porębnik stream,

Bystrzyca Kłodzka

**Renovation and restoration works will be performed along both banks of the Nysa Kłodzka river as well as both banks of Bystrzyca:**

- building the walls.
- demolition and reconstruction of the walls,
- regrading of the walls,
- construction of bank revetments,
- demolition and reconstruction of the revetments,
- regrading of the slopes,
- shaping the slope,
- unblocking the river bed,
- conversion of 2 barrages into riffles,
- redevelopment of a weir into a rapid,
- grading the area for the beach at the height of the Bystrzyca estuary to the Nysa Kłodzka.

Kłodzko

**Renovation and restoration works will be performed along both banks of the Nysa Kłodzka river and along the left bank of Bystrzyca Dusznicka and the mouth sections of Jodłownik and Jaszkówka streams:**

- regrading of the walls,
- demolition and reconstruction of the walls,

- renovation, redevelopment of the bank revetments,
- redevelopment of the weir, building a fish pass in the rectangular river bed, including a gutter for migration trough barrages,
- building the fish migration channel (in low water level conditions) to the estuary of the millrun, The channel should be at least 40 cm deep (optimally 50-70 cm), 3-5 m wide, banks revetted with natural materials (stone, boulders, wood) and run along the external bank curves (in naturally deeper areas, where the talweg runs) in the estuary of the millrun building a barrage is planned to direct the fish to the migration channel and the fish pass,
- Ichthyological unblocking of the barrages by reconstructing them into semi-natural rapids made from boulders and underpinned stones in the surface layer, without using concrete.
- renovation of flood protection embankment,
- reconstruction of the buttresses within the clearance of the fish migration channel at low water level - decreasing the buttress crest to ensure flow capacity of the fish channel and forming a deeper stream pool above the buttress (resting place and fish hiding place).
- renovation of the mouth section of Jodłownik stream - cleaning and making up for the joints, filling the lost stone, removing the debris and trash from the bed in order to unblock it and shape the bipartite bed.
- renovation of the mouth section of Jaszkówka stream along approx. 50 m section, removing the debris and trash from the bed, making up for the pointing and lost stone,
- shaping the bank line, i.e. building the exit stair to the river bed and sidewalks on permanent river bars,
- Development of the coastal areas for the purpose of didactic paths, "A" path.
- cutting down the selected trees and bushes colliding with the scope of works performed;
- reconstruction of the dike on the Bystrzyca Dusznicka river

For the Task 2B.1/1, owing to missing alternative solutions in relation to the existing control infrastructure, it is needed to restore and maintain the hydraulic engineering assumptions that have significantly changed the river character in the past. For that reason the Investor has decided to renovate the existing infrastructure and protect the sections mostly exposed to material damages and, at the same time, restore the permanent control cross-section and assure the hydraulically optimum condition. Owing to that it will be possible to achieve improved safety for the local inhabitants, what constitutes a superior social goal. It also needs to be noticed that the Investor, being the administrator of the Nysa Kłodzka river bed is, pursuant to the Water law, obliged to keep the river in proper condition.

The planned design solutions are generally of a renovation and restoration nature and they are meant to improve technical condition of the existing control infrastructure of the river bed and to strengthen the route of the river bed within its plane and the longitudinal profile. The design solutions have been determined using typical types of revetments for the mountain rivers lands. The designed technical solutions impact improved flood safety since they increase durability and stability of regulatory structures, restrict movement resistance, what will limit catastrophic consequences of a flood wave passage.

The Project implementation in the construction phase will be limited in space to the riverbed and its immediate surroundings, as well as the existing flood dykes. Due to the terrain relief, it is usually a strip not exceeding the width of approx. 10-20 m from the bank line.

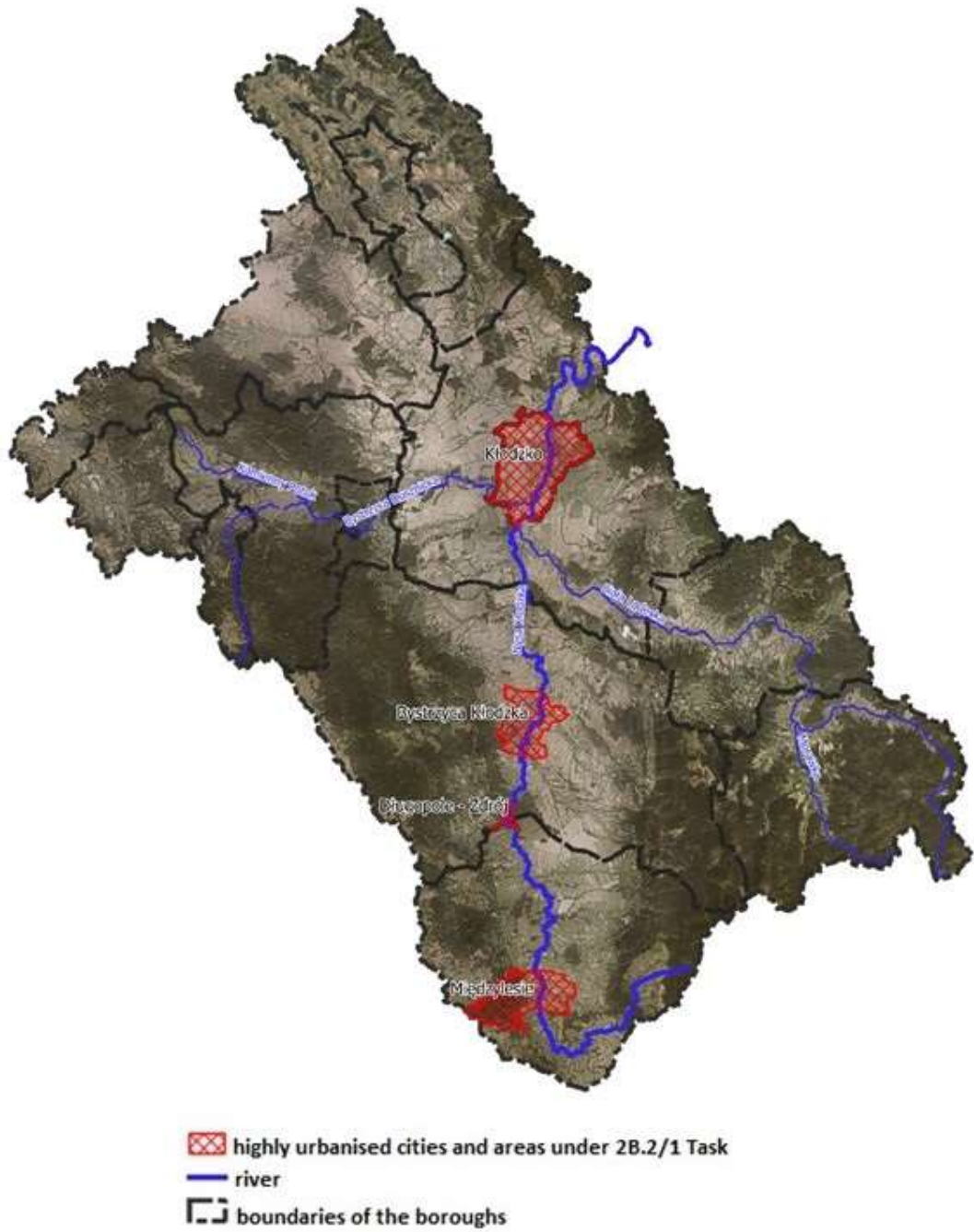
Works related to the reconstruction, demolition, regrading and renovation of regulatory structures, due to possible limitations in the availability of space directly along the riverbed (existing buildings, trees and bushes, other infrastructure facilities directly adjacent to the riverbed), will have to be carried out in sections using the "from the water" technology. Some of the works will be carried out under conditions of temporary (or permanent) occupation of private land.

Permanent occupation will mostly be due to the fact that the bank line of the said rivers is not determined. Along most of the designed sections, the control infrastructure runs outside the boundaries of the plots owned by the Investor (PGW WP [State Water Holding Polish Waters] Regional Water Management Authority), what will require boundary regulation of the real properties covered by the project.

Project implementation will potentially have a minor impact on the public. Physical and economic resettlement and expropriations that could significantly impact the local community are not planned. Nevertheless, considering linear nature of the investment in the urban areas (greater soil fragmentation) the Project scope includes many real properties in terms of quantity – within particular localities (Chapter 7.2.3 – detailed data).

## 4.3 TASK IMPLEMENTATION AREA

### 4.3.1 Planned Task implementation area.



The planned area of Task 2B.1/1 implementation is located in Kłodzko Powiat, Lower Silesia Province. As the project embraces town areas, works will be conducted in 4 locations along the Nysa Kłodzka river valley, i.e.:

#### Miedzylesie

The Nysa Kłodzka river flows through Miedzylesie town, along the section from km 172+200 to km 174+600. The bed of the Bystrzyca Dusznicka river within the said section is regular in plan and has a stabilised longitudinal profile, which results from its partial development with regulatory walls, bank revetments in the form of rip-rap and the use of numerous sills. The purpose of developing the riverbed with regulatory walls, which most often occur in urbanised sections and in the proximity of road and bridge infrastructure, is to stabilise the Nysa Kłodzka river bed, both in the plan and in the longitudinal profile. The channel is partially protected with stone rip-rap in the undeveloped places.

#### Długopole

The Nysa Kłodzka river flows through Długopole-Zdrój town, along the section from km 156+980 to km 158+315. On the left bank there are buildings, while the right bank is characterised with woodlots. The right bank is sectionally reinforced by walls or stone rip-rap. The river bed of the Nysa Kłodzka river within the said section is regular in plan and has a stabilised longitudinal profile, which results from its partial development with regulatory walls, bank revetments in the form of rip-rap and two barrages. On the border line of Długopole Dolne and Długopole-Zdroj, at km 156+970 there are abutments remaining after the footbridge that got damaged during the freshet waves.

#### Bystrzyca Kłodzka

The section of the Nysa Kłodzka below km 148+200 flows through a natural floodplain with large wooded and farmlands. In this section, the investment consists of strengthening the slope next to the river and does not interfere with agricultural land. Along the section from km 148+200 to km 149+800 the Nysa Kłodzka river bed is sectionally reinforced and flows through the developed area of Bystrzyca Kłodzka. Along the section from km 150+300 to km 151+100 the Nysa Kłodzka river bed is sectionally reinforced and flows through highly developed area of Bystrzyca Kłodzka. Above km 151+100 the Nysa Kłodzka flows through less urbanised areas where, on the left bank, there are buildings and, on the right bank, there are meadows and tree stands.

Along the section from the estuary to the Nysa Kłodzka, to km 0+350, the Bystrzyca stream flows through densely-developed area of Bystrzyca Kłodzka and the stream slopes are reinforced in the form of regulation walls. The section from km 0+350 to km 1+700 is where the stream bed flows through dispersed municipal development and the bank slopes are sectionally revetted.

#### Kłodzko

From km 134+312 up to km 132+250 (estuary of Bystrzyca Dusznicka) the river bed of Nysa Kłodzka smoothly meanders through the areas which, on the right side of the river bed, are less urbanised and consist mainly of farmlands and (without, however, interfering with areas in agricultural use), on the left side from the river bed, they are characterised with dense tree stands, especially in the vertical curves areas. The section of the Nysa Kłodzka below km 132+250 flows through a natural floodplain located within the direct vicinity of Bystrzyca Dusznicka estuary. In the area, on the left bank, there is a water supply well site. Along the section from km 131+475 to the H-4 weir at km 131+050 the river runs straight and its both banks are revetted with fragmented stone rip-rap. Below the H-4 weir, owing to significantly widened river bed, debris accumulates on the bottom post.



Below the weir the river runs through highly-urbanised Klodzko area, in dense river bed restricted on the right bank by a tall slope covered with cobblestone and, on the left bank, restricted by a low retaining wall and approx. 20 m wide section of inter-embankment and the flood dyke.

From the M-12 bridge, at km 130+339, up to the estuary of Jodłownik stream at km 129+875 the Nysa Kłodzka river bed is restricted, at the right and left side, by tall stone walls with stone facing. Below the Jodłownik estuary, up to the M-8 rail bridge at km 128+145, the left bank is formed by cobbled slope and the right bank is protected by loose, fragmented rip-rap, partially overgrown by plants. The coastal areas along the section are less urbanised. Below the M-8 bridge up to the H-3 weir at km 127+433, the river bed gets widened and this enables free spill of surface waters to the meadow areas with numerous tree stands. The river beds are reinforced with fragmented rip-rap and overgrown with low plants.

#### 4.4 ADMINISTRATIVE DECISIONS ISSUED

The following administrative decisions have been issued for the Task:

- Decision of the Regional Director for Environmental Protection in Wrocław of 23.10.2020 file No. WOOŚ.420.17.2020.AP.17 on environmental conditions for the investment project titled: "Task 2B.1/1 Flood protection of Nysa Kłodzka river valley - Miedzylesie facility", version 1.
- Decision of the Regional Director for Environmental Protection in Wrocław of 19.11.2020, file No. WOOŚ.420.10.2020.AP.22 on environmental conditions for the investment project titled: "Task 2B.1/1 - Flood protection for the Nysa Kłodzka river valley - Długopole-Zdrój facility", version 1.
- Decision of the Regional Director for Environmental Protection in Wrocław of 13.11.2020 file No. WOOŚ.420.18.2020.AP.17 on environmental conditions for the investment project titled: "Task 2B.1/1 Flood protection of Nysa Kłodzka river valley - Bystrzyca Kłodzka facility", version 1.
- Decision of the Regional Director for Environmental Protection in Wrocław of 19.11.2020, file No. WOOŚ.420.20.2020.AP.17 on environmental conditions for the investment project titled: "Task 2B.1/1 Flood protection of Nysa Kłodzka river valley - Kłodzko facility", version 1.
- Decision of the Minister of Infrastructure dated 19.08.2022, File No. GM-DOK 3.7700.114.2021 on granting the Water Law Permit for the investment titled: "2B.1/1 Flood protection of the Nysa Kłodzka river valley in Długopole".
- Decision of the Minister of Infrastructure dated 22.06.2022, File No. GM-DOK 3.7700.258.2021 on granting the Water Law Permit for the investment titled: "2B.1/1 Flood protection of the Nysa Kłodzka river valley. Kłodzko facility - H-4 weir at km 131+050 of the Nysa Kłodzka river".



## 5 Basic principles adopted in the LAAP

Unless appropriate mitigation and preventative measures are planned and implemented, the occupation of real properties may cause and strengthen social inequalities, cause social exclusions and result in permanent environmental damages. Therefore, the following principles should be followed when designing and implementing the process of acquiring properties:

1. Ensure that the permanent occupation of real properties is avoided as far as possible. Where permanent occupation is unavoidable, the procedures and requirements laid down out in this LAAP will apply to minimize the impact of real property occupation on the stakeholders.
2. Property acquisition procedures should not deteriorate the living conditions of the population, but should ensure, at the least, a restoration of the pre-Project levels.
3. All project affected persons take part in social consultations at equal basis, considering the needs of particularly vulnerable groups. They will also be presented with an opportunity to actively participate in the Project development and access to the grievance redress mechanism.
4. Project Affected Persons have the access to a fair, unbiased and affordable appeal procedure before an independent authority or before a court, and may perform this procedure without undue delay.
5. All cases of real property occupation, both permanent or temporary, will be executed under the procedures defined in Polish law and OP 4.12. The LAAP is in accordance with the LARPF (see <https://odrapcu.pl/projekt-opdow/popdow-dokumenty/>).
6. The LAAP applies to permanent or temporary property occupation, as well as to permanent or temporary restrictions of the access to properties.
7. The implementation of the LAAP will be monitored and documented, and after completion it will be evaluated by the World Bank.
8. The social participations process, protective and mitigation measures will be conducted with the assumption of the need to provide equal treatment regardless of age, gender or disability of project affected persons. Particular attention should be paid to those households whose member(s) remain a part of particularly vulnerable social groups.
9. The LAAP is planned and implemented as an integral part of the Project. All the costs associated with the necessity to plan and implement compensation measures will be included in the Project costs and benefits.
10. Compensation for the Project Affected Persons should, in particular in the case of the individuals whose real property is expropriated or seized, be effected before seizing the real property. In order to ensure compensation for the PAP, advance payment for the compensation is planned before the Works commencement, pursuant to the procedure described in detail in item 8.3.1. of this LAAP.
11. A priority for compensation activities is given to the compensation on the “land for land” basis by granting a real property with a similar production potential. Cash compensation

will be used where occupation of the real property or its part has no impact on the use of land for its former purposes, as well as where persons affected economically by the Project's consequences express their will to receive cash compensation. Cash compensation will also be applied wherever there is no suitable replacement real property.

12. The real properties that are subject to temporary occupation after the completion of the works will be restored to their original state so as to enable their owners or users to use the properties in the way they did before the Project implementation.
13. The Contractor will obtain the area for temporary occupation not resulting from the IPIP decision by his own efforts; when negotiating the terms of the temporary occupation of the property he will be guided by the rules set forth in this LAAP (this process will be monitored by the PIU and the Consultant and will take place on a voluntary basis and on the principles defined in the agreement concluded between the owner of the property and the works Contractor).
14. The Contractor will agree upon and provide the Investor with information on all concluded contracts for temporary occupation not resulting from the IPIP decision. The temporary occupation of properties in the scope not resulting from the IPIP decision for the purpose of the Contract execution is possible only with the voluntary consent of the property owner. Prior to the temporary occupation of the real property, the Contractor will carry out a detailed inventory and prepare photographic documentation of the above-mentioned real property.
15. The permanent restrictions in the use of properties, indicated in the IPIP, as a rule, will be compensated in cash. The amount of such compensation will consider the market value loss of the real property.
16. All PAPs, without regard to the legal status of the property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix included in this LAAP. The lack of a legal title to a real property should not be an obstacle to receiving compensation and/or different kind of support. The detailed principles of land acquisition, social participation and mitigation, prevention, protection and compensation measures will be established in the LAAP.

If needed, the LAP will be updated as new factual and legal circumstances appear.

## 6 Impact minimization

### 6.1 SOCIAL IMPACT

In the light of OP 4.12, the social impacts connected with expropriation are considered to include all direct economic and social losses deriving from the property expropriation, permanent restriction in the existing property use or restriction in access to a property. Hence, to evaluate the relevance of social impacts, the basic criterion is assumed to be the percentage ratio of the whole property to its expropriated part. Data obtained during socio-economic studies should also be considered.

The following criteria were adopted in line with OP 4.12 to estimate the social impacts for the purpose of this LAAP:

- secondary impacts - impacts where less than 20% of the land or resources belonging to a given PAP are lost, with no physical relocation, are considered to be secondary impacts.
- significant impacts - impacts where more than 20% of the land belonging to a given PAP are lost are considered to be significant impacts.

As the project is planned in semi-urban area, the families do not have their productive assets on the acquired plots and do not use the plots as a farm land, we assumed 20% loss of plots is the first criterion indicating the severity of impacts. However evaluating the significance of impacts, the information was considered obtained during the socio-economic studies, at the stage of designing and at the stage of processing the application for the issuance of the decision on environmental conditions of the project implementation permit, in particular with regard to the expected impact on the elements of the environment that may affect the current use of the property.

#### 6.1.1 Occurrence of significant impacts

No significant impacts have been identified due to the renovation and restoration nature of construction works in the existing riverbed area. **No physical and economic displacement is expected as a result of the investment execution.**

The conducted socio-economic research and analysis of real property development reveal that acquisitions have a negligible impact on PAP's revenues. Due to the small area of the properties taken over, the lack of agricultural and non-agricultural use and the negligible impact on PAP's revenues, compensation will be made in cash.

### 6.2 MITIGATION MEASURES

1. The works under the project are conducted so as to minimize the number of plots which have to be acquired.
2. The amount of compensation for the lost property will be established by way of agreement, based on appraisal studies developed by independent experts or by way of a decision of the Lower Silesia Province Governor, also based on appraisal studies. The valuation constituting the basis for determining the amount of compensation will be reliable, objective and independent, so that the current owner receives a price for the real property corresponding

- to the actual loss, and thus minimizes the negative impact of real property ownership loss on their financial situation.
3. All costs associated with the performance of protective measures shall be included into the compensation package. No protective measures are currently foreseen, but this may change during the project.
  4. Each expropriated person will be entitled to the unpaid use of the land in the existing manner until receiving compensation or (in the event of a failure to reach agreement as to the compensation amount) its undisputed part.
  5. For the duration of conducting the works, investment supervision will be provided in consultation with the owners of the infrastructure network. The owners of these networks will be notified in advance by the Contractor of the date of commencement of the works.
  6. As part of the information campaign, PAPs will be informed about the possibility of applying for purchasing the remaining part of the property, i.e. the so-called "remnants", if, after the division of the property and acquisition of its part for the execution of the Contract, the remaining part is not suitable for further use for the existing purposes (in accordance with Art. 23.2 of the Special Purpose Flood Control Act). During the socio-economic study the owners who were informed about a procedure for the purchase of "remnants", as described under this LAAP.
  7. The analyses made reveal that no grounds exist for the purchase of properties based on the regulations concerning the "remnants" in the area covered by the LAP. However, as it is a statutory entitlement of the PAP to apply for the purchase of the remnant, the procedure for dealing with the issue of purchase of remnants is included in chapter no. 8.2.5 of this LAP.
  8. Wherever the properties remaining following expropriation will not be suitable for use for the existing purpose in accordance with the intended use ("remnants"), the Investor, following analyses in this respect, will acquire these properties by way of a civil law agreement in accordance with the procedure described in this LAAP. The compensation for acquiring the "remnants" will be disbursed under a civil-law agreement concluded with the real property owner.
  9. If - in connection with the Contract execution - it will be necessary for the Contractor to temporarily occupy the property not covered by the IPIP, the Contractor, when negotiating the terms of the temporary occupation of the property, will be guided by the rules set forth in this LAAP (this process will take place on a voluntary basis).
  10. PAPs will be informed at least two weeks in advance of the planned date and duration of the temporary occupation.
  11. Temporarily occupied real properties will be restored to their original state after the completion of works. Properties will be acquired for the purpose of temporary occupation in consistency with the principles defined in this LAAP.
  12. The properties neighbouring the construction site will be secured with access to a public road throughout the investment execution period.
  13. The Consultant, if necessary, will provide assistance to PAPs in preparing, in particular, map attachments to the applications for the purchase of "remnants".

14. The detailed location of the construction site facilities, roads and process yards will be determined in a manner that will be as little disruptive to adjacent property owners as possible. During the temporary road seizure period (plot 231/1) access to the real properties located along Floriańska street must be ensured so that to provide the owners and the users of the real properties located along the street an access possibility, unobstructed business in its current form and range. The measure implementation should be monitored on regular bases by the LAAP implementation team and the Contract.
15. Access to the construction site will be planned on the basis of the existing road network, in a way that is as unobtrusive as possible for local residents.
16. During the temporary seizure period of the plot No. 195 the adverse impact on the plots should be restricted to minimum and the inhabitants and the tourist guests should be free to dwell there and take advantage of the real property. The measure implementation should be monitored on regular bases by the LAAP implementation team and the Contract
17. Prior to the temporary occupation of plot no. 195, additional consultation will be held with the PAP regarding the timing of occupation so that guests of the PAP's guest house are affected as little as possible. It was also indicated that if the works directly affect the revenue, the PAP would be entitled to appropriate compensation.
18. The speed of vehicle traffic in the construction area will be so adjusted so as to ensure the highest possible level of safety for road and pedestrian traffic participants.
19. Photographic documentation of existing buildings and structures, as well as access roads, will be made prior to the commencement of works.
20. The Contractor shall be responsible for any damage to the structures, buildings, roads, drainage ditches, culverts, water supply and gas pipelines, power poles and power lines, cables, land survey control network and any type of services as well as other types of facilities such as vertical and horizontal signs, information boards, cultural assets etc., caused by the Contractor or his Subcontractors during execution of works. The Contractor is also responsible for restoring the flow capacity of ditches and drainage installations in the area of the works being carried out and the transport routes being used in the event of damage caused by the works and transport related to the works.
21. The Contractor shall immediately repair any damage caused at its own expense and, if necessary, carry out other works ordered by the Investor.

## 7 Socio-economic study

### 7.1 SOURCES AND METHODOLOGY

The data and conclusions presented in this document were prepared on the following bases:

- extracts from the land and buildings cadaster,
- Construction Design,
- data from the geoportal,
- statistical data by GUS,
- statistical data collected at [www.polskawliczbach.pl](http://www.polskawliczbach.pl)
- data from the Poviát Labour Office in Kłodzko,
- data from the National Court Register,
- generally available data from the websites of the business entities,
- surveys and questionnaires.

Socio-economic study and socio-economic researches are not subject to publication owing to personal data protection.

Due to the fact that only small parts of the properties and land, on which the Project is to be implemented, will be subject to occupation (both permanent and temporary), located in urbanised areas, and the manner of land development will not change, the social and economic costs to be borne by the representatives of the community affected by the expropriation procedure should be considered relatively low compared to other undertakings of this type. The residents of the premises in the neighbourhood of the Nysa Kłodzka river bed will be exposed to these impacts.

At the stage of project preparation and its implementation, minimising measures will be employed, whose aim is to limit and compensate for any negative socio-economic effects of Contract execution.

Due to the restrictions resulting from the introduction of a pandemic state, the socio-economic studies were conducted by correspondence using the method of standardised questionnaire questions.

#### 7.1.1 DIFFICULTIES IN THE PREPARATION OF THE STUDY.

No considerable problems in the area subject to the investment were identified as a result of holding the socio-economic study conducted by correspondence.

The vast majority of PAPs are in favour of the planned works and express satisfaction with the proposed solutions. Compensation in money is in their view the sufficient compensation. However, a group of people was identified during the study, who have some concerns in connection with the planned investment.

As stated by one of the co-owners of the real property in Bystrzyca Kłodzka, precinct of Stara Bystrzyca, the planned works involving renovation of the bank wall can have unpredictable effects and thus constitute direct hazard, which is why she is expecting her residential unit in the building located on the said real property will be bought back.

Based on the analyses carried out by the socio-economic team and the opinion from the team of designers, it has been stated that the planned works involving extension and renovation of the bank

wall by local raising of its crest (within 0.00 - 0.40 m), restoring the stone facing and making new pointing, will be performed without heavy duty equipment, will not be generating vibrations and will not constitute hazard for the inhabitants of the said real property. Therefore there are no bases for buying back the residential unit.

The related fears were also expressed by the co-owners of the real properties located at ul. Floriańska in Bystrzyca Kłodzka. One property owner participated in the consultation meeting on 19.10.2022. Temporary occupation of the road (plot 213/1) can constitute a considerable impediment in running businesses (shops, wholesale trade, services) by making access to them difficult or even impossible. Having consulted that with the team of designers it was stated that the scope of works planned in the area, including making the bank revetments in the form of the wall structure, determines the temporary occupation and the related impediments for the inhabitants and users of the real properties. In this situation it will be crucial to oblige the works contractor to maximally restrict the undesirable impediments and to enable unobstructed access for the inhabitants and the users of the real properties (see: Chapter 6.2). In order to minimise the impacts related to inconveniences in accessing the houses and running businesses, the Contractor will be obliged, during temporary road seizure period (plot 231/1) to ensure access to the real properties located along ul. Floriańska. The Engineer's Team and the Team for the LAAP implementation will keep monitoring fulfilment of the related scope of obligations by the Contractor. It was informed and agreed with the PAP that it was necessary for him to collect the accounting and settlement documents and any tax returns that would be necessary to prepare an opinion and valuation by an expert. The basis for being awarded a compensation for lost profit is the expert's opinion and an agreement concluded between the State Water Holding Polish Waters and the PAP.

## 7.2 SOCIO-ECONOMIC DATA

### 7.2.1 Demographic and economic characteristics

#### *Miedzylesie*

The population of Miedzylesie is 2 561, of which 52.2% are women and 47.8% are men. In the years 2002-2019 the population decreased by 11.5%.

The average age of residents is 42.6 years and is higher than the average age of residents in the Lower Silesia Province and comparable to the average age of the Polish residents.

Miedzylesie has a negative birth rate being -18.

In 2018 in Miedzylesie there were 44.1% deaths due to cardiovascular diseases, 25.2% of deaths were caused by cancer and 5.5% due to respiratory diseases.

13.2 deaths per 1000 individuals of Miedzylesie. This is significantly more from the average value for the Lower Silesia Province and much more than the national average.

There were 15 internal registrations and 32 departures in the year 2019, and thus the balance of internal migration for Miedzylesie is -17.

59.8% of Miedzylesie inhabitants are in the working age, 16.6% are in the pre-working age and 23.6% are in the post-working age.

In 2018 only 3 flats were put into use in Miedzylesie. This is significantly less from the value for the Lower Silesia Province and less than the average for entire Poland. The total housing resources in Miedzylesie account for 1 037 properties. 400 flats fall per each 1000 inhabitants.

Taking into account technical and sanitary installations, 98.75% real properties are provided with water supply pipeline, 92.98 are provided with flushed toilets, 91.51% of the apartments have a bathroom, 75.02% central heating and 86,50% domestic gas.

The registered unemployment rate in Miedzylesie in 2019 was 14.7% (17.7% for women and 12.2% for men). This is significantly more than the registered unemployment rate for the Lower Silesia Province and considerably more than the registered unemployment rate for Poland as a whole.

In 2018, the average gross monthly salary in Miedzylesie was PLN 4 054.23.

Among the economically active residents of Miedzylesie, 127 people go to work in other towns, and 150 workers come to work from outside the commune. 17.4% of the professionally active inhabitants of Miedzylesie work in the agricultural sector (agriculture, forestry, hunting and fishing), 24.7% in industry and construction, 16.7% in the service sector (trade, repair of vehicles, transport, accommodation and catering, information and communication) and 2.5% work in the financial sector (financial and insurance activities, real estate market services).

In 2019 in Miedzylesie 251 registered entities of the national economy were registered in the REGON register, of which 139 were self-employed individuals. There are most (240) micro-enterprises, employing between 0 and 9 people. 6.0% (15) of the entities declared agriculture, forestry, hunting and fishing as their object of activity, 13.1% (33) of the entities declared industry and construction as their object of activity, and 80.9% (203) of the entities in the register qualified as other activity. Among natural persons conducting business activity in Miedzylesie, the predominant activity are Wholesale and retail trade; repair of motor vehicles, including motorbikes (37.4%) and Construction (10.8%).

### *Długopole Zdrój*

Długopole-Zdrój has 568 inhabitants, of which 51.4% are women and 48.6% men. 67.6% of the inhabitants of Długopole-Zdrój are in the working age, 13.9% are in the pre-working age and 18.5% are in the post-working age.

In 2019 Długopole-Zdrój 60 registered entities of the national economy were registered in the REGON register, of which 30 were self-employed individuals. There are most (56) micro-enterprises, employing between 0 and 9 people. 18.3% (11) of entities declared running business in the industry sector, construction, while 81.7% (49) were classified as other business activity. The business prevailing among the natural persons in the village is construction (30.0%) retail and wholesale trade, car repairs, including motorbikes (23.3%).

In the borough of Bystrzyca Kłodzka, where Długopole-Zdrój is located, the registered unemployment rate in 2019 was 13.8% (16.5% among women and 11.4% among men). In 2018, the average gross monthly salary in Bystrzyca Kłodzka borough was PLN 4 054.23.



Among the economically active residents of Bystrzyca Kłodzka, 1 451 people go to work in other towns, and 777 workers come to work from outside the commune. 17.4% of the professionally active inhabitants of Bystrzyca Kłodzka borough work in the agricultural sector (agriculture, forestry, hunting and fishing), 24.7% in industry and construction, 16.7% in the service sector (trade, repair of vehicles, transport, accommodation and catering, information and communication) and 2.5% work in the financial sector (financial and insurance activities, real estate market services).

### *Bystrzyca Kłodzka*

The population of Bystrzyca Kłodzka is 10 047, of which 53.1% are women and 46.9% are men. In the years 2002-2019 the population decreased by 7.1%. The average age of residents is 44.2 years. Bystrzyca Kłodzka is characterised with a negative birth rate being (-63). 56.5% of Bystrzyca Kłodzka inhabitants are in the working age, 15.4% are in the pre-working age and 28.1% are in the post-working age.

In 2018 in Bystrzyca Kłodzka there were 44.1% deaths due to cardiovascular diseases, 25.2% of deaths were caused by cancer and 5.5% due to respiratory diseases. There are 13.12 deaths per 1000 individuals.

There were 89 internal registrations and 134 departures in the year 2019, and thus the balance of internal migration for Bystrzyca Kłodzka is -45.

In Bystrzyca Kłodzka 203 people per 1000 inhabitants are employed. 50.8% of the total employed ones are women and 49.2% men. The registered unemployment rate in Bystrzyca Kłodzka in 2019 was 13.8% (16.5% for women and 11.4% for men).

In 2018, the average gross monthly salary in Bystrzyca Kłodzka was PLN 4 054.23. Among the economically active residents of Bystrzyca Kłodzka, 506 people go to work in other towns, and 654 workers come to work from outside the commune. The balance of arrivals and departures to work is 148. 17.4% of the professionally active inhabitants of Bystrzyca Kłodzka work in the agricultural sector (agriculture, forestry, hunting and fishing), 24.7% in industry and construction, 16.7% in the service sector (trade, repair of vehicles, transport, accommodation and catering, information and communication) and 2.5% work in the financial sector (financial and insurance activities, real estate market services).

In 2019 in Bystrzyca Kłodzka 1 295 registered entities of the national economy were registered in the REGON register, of which 616 were self-employed individuals. There are most (1,250) micro-enterprises, employing between 0 and 9 people. 0.9% (12) of the entities declared agriculture, forestry, hunting and fishing as their object of activity, 13.8% (179) of the entities declared industry and construction as their object of activity, and 85.3% (1,104) of the entities in the register qualified as other activity. Among natural persons conducting business activity in Bystrzyca Kłodzka, the predominant activity are Wholesale and retail trade; repair of motor vehicles, including motorbikes (28.4%) and Construction (16.9%).

When it comes to what the real properties are provided with technical and sanitary installations are provided in 98.96% real properties are provided with water supply pipeline, 90.53 are provided with flushed toilets, 89.73% of the apartments have a bathroom, 69.66% central heating and 88,74% domestic gas.

### *Kłodzko*

The population of Kłodzko is 26 742, of which 53.0% are women and 47.0% are men. In the years 2002-2019 the population decreased by 7.9%. The average age of residents is 44.7 years. Kłodzko has a negative birth rate being (-168). 58.0% of Kłodzko inhabitants are in the working age, 14.6% are in the pre-working age and 27.4% are in the post-working age.

In 2018 in Kłodzko there were 44.1% deaths due to cardiovascular diseases, 25.2% of deaths were caused by cancer and 5.5% due to respiratory diseases. There are 13 deaths per 1000 individuals of Kłodzko.

There were 261 internal registrations and 301 departures in the year 2019, and thus the balance of internal migration is negative (-40). It also needs to be pointed out that among the economically active residents of Kłodzka, 768 people go to work in other towns, and 3 445 workers come to work from outside the commune.

The registered unemployment rate in Kłodzko in 2019 was 9.3% (10.1% for women and 8.6% for men). The average gross monthly salary in 2018 in Kłodzko was PLN 4 054.23, which corresponds to 83.90% of the average gross monthly salary in Poland.

17.4% of the professionally active inhabitants of Kłodzko work in the agricultural sector (agriculture, forestry, hunting and fishing), 24.7% in industry and construction, 16.7% in the service sector (trade, repair of vehicles, transport, accommodation and catering, information and communication) and 2.5% work in the financial sector (financial and insurance activities, real estate market services).

In 2019 in Kłodzko 4,415 registered entities of the national economy were registered in the REGON register, of which 2,451 were self-employed individuals. There are most (4,272) micro-enterprises, employing between 0 and 9 people. 0.3% (15) of the entities declared agriculture, forestry, hunting and fishing as their object of activity, 12.9% (568) of the entities declared industry and construction as their object of activity, and 86.8% (3,832) of the entities in the register qualified as other activity. Among natural persons conducting business activity in Kłodzko, the most frequently declared types of predominant activity are Wholesale and retail trade; repair of motor vehicles, including motorbikes (35.4%) and Construction (11.2%).

In 2019 only 95 flats were put in operation Kłodzko. 3.55 new premises per each 1000 inhabitants were put in order. The total housing resources in Kłodzko account for 11 520 properties. 87.4% of dwellings were intended for sale or rent, 12.6% for individual use.

When it comes to what the real properties are provided with, 96.38% are provided with water supply pipeline, 96.38 are provided with flushed toilets, 93.57% of the apartments have a bathroom, 81.89% central heating and 93,07% domestic gas.

### 7.2.2 Gender equality

Poland has a legal prohibition of discrimination, which is expressed in the Constitution of 1997. Article 32 states that no one shall be discriminated against in political, social or economic life on any ground 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 (CEDAW) of 1979).

In order to become a European Union member state, Poland had to adjust its legislation to the regulations binding in the EU, including the scope of gender equality. It resulted mainly in changes to the labour law, but also in the change of the attitude of politicians and public administration to this topic.

According to the Human Development Index (HDI) of the United Nations Development Programme (UNDP) for 2012, Poland is among countries with a very high Human Development Index. It is ranked 39th out of 187 countries, i.e. above the average value for the countries in the EBRD area of activity and close to the average value for the countries of Central Europe and the Baltic states. The Human Development Index includes three elements: health, education and standard of living. Concerning the Gender Inequality Index (GII) of the UNDP, Poland is placed even higher in the worldwide ranking in the 24th place. The Gender Inequality Index is a measure which reflects the loss of development possibilities in the area of a given country as a result of unequal gender treatment and includes three assessed elements: reproductive health, empowerment and labour market participation.

As concerns the participation of women in public life, their share in elected public authorities is small. The low percentage of women as Members of Parliament and senators is one example here. Similar, negative tendencies are noticed in other elected authorities: municipality councils, poviats councils and province councils (approx. one fourth of all councillors are women). One should also stress the long-term small percentage of women as municipality heads and city/town mayors. However, the progressive demasculinization of the village leader position attracts attention as this position is one of the most significant concerning civil activity and building social capital. Experience also shows that women participate in the conducted public consultations on equal terms and often their involvement and local activity make them play a leading role in those consultations. To conclude, one must highlight that in order to promote women and increase their participation in decision-making bodies and business management, various civil initiatives are taken, declarations are made by political parties and examples of solutions from other countries are popularized, while the European Commission takes its own initiatives ex officio. This should translate into an improvement of equal treatment of men and women concerning labour market participation and the participation in decision-making bodies. An analysis of survey results for the last 10 years actually shows a gradual progress in this area.

### 7.2.3 Land use

The planned land use designation as per the LBR is given in appendix no. 1 to the LAP next to each plot occupied temporarily or permanently. The RAP Team has verified - when conducting the socio-economic study - whether the land is actually used according to the designation indicated in the LBR. Detailed characteristics of how each property will be developed are set out in the table attached as appendix no. 1 to this LAP. The table is not subject to publication due to the protection of personal data. An anonymised version will be made available. Land uses according to the LBR are classified into 7 groups - farmland, forest land, built-up and urbanised land, ecological land, land under water, miscellaneous land. The LBR classification indicates the assumed use of the land

### Międzylesie

The number of plots covered by the planned renovation and restoration works -59 ( **before division** ) of which:

- 38 - they are the property of natural persons (42 % built-up and urbanised land, 58% farmland)
- 21 - they are the property of legal entities

**Number of expropriated plots - permanent occupation - 14 plots (after division), 3 plots (have not been divided) of which:**

- 14 - are private plots (57% built-up and urbanised land, 42 % farmland)
- 3 - are public plots

**Number of temporarily occupied plots which:**

- 36 - are private plots (42 % Built-up and urbanised, 58% farmland)
- 20 - are public plots

Type of occupation	Type of owner	Number of plots before division	Plots after division				
			Number of plots	Built-up and urbanised land (as per LBR)	Farmland (as per LBR)	Land under water (as per LBR)	Miscellaneous land (as per LBR)
Permanent occupation	Private	14	14	8	6	0	0
	Public	3	3	0	3	0	0
Temporary occupation	Private	24	36	15	21	0	0
	Public	18	20	9	8	3	0
<b>Total</b>		<b>59</b>	<b>70</b>	<b>32</b>	<b>38</b>	<b>3</b>	<b>0</b>

### Długopole-Zdrój

The number of plots covered by the planned renovation and restoration works -22 ( **before division** ) of which:

- 17 - they are the property of natural persons (76 % built-up and urbanised land, 12 % farmland, 12 % forest land)
- 5 - they are the property of legal entities

**Number of expropriated plots - permanent occupation - 5 plots (after division), of which:**

- 4- are private plots (50% built-up and urbanised land, 50 % farmland)
- 1 - are public plots

**Number of temporarily occupied plots - 4 plots (after division), 18 plots have not been divided of which:**

- 17 - are private plots ( 76% built-up and urbanised land, 12 % farmland)
- 5 - are public plots

Type of occupation	Type of owner	Number of plots before division *	Plots after division				
			Number of plots	Built-up and urbanised land (as per LBR)	Farmland (as per LBR)	Forest land (as per LBR)	Miscellaneous land (as per LBR)
Permanent occupation	Private	3	4	2	2	0	0
	Public	1	1	1	0	0	0
Temporary occupation	Private	14	17	14	2	1	0
	Public	4	5	2	2	1	0
<b>Total</b>		<b>22</b>	<b>27</b>	<b>19</b>	<b>6</b>	<b>2</b>	<b>0</b>

### Bystrzyca Kłodzka

The number of plots covered by the planned renovation and restoration works -96 (**before division**), of which:

- 47 - they are the property of natural persons (58 % built-up and urbanised land, 41 % farmland )
- 49 - they are the property of legal entities

**Number of expropriated plots - permanent occupation - 39 plots (after division), of which:**

- 21 - are private plots (71% built-up and urbanised land)
- 18 - are public plots

**Number of temporarily occupied plots - 35 plots (after division), 61 plots have not been divided of which:**

- 48 - are private plots (57% built-up and urbanised land, 42% farmland, 1% land under water)
- 48 - are public plots

Type of occupation	Type of owner	Number of plots before division *	Plots after division				
			Number of plots	Built-up and urbanised land (as per LBR)	Farmland (as per LBR)	Land under water (as per LBR)	Forest land (as per LBR)
Permanent occupation	Private	18	21	15	6	0	0
	Public	17	18	14	4	0	0
Temporary occupation	Private	29	48	27	20	1	0
	Public	32	48	33	11	1	3
<b>Total</b>		<b>96</b>	<b>135</b>	<b>89</b>	<b>41</b>	<b>2</b>	<b>3</b>

### Kłodzko

The number of plots covered by the planned renovation and restoration works – 85 (before division), of which:

- 23 - they are the property of natural persons (70% built-up and urbanised land, 30% farmland)
- 80 - they are the property of legal entities

**Number of expropriated plots - permanent occupation - 31 plots (after division), 3 plots has not been divided) of which:**

- 8 - are private plots (100% built-up and urbanised land)
- 26 - are public plots

**Number of temporarily occupied plots - 24 plots (after division), 54 plots have not been divided of which:**

- 23 - are private plots (65% built-up and urbanised land, 35% farmland)
- 55 - are public plots

Type of occupation	Type of owner	Number of plots before division *	Plots after division				
			Number of plots	Built-up and urbanised land (as per LBR)	Farmland (as per LBR)	Land under water (as per LBR)	Forest land (as per LBR)
Permanent occupation	Private	7	8	7	1	0	0
	Public	25	26	25	1	0	0
Temporary occupation	Private	16	23	15	8	0	0
	Public	37	55	49	2	4	0
<b>Total</b>		<b>85</b>	<b>112</b>	<b>96</b>	<b>12</b>	<b>4</b>	<b>0</b>

#### 7.2.4 Access and transportation

The investment does not include areas of national roads. The investment has no impact on the connectivity of the village with the region.

#### 7.2.5 Social infrastructure

The investment has no impact on social infrastructure.

#### 7.2.6 Cultural and historic sites

Monuments and sites subject to conservatory protection will not be affected by negative impacts.

### 7.2.7 Technical infrastructure and structures located on the properties

The planned works do not provide for renovations and reconstruction of the land utilities system located on the real properties within the investment boundaries. The preservation of any structures (outbuildings, sheds, garages) located on properties within the scope of the project is assumed. The existing business structures on the real properties do not collide with the planned works, will be preserved.

In the event that the demolition of technical infrastructure (e.g. infrastructure remaining in the ground and not inventoried on the maps and that cannot be established before the start of the project) or of structures located on properties (occurrence of unpredictable physical conditions at the project site) occurs at the stage of the works, demolition will be carried out and compensated in accordance with the principles described in this LAP.

### 7.2.8 Natural resources

Zasoby naturalne takie jak źródła wód mineralnych nie ulegną negatywnym oddziaływaniom na skutek naszej Inwestycji.

## 7.3 SUMMARY OF SOCIO-ECONOMIC STUDIES

Due to the fact that occupation, both permanent and temporary, as well as permanent and temporary restrictions on the land on which the Investment will be implemented, will be relatively small, and the manner of land development will not change, the social and economic costs to be borne by the representatives of the community of all the towns should be considered relatively low compared to other undertakings of this type. This is also shown by the survey data collected from property owners. The vast majority of them do not oppose the Investment execution, sometimes even arguing that flood protection measures are justified (see Chart 1). Fig.1).

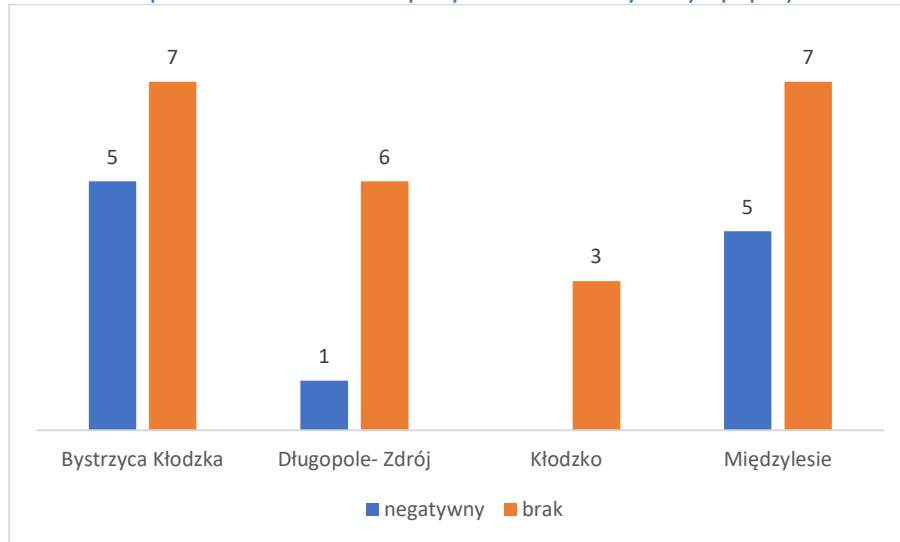
Chart 1. Opposition to the investment declared by the surveyed property owners



The majority of the surveyed property owners also do not perceive that the Investment would adversely affect their quality of life (see Chart 2). What is more, it can be cautiously concluded considering the above-mentioned statements of the respondents emphasizing that the activities

carried out as part of the Investment will provide them with the expected protection against periodically rising water in the river, that a large part of the property owners expect rather a positive impact on their quality of life.

Chart 2. Impact of the Investment on the quality of life as declared by surveyed property owners



The Investment implementation also does not appear to be at risk due to the scale of potential social conflicts. Indeed, the majority of the surveyed property owners declare that the payment of monetary compensation for the Investment implementation will constitute a sufficient compensation (see Chart 3) and will not expect the Investor to take additional measures to compensate for any difficulties in the implementation of the Investment (see Chart 4). Chart 4). The activities dominant among the re owners who are yet awaiting for the Investor to undertake additional actions are the activities related to restoring the land where the Investment will be implemented to its original condition and to consult and properly inform about the dates and scope of the works, if such are to be performed by the Investor.

Chart 3. Declaration of whether the payment of monetary compensation for the implementation of the Investment is sufficient in the opinion of the surveyed property owners

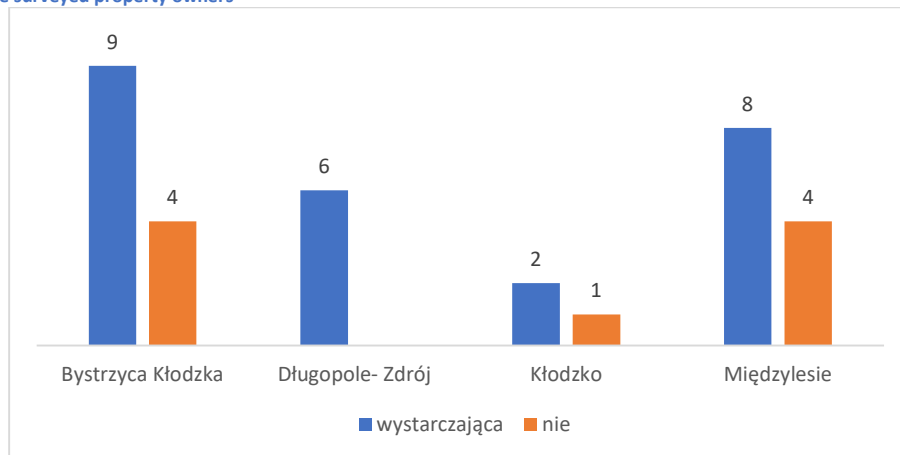
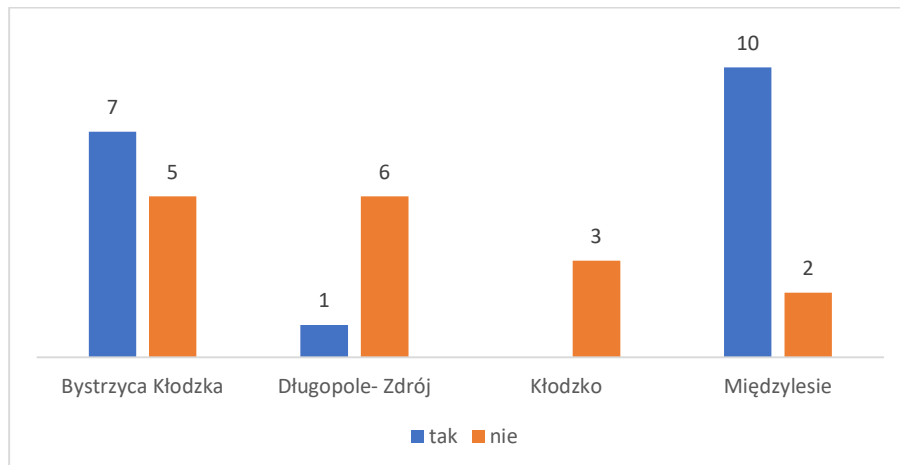




Chart 4. Declaration of the need for additional measures to compensate for the difficulties in the opinion of the surveyed property owners



However, irrespective of the data presented above, it should also be stressed that in the absence of detailed data on the livelihoods of the households affected by the Investment implementation, however a clear forecast concerning potential social conflicts cannot be presented. Nevertheless, it can be concluded that the investment impact will not be negative - rather it will be characterised by neutral, impact, and for some property owners it will be positive in nature.

To sum up the studies conducted both in the form of a survey and field research, it should be concluded that the Investment execution will not entail significant negative effects for the owners of the said properties. The majority of owners have welcomed the fact of the Investment implementation with understanding, and in some cases even with favour, stemming from the fact that they have expected such measures.

Only in 2 cases the Investment implementation met with clearly articulated objections from respondents:

- Real property No. 118 (Bystrzyca Kłodzka), real property No. 213/1 and 213/3 (Bystrzyca Kłodzka) - the owners/co-owners of the real properties are not against the Investment, yet they are afraid of its impact on the business run by them. In this situation it will be crucial to oblige the works contractor to maximally restrict the undesirable impediments and to enable possibly unobstructed access for the inhabitants and the users of the real properties.. In the bidding documents there are provisions concerning the Contractor's duty to ensure suitable access to their real properties. Minimising actions have been determined for the real properties (see: Chapter 6.2). The Team of the Consultant for Real Properties will monitor the situation on regular bases, during the course of the construction works, under LAAP implementation, and keep providing relevant recommendations to the competent authorities, so they are implemented.
- Real property in Bystrzyca Kłodzka the real property owner is not against the Investment, yet she declares its significant impact on her life quality and expects her residential unit will be bought back. Based on the analyses carried out by the socio-economic team and the opinion from the team of designers, it has been stated that the planned works involving extension and renovation of the bank wall by local raising of its crest (within 0.00 - 0.40 m), restoring the

stone facing and making new pointing, will be performed without heavy duty equipment, will not be generating vibrations and will not constitute hazard for the inhabitants of the said real property. Therefore there are no bases for buying back the residential unit. The analyses carried out proved there would be no impact regarding the PAPs' livelihood and their economic situation. Owing to lack of such impacts there are no bases on which the minimising actions could be proposed.

It should also be accentuated that some of the property owners/co-owners expect the Investor to restore the land - on which the investment is to be put into life - to its state from prior to the commencement of the investment. Thus relevant minimising activities have been proposed (see: chapter 6.2)

Relatively general support for the Investment implementation is due to the fact that there are no public utilities located in the areas covered by the planned works, the liquidation or relocation of which would be felt by representatives of the local community who are not owners of the land subject to the procedure.

Therefore, given the size of the investment and its importance in enhancing the safety, both from potential flood and local swellings, it should be considered that the economic and social costs to the local community will be small and the investment impacts will be positive.

REMARK: socio-economic study and socio-economic researches are not subject to publication owing to personal data protection.

## 7.4 THE NEED TO UPDATE THE SOCIO-ECONOMIC STUDY

As a result of the state of the SARS-CoV-2 virus epidemic, the problem was the lack of possibility to perform field tests and direct contact with property owners. In order to collect information, it was decided to take advantage of the correspondence method. Packs of documents were sent to the real properties' owners by Poczta Polska to enable them cost-free return of the questionnaire form. The limited number of responses received (completed surveys) may result in the need to update the socio-economic study, limited however to the PAPs who did not participate in the survey. It will be necessary to update the LAAP in connection with issuing the IPIP if the investment implementation area changes (widens).

Since the state of epidemic emergency has been extended until 31/12/2022, the update of the socioeconomic study can take place after this period.

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

The LAAP for 2B.1/1 Task Flood protection of Nysa Kłodzka river valley is based on the provisions of Polish law, and also, on account of the financing, inter alia, from a World Bank loan, also on the World Bank's Operational Policy OP 4.12 Involuntary Resettlements.

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

In case of discrepancies between Polish law and WB policies, the provisions which are more beneficial to the affected population are applied, and where national legislation is not in line with the WB policies, the corrective instruments outlined in chapter 8.3.4 of this LAAP will be applied to fully implement OP 4.12.

### 8.1 OBLIGATIONS ARISING FROM OP 4.12

OP 4.12 is applicable if the Project performance requires the following:

1. the involuntary occupation of land resulting in:
  - a. relocation or loss of the place of residence,
  - b. loss of assets or access to assets,
  - c. loss of income sources or reduction of the standard of livelihood
2. the involuntary restriction of access to parks and protected areas resulting in adverse impacts on the livelihoods of the project affected persons.

OP 4.12 sets forth the following obligations:

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

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

## 8.2 POLISH LEGAL REQUIREMENTS

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

- Constitution of the Republic of Poland,
- Civil Code,
- Special Purpose Flood Control Act,
- Real estate management act.

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

### 8.2.1 Acquiring real properties by virtue of the Special purpose flood control act

Pursuant to the Special Purpose Flood Control Act, expropriation of a property or a part thereof, as well as permanent and temporary restrictions in the manner of use of a property or part thereof is set forth in the IPIP issued by the Province Governor. Expropriation takes place the moment the IPIP becomes final.

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

An amount of compensation is determined for each property by way of individual agreements between the investor with the existing owner or perpetual usufruct holder. These agreements are prepared on the basis of an independent and objective assessment of a valuation prepared by a property valuer who holds an appropriate professional licence (professional official permission to value property). They specify the amount of compensation, the time limit and the manner in which it is to be paid.

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

However, if the agreement is not reached within 2 months from the date of issuing the final IPIP, the amount of the compensation is determined by the Province Governor (regional authority). Before issuing decision on the amount of compensation, the Province Governor appoints an independent property valuer. The party has also the right to property valuation prepared by a valuer in the proceedings before the Province Governor. In such case, the Province Governor has to account for the opinion presented by the affected party in the decision determining the amount of compensation. If the affected party files remarks and motions in the proceedings, the Province Governor has to refer to them during the proceedings and subsequently in the issued compensation decision.

An appeal to the authority of higher level i.e. to the relevant minister, can be lodged against the decision issued by the province governor.

In case of appeal from the decision establishing the amount of compensation, the expropriated party may file a motion for paying the compensation in the amount stated in the contested decision. In such case the compensation is paid as stated, which does not influence the appeal proceeding.

The decision issued in the appeal proceeding may be further contested to the Provincial Administrative Court within 30 days from the date of delivery of judgement to the complainant. A party has the right to lodge a cassation appeal with the Supreme Administrative Court against the judgement of the provincial administrative court within thirty days from the date of delivery of a copy of the judgement with substantiation to the party.

### **8.2.2 Determining permanent restrictions to real property management based on the special purpose flood control act**

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

Another permanent restriction (PR) category stemming from the IPIP, not necessarily resulting from the Investor's request, will take into account the areas of a direct flood hazard and areas subject to a potential flood hazard or a particular flood hazard, as long as such have been determined (Article 9(8)(f) of the Special Purpose Flood Control Act). Such properties will not be subject to permanent change to the manner in which they are managed and in principle the owner (perpetual usufruct holder) will be able to use them in a manner similar to that before investment implementation, however - after the completion of the task - always with certain functional restrictions.

These restrictions and the associated inconveniences, restrictions to the real property's economic and market potential (e.g. building prohibition, prohibition to plant trees, to conduct agricultural activity, etc.) have a negative effect on the real property's market value and have to be compensated by way

of an appropriate compensation. In an extreme case where the property is no longer usable by its owner (perpetual usufruct holder), they may, on the basis of Article 22(2) of the Special Purpose Flood Control Act, by submitting a request within a defined deadline, pursue a civil and legal path to demand its purchase. If that path is not taken advantage of, the administrative path remains open, determining an appropriate compensation.

The Special purpose flood control act does not define what PR entail and does not identify the administration authority which is competent to determine the compensation on that account pursuant to an administrative procedure. Such a state of affairs, that is the lack of clear provisions of law identifying the competent authority, is caused by an evident legal gap and authorises to apply a legal analogy in administrative proceedings with the provisions of the Act of 10 April 2003 on the particular principles for preparing and executing investments within the scope of public roads (consolidated text in the Journal of Laws of 2020, item 1363, as amended) pertaining to issuing permits to perform road investments) with reference to the Ruling of the Supreme Administrative Court in Warsaw of 9 November 2012 (case ref. I OW 142/12). The Court, in identifying the Province Governor as the competent authority, unambiguously states that *“The authority competent to determine the compensation is the authority, which issued the permit to perform the road investment (...). As it is impossible to accept for the legislator to split the competence for determining compensation for the consequences of that same decision depending on the subject-matter of that compensation.”*.

It should also be assumed that there may be a necessity for applying Article 30 of the Special Purpose Flood Control Act, according to which *“the provisions of the real estate management shall apply respectively”* to the extent not regulated in these Acts and when enforcing that instruction, the procedure shall be based on the provisions of the RPM law.

As a result, with reference to PR compensation, procedures and valuation principles described in this LAAP will be applicable, pertaining to determining and disbursing compensation for expropriation of real property or part thereof.

### **8.2. 3 Temporary occupation of real property on the basis of the special purpose flood control act**

In accordance with the Special purpose flood control act, if necessary, the IPIP may also specify temporary restrictions on the use of the real property which is not transferred to the State Treasury (Article 9)(8)(f) of the Special purpose flood control act).

After completing of the above-mentioned activities (e.g. after the construction of technical infrastructure facilities) and after the expiry of the period for which the permit for temporary occupation of real property has been granted, the real property should be restored to its previous state. If it is not possible to restore the real property to its previous state, compensation for the losses incurred in this respect is payable corresponding to the value of the damage suffered (Art. 128(4) of the RPM). If, as a result of failure to restore the real property to its previous state, the value of the real property decreases, the compensation shall be increased by the amount corresponding to that decrease.

## 8.2.4 Special procedures

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

Submission to a court deposit has the same effect as the fulfilment of performance. As per OP 4.12, a PAP does not incur any costs within this scope.

## 8.2.5 Purchase of “remnants”

If part of a real property is acquired, and the remaining section is not suitable for the correct use for existing purposes (the so called “remnant”), the Investor upon a request of its owner or perpetual usufruct holder is obliged to purchase that part of the real property (pursuant to Article 23(1) of the Special purpose flood control act). These provisions are in line with OP 4.12, which requires minimizing negative impacts of resettlement (see section 8.1 LAAP).

A request for the purchase of “remnants” may be submitted before issuing the IPIP, but the property purchase may take place only after issuing the IPIP and once the decision has become binding and final, when the property is divided and ownership of the expropriated part is transferred.

Remnants will be acquired by way of civil law agreements after the IPIP is issued and becomes finally binding for the Tasks pursuant to the following procedure:

1. The owner / perpetual usufruct holder of the real property submits a request including:
  - a. a justification indicating why the part of the real property remaining after the acquisition is not suitable for the existing purposes,
  - b. indication of the remnant on the land register map attached to the request or the topographic map or property division.
2. Evaluation of the submitted application by the commission appointed by the Investor. The commission should include a representative of the team for LAAP monitoring and implementation, and experts in technical issues and in real property management issues. A representative of the Consultant for LAAP may attend meetings of the commission and has advisory competences.
3. A decision about purchase or refusal to purchase is made promptly but not before the IPIP decision is issued and becomes final and binding. A prerequisite for efficient processing of the application is its completeness.
4. A decision about purchase or refusal to purchase is made in full accordance to OP 4.12 requirements indicated in section 8.1 as well as to polish law.

5. Notification of the applicant on the decision pertaining to purchase / refusal to purchase the remnant.
6. Preparation of a valuator's report establishing the value of the "remnant".
7. Negotiations with the owner/perpetual usufruct holder as to the compensation amount.
8. Conclusion of a real property purchase agreement (purchase of the remnant) in the form of a notary deed.
9. Compensation disbursement.
10. In case the real property is not qualified for purchase under the "remnant" procedure, the owner has the right to demand the purchase by means of an action before a common court.

## 8.3 ADOPTED MECHANISMS OF OBTAINING RIGHTS TO PROPERTIES<sup>1</sup>

### 8.3.1. Permanent seizures

The Investment for which this LAAP is prepared is characterised with numerous permanent seizures of very small proportions of land. Taking into account the time required to prepare an individual property appraisal report for each of the small portions of real properties together with the relatively long period of awaiting for the compensation decision from the Lower Silesia Provincial Governor, drove the Investor apply a non-standard procedure. In this procedure, the Investor hired an ex-ante assessment of the values of land within the areas to be expropriated in order to prepare estimated amounts from which an initial compensation amount could be established for final assessment by the Provincial Governor.

Due to the formal and legal regulations for the Task, mechanisms for acquiring property will be applicable stemming both from the Special Purpose Flood Control Act, and the civil code (with reference to remnants). In order to minimise the negative impact of ownership loss by the PAP, a preventive procedure described hereinabove has been suggested.

In accordance with the provisions of the special purpose flood control act, plots are acquired within the scope of the expropriation procedure. In any case, the Investor's priority will be to obtain an agreement with a PAP concerning the terms of real property acquisition (form of compensation, date of property acquisition, terms of use after issuing the IPIP, etc.).

As - due to the number of properties to be expropriated - the deadline provided for in the Special Purpose Flood Control Act is too short for expert valuers to prepare reliable opinions on the amount of compensation, individually for all properties, the Investor assumes that the amount of compensation will be determined by the Province Governor by way of an administrative decision.

In order to promptly provide PAPs with compensation for the expropriated property, the Investor assumes to pay advances for the compensation in an amount corresponding to the property value determined on the basis of an expert valuer's report on the entire real estate market in the area of

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<sup>1</sup> The table in this chapter is consistent with the LARFP



LAAP implementation, yet before the IPIP finality clause. Pursuant to the Polish law regulations, such expert valuer's report cannot be a basis under which the final compensation value for the property is determined. A basis for the compensation disbursement can only be an opinion by an expert valuer concerning, individually, a specific property. Such opinion will be prepared during the proceedings before the Lower Silesia Province Governor.

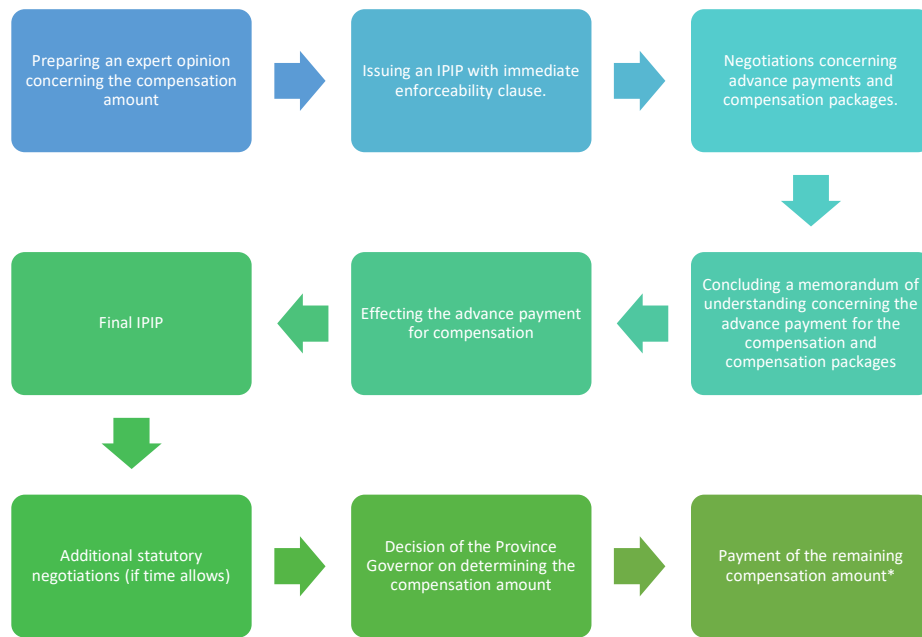
That is why the advance payments for the compensation will be effected in the amount of 70% of the property value, estimated in the report on the real property market, in accordance with a special preventive procedure. Accepting the compensation disbursement amounting to 70% of the property value estimated in the report will make it possible to take into account the risks resulting from possible differences between the general report by the expert value concerning the average value of comparable properties on the local market and the detailed property appraisal report prepared by the expert values for particular properties during the proceedings before the Province Governor. At the same time it is beyond any doubt that the compensation amount determined in the opinion of the expert valuer, appointed by the Lower Silesia Province Governor, will not be lower than 70% of the property value estimated in the expert report by RZGW WR. On that account the compensation amounting to 70% of the property value estimated in the expert report by RZGW WR will obviously (undoubtedly) constitute the compensation due for the PAP and can be acknowledged as such, both by the PAP and the Investor

The Investor will suggest a PAP payment of the due compensation for the seized property, yet before issuing the case-related final administrative decision, yet before the IPIP finality clause. This will be a proposal for payment of 70% of the value of the property as determined in the report by the expert property valuer, prepared at the request of the Investor, presented to the PAP. This amount will be secured by the PIU so that it can be paid out at any time upon request of the PAP and after signing a relevant agreement to that effect. The acceptance of this payment does not mean that the PAP acknowledges the amount of the compensation determined in the above-mentioned opinion and will not have any negative impact on the administrative proceedings conducted by the Province Governor or any other authority to determine the amount of compensation for the expropriated property. The remainder of the compensation will be settled and paid to the PAP (in the event that the value exceeds the compensation proposed by the investor) after receiving a final decision establishing the amount of compensation, up to the amount determined in that decision.

If the IPIP is changed, fully or partially revoked, or its invalidity is stated yet advance payment was effected, the PAP or their inheritor will be obliged to return the advance, including indexation as on its return day.

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\* If compensation determined by the Provincial Governor is higher than the effected advance payment (including the remaining 30% payment and any additional compensation if the property value is determined to be higher by the Provincial Governor than the amount upon which 70% was calculated for the advance payment).

Hence, if the PAPs accept the earlier payment of the compensation obviously due, this will not have a negative impact on them. On the other hand, if this procedure is employed, the inconvenience for PAPs is reduced of waiting for a long time for an administrative decision of the competent authority determining the amount of compensation and thus its payment.

An expert valuer's report on the real estate market in the area of LAAP implementation consists of analyses of real estate markets relevant for separate groups of properties. Groups of properties will be distinguished based on the similarity of individual properties, in particular with regard to the type, location and condition of the property, its existing use, manner of use and other features which, in the opinion of property valuers, affect the value of the property. All available and necessary data on the real estate are used when preparing an analysis, contained in particular in the land registers, the real estate cadaster, local special development plans and the taxation maps drawn up by the bodies keeping the real estate cadaster based on an assessment of the representative real estates made by property valuers. In particular, the ranges of transaction prices of properties similar to the identified groups of properties according to their existing use and according to the permitted use resulting from the purpose of expropriation will be given in the particular analyses.

The undisputed part of the compensation will be paid before the physical commencement of works, based on the agreements concluded with PAPs (70% of the real property's value determined in the expert opinion of a chartered auditor). After the Lower Silesia Province Governor issues the final decision establishing the amount of compensation, the Investor immediately pays the compensation in the amount established in the decision, less the amount of the undisputed part of the compensation (70% of the real property's value determined in the expert opinion of a chartered auditor) already paid by the Investor.

If the PAP accepts the undisputed part of the compensation before the Lower Silesia Province Governor issues a decision establishing the amount of compensation, this does not affect the rights of the party in administrative proceedings or the possibility to file a complaint to the administrative court.

### **8.3.2. Reconstruction of infrastructure**

An owner of power lines, gas lines and telecommunication lines intended for disassembly will receive compensation in the form of a new transmission device (transmission network) constructed on other real properties in place of those dismantled. On real properties where the new transmission devices will be constructed, the TO will be introduced for managing this real property or transmission servitude will be determined for the benefit of the transmission operator, who owns the dismantled and reconstructed network. In accordance with Article 305<sup>1</sup> CC the essence of transmission servitude is encumbering the real property with the right to use that real property within the scope defined by the transmission devices purpose. Such encumbrance includes access, use by existing exploitation, performance of controls, inspections, maintenance, upgrades, refurbishments, fault repairs, replacement of equipment located on the given real property within the scope required to ensure correct and uninterrupted operation of the transmission network of the operator (cf. SC ruling dated 18 April 2012V CSK 190/2011, LexisNexis no. 3971510).

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

### **8.3.3. Temporary seizures**

All temporarily acquired real properties will be restored to their original states. Hence, these plots will be acquired on the basis of a plot acquisition protocol. Before starting the works on the property, the Contractor will be obliged to produce photographic documentation of the condition of the occupied property. The Investor and his representative - the Engineer will supervise the works and the restoration of the property to its previous condition.

Once the execution of construction works is finished by the Contractor and the plot is restored to the previous state, it will be handed over to the PAP with a return protocol. It needs to be underlined that the restoration of the previous state does not, however, consist in removing the reconstructed networks from the properties, but in restoring the development of the properties and the structure of

their land as it had existed before the reconstruction was undertaken, taking into account the fact that the reconstructed land development networks remain on the properties.

Only when restoring the real property to its original state is not possible or causes excessive difficulties or costs, then the owners and holders of perpetual usufruct of these real properties are entitled to claim compensation for damages resulting from the performed reconstruction, e.g. lack of reconstruction of objects existing before the reconstruction or planting. In addition, a claim for damages may also include the fact that the value of the real property has decreased as a result of the reconstruction.

Compensation will be paid under an agreement concluded between the parties. In those cases where no agreement can be reached on the amount of compensation for temporary occupation of the property, the undisputed portion of the compensation will be paid prior to the commencement of works on the PAP's property. In such a case, PAP will be entitled to apply to the Lower Silesia Province Governor, free of charge, to determine the final amount of compensation. The Investor will inform the PAP of its entitlement in this respect.

After the Lower Silesia Province Governor issues the final decision establishing the amount of compensation, the Investor immediately pays the compensation in the amount established in the decision, less the amount of the undisputed part of the compensation already paid by the Investor.

If the PAP accepts the undisputed part of the compensation before the Lower Silesia Province Governor issues a decision establishing the amount of compensation, this does not affect the rights of the party in administrative proceedings or the possibility to file a complaint to the administrative court.

### 8.3.4. Instruments correcting differences between OP 4.12 and Polish law

The provisions of OP 4.12 contain a number of provisions that need to be analysed and where corrective instruments need to be presented - so that OP 4.12 is fully implemented within the Project. Thus, this LARPF analyses the inconsistencies between Polish law and OP 4.12 and proposes some corrective instruments. These are presented in the table below.

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

OP 4.12	Polish law	Corrective actions
<p>Lack of a legal title to the land should not bar the receipt / disbursement of compensation. People without legal title are eligible for compensation.</p>	<p>The Polish legal system does not account for the right to compensation for land owners/users who do not hold a legal title to it (with the exception of people whose legal title to a real property was lost or who acquired the right to the real property through usucaption, i.e. a method for gaining ownership of property by uninterrupted possession of the real property for a period defined in legislation).</p>	<p>For persons who do not hold a legal title to a real property affected by the consequences of Task performance, each such case should be considered in accordance with its own merits, in terms of possibilities to apply the general mechanisms stemming from the Civil Code to achieve OP 4.12 objectives.</p> <p>According to OP 4.12, project affected persons who do not hold a legal title to the property are not entitled to receive financial compensation for the real property. However they are entitled to receive compensation for all objects, crops and real property improvements performed before the cut-off date and for appropriate solutions in cases where they will have to be physically or economically displaced. In such cases appropriate mitigating measures can be applied.</p>

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OP 4.12	Polish law	Corrective actions
<p>WB Policy requires compensation for the loss of income (e.g. from business or agricultural activity, etc.) in conjunction with real property acquisitions for the needs of the planned Task.</p>	<p>Provisions of Polish law do not foresee compensation on account of a loss of income as a result of Task performance.</p>	<p>Persons who lost income or employment will receive support (health insurance, vocational training etc.) from job centres.</p> <p>For businessmen, apart from the civil code mechanism it is possible to apply general Civil code mechanisms (compensation for the incurred loss and lost profit).</p>
<p>Particular attention should be paid to vulnerable social groups, such as the poor, the elderly, single mothers, children and ethnic minorities.</p>	<p>Polish law does not require planning specific measures aimed at additionally assisting vulnerable social groups (the elderly, the handicapped, the poor, and other groups with special needs).</p>	<p>The project will grant to the affected people help in obtaining assistance from offices and institutions.</p> <p>Additional measures will be implemented as needed to ensure that the objectives of OP 4.12 are met.</p>
<p>WB Policy requires additional compensation of expenses incurred by PAP (as a result of physical relocation i.e. transport of materials) and assistance in implementing the resettlement.</p>	<p>Assistance regarding incurring costs of relocation and other similar costs resulting from the necessity to move to a new location by the citizens and enterprises is not provided in the provisions of law.</p>	<p>In order to cover costs of relocation and other similar costs it is possible to apply general mechanisms from the Civil Code in a manner that achieves the requirements of OP 4.12.</p>
<p>The compensation should be paid prior to physical occupation of the land for the purposes of implementation of the investment.</p>	<p>The special purpose flood control act for occupying the land and commencing works before the compensation is paid.</p>	<p>In all cases, no work will begin until there is documented evidence that the project-affected person has been informed well in advance, compensation has been paid and it has granted permission to enter the land. If a compensation case is referred to a public administration body for examination, the procedure described in item 8.3.1 can be followed.</p> <p>The only exceptions are cases where appeal proceedings have been initiated due to negotiation failure, owner absence or the impossibility of determining the owners (in such a case, the amount will be transferred to a court deposit and placed in a court's escrow account), and where the State Treasury, a local government unit or another public entity is the beneficiary.</p> <p>To minimize the risk of starting works before compensating for losses the project will plan and conduct land acquisition well in advance of starting construction.</p>
<p>Compensation for the loss of assets is based on their market value plus any transaction costs (e.g. taxes and registration fees) and the objective is for the compensation to be enough to effectively replace the affected asset (replacement value).</p>	<p>Applied methods of valuation may lead to lowering the value of the real estate as compared to prices of similar real property on the local market.</p>	<p>The valuation of the real estate will be conducted by an independent and experienced valuator. Expert opinion should be verified by PIU. The expropriated party should be granted proper amount of time to get familiar with the valuator's opinion. Should there be any doubts regarding the sufficiency of the due amount of compensation, value of the real estate should be estimated by an independent valuator in the proceeding with the Province Governor.</p> <p>In all cases effective replacement value will be achieved.</p>
<p>It is required to prepare a socio-economic study, LAAP, and monitor of compensation, resettlement and livelihood restoration measures as well as evaluation of their efficiency.</p>	<p>Provisions of Polish law do not account for obligation to gather a socio-economic study and prepare a LAAP as such and there is no obligation of monitoring or evaluation of their effectiveness. There is no obligation to monitor and evaluate their implementation.</p>	<p>Socio-economic research and LAAP will be prepared based on the LAAP in line with OP 4.12 and good practices.</p>

## 8.4 VALUATION PRINCIPLES <sup>2</sup>

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

OP 4.12 provides for that in all cases compensation must meet the principle of replacement value, which means the market value of the real property and related assets (e.g. crops) plus any transaction costs required to replace it, such as taxes and registration fees. Compensation is determined on the basis of a valuation by a valuator or by a team of valuers (including e.g. an agricultural expert) as required.

According to OP 4.12, with regard to land and structures, “replacement cost” is defined as follows:

- a) for agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus any registration and transfer taxes;
- b) for land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes; and;
- c) for houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors’ fees, plus the cost of any registration and transfer taxes.

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

According to OP 4.12, when determining the replacement value, neither the degree of wear and tear of the real property nor the value of benefits resulting from the Project and deducted from the valuation of the assets affected by the Project should be taken into account.

Therefore, where Polish legislation does not take into account the need for compensation corresponding to the replacement value in the standard required by OP 4.12, if such a need arises, the compensation will be supported by additional measures ensuring that the compensation is carried out in the standard of compensation according to the replacement value.

Compensation shall be payable at the amount decided by the competent authority. The compensation amount determined on the IPIP issuance date is subject to indexing as on disbursement day, according to the principles applicable for return of expropriated real property.

Valuation methods are determined by the legal act, i.e. Regulation of the Council of Ministers dated 21.09.2004 on valuating real property and drawing up a valuation (Dz. Dz. U.[Journal of Laws] of 2021, item 555) containing details on the valuation methods and techniques.

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<sup>2</sup> Chapter content according to LARFP

### 8.4.1 Determining the amount of compensation

In accordance with Polish law, the amount of compensation is determined on the basis of the market value of the real property. While ascertaining the market value of the real property, the following factors in particular are taken into consideration: its type, location, use and zoning, existing technical infrastructure, overall condition and current market prices. The market value of a property is determined according to its current use, if the use of the property, consistent with the purpose of the investment, does not increase its value. If the data from the local or regional real property market allow the valuator to ascertain the market value of the property, they should apply one of the market approaches, i.e. the sales comparison approach, the income 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 valuator to ascertain the market value of the property, they should ascertain the replacement value of the real property on the basis of the cost approach.

If the current owner or holder of perpetual usufruct of the real property covered by the RPIP releases this real property or releases the real property and empties the rooms and other premises not later than within 30 days from the day of:

- delivery of the IPIP notification,
- delivery of the decision to make the OPIP decision immediately enforceable,
- in which the IPIP decision became final,

the amount of compensation is increased by an amount equal to 5% of the value of the real property or the value of the right of perpetual usufruct, on the terms specified in the special purpose flood control act.

### 8.4. 2 Valuation of movable assets

Movable assets will also be compensated in cases where:

- a) they are not fit for the purposes of the new location, and/or
- b) the affected persons will no longer use it as a result of the resettlement (e.g. moving from a rural to an urban dwelling).

Currently no structures permanently unattached to the real property have been identified, which will not be suitable for use at a new location or due to the expropriation.

### 8.4. 3 Valuation of plants and crops<sup>3</sup>

The valuation of tree stand or tree cover, if the tree stand includes usable resources, will involve the valuation of timber in the tree stand. If the tree stand includes no usable resources or if the value of timber is exceeded by the costs of reforestation and maintenance of the tree stand, the valuation concerns the costs of reforestation and maintenance of the tree stand until the day of expropriation.

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<sup>3</sup> Chapter content according to LARFP

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.

When determining the value of sowings, crops and other annual harvests, the value of the forecast yields at marketable prices is estimated, reducing it by the value of the inputs needed for harvesting such crops.

#### **8.4. 4 Assessment of remaining assets**

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

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



## 9 Eligibility criteria and entitlement matrix

### 9.1 ELIGIBILITY<sup>4</sup>

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

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

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

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

It should be emphasized that in this case there is no group of people considered as a part of the group without a legal title to land.

When it comes to assessing the impact on PAP, it is described in chapter 5.1.

### 9.2 ENTITLEMENTS<sup>5</sup>

After conducting the socio-economic survey, the following groups of people entitled to compensation were identified:

- PAPs having ownership or perpetual usufruct of real estate on the Project area;

legal possessors of real property in the project's area shall receive full compensation.

The following categories of persons entitled to compensation and assistance were not identified:

- lessees, tenants, life annuitants and other dependent possessors of real property in the Project's area;
- possessors of limited property rights in real property;

<sup>4</sup> Chapter content according to LARFP

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

- owners of crops, plants, structures and other constructions attached to the land, and not being owners or holders of perpetual usufruct of the land,
- residents of houses and flats subject to resettlement,
- PAPs who lose their income, pay or ability to carry out business activity due to the Project's implementation,
- illegal possessors of real property in the Project's area who have no legal title and no expectant right to obtain a legal title.

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

- **Permanent loss of land** – where PAP will not express an intention to receive compensation in the form of “land for land”, or if only a small part of the plot is subject to attachment, the compensation will be paid in cash and will correspond to the market value of the expropriated real property or any part thereof. In addition, for the immediate release of the property it will be possible to increase the compensation by an amount corresponding to 5% of the value of the expropriated property under the terms of the Special purpose flood control act

PAPs not being owners or holders of perpetual usufruct rights, but having legal title to the property (e.g. tenants, lessees) will receive compensation corresponding to the value of the expropriated rights. At the request of PAP, the investor may take over the real property in its entirety and compensate for the acquisition of the property according to the aforementioned principles. Any and all transaction costs, including taxes related to the granting of compensation for expropriation, will be covered by the investor. PAPs who possess properties within the area covered by the project without any legal title (illegally) shall not be granted any compensation for the expropriation of the land. In such case, PAPs are entitled to compensation for plants, plantings and structures belonging to them and, if necessary, the package of assistance required to improve, or at least restore, living conditions and livelihood;

- **Permanent restriction of land use** as a rule, it will be compensated in cash, taking into account the loss of the market value of the real property. Depending on the case, specially selected protective measures will also be offered. At the request of PAP, the property, where permanent restriction of use of real property for project purposes is to occur, is expropriated and PAP will receive compensation under the terms applicable to the permanent loss of the property;
- **Buildings and non-residential structures (garages, fences, technical infrastructure)** – as a rule, owners and users of these buildings and structures are compensated on the basis applicable to the permanent loss of property. Within the framework of the protective measures the investor will propose the reconstruction of infrastructure networks - and where appropriate – of structures and buildings at the expense of investor. In addition, in case of local government units which have implemented or are implementing the affected buildings and structures by use of funds from the budget of the European Union or other foreign sources, financial compensation will be increased by the amount of the refundable funds of co-financing together with accrued interest;
- **Loss of crops** will be compensated to the benefit of PAPs in cash, taking into account the costs of making and maintenance of plantings, as well as the value of lost fruits in the period from the date of expropriation until the end of the full yield;

- **Loss of tree stand** will be compensated on the basis applicable to the loss of plantings. Depending on the case, compensation may also be made according to the estimate of the value of wood that could be obtained;
- **Impact on enterprises and employment** will be compensated in cash by compensation for the damage actually incurred by an enterprise and a profit lost as a result of the Task. Billing and accounting documents or corporate income tax returns should be the grounds for the determination of such values. Should employees lose their work, they will receive unemployment benefits. Both employees as well as contractors working under civil-law contracts, in case of loss of earning capacity, will receive free-of-charge health insurance, assistance in search for work and help in the form of retraining vocational training aimed at finding new employment;
- **Temporary loss of land** will be compensated in cash through the payment of monthly amounts corresponding to market prices of tenancy or lease of the real property. Moreover, in the case when due to the temporary occupation of the property PAPs incur loss; such a loss will be separately compensated according to the aforementioned principles. After the completion of implementation activities, all properties will be restored to their original state;
- **Damage to houses, buildings and structures due to construction works (e.g. vibration, accidents, etc.)** will be compensated according to their nature in order to make the restoration of the full substance of the affected object or the purchase of a new one possible. Depending on the situation, appropriate rules for the payment of compensation to the above influences will be applied.

Details pertaining to qualification of beneficiaries to compensation are shown in Appendix No. 1 to this LAAP.

### 9.3 ELIGIBILITY MATRIX<sup>6</sup>

Impacts/losses	Identification of PAP	Compensation
Permanent loss of land	Owners, perpetual usufruct holders, autonomous holders of properties	<ul style="list-style-type: none"> <li>• compensation in the form of "land for land",</li> <li>• if compensation in the form of "land for land" is not possible or undesirable, cash compensation (<i>the value of compensation / compensation necessary to obtain the replacement cost for lost assets</i>),</li> <li>• coverage of any transaction costs</li> </ul>
	Illegal possessor of real property	<ul style="list-style-type: none"> <li>• no compensation for loss of property</li> </ul>
	Holders of a lien, easement and mortgage established on real property	<ul style="list-style-type: none"> <li>• monetary compensation for lost rights (e.g. easements or mortgages established on real property),</li> <li>• for owners of land easements - assistance in finding a solution allowing for the use of their property (which is owned by expropriated property), e.g. in the form of another road necessary to the property</li> <li>• coverage of transaction costs</li> </ul>
	Illegal holders of easement	<ul style="list-style-type: none"> <li>• for illegal holders of easement - assistance in finding a solution allowing for the use of their property (which is owned by expropriated property).</li> </ul>
Permanent and temporary limitation in the use of property.	Owners, perpetual usufruct holders, autonomous holders of properties	<ul style="list-style-type: none"> <li>• monetary compensation for losses related to restrictions on the use of property,</li> <li>• coverage of transaction costs</li> <li>• proposing institutional support and advice on other uses of the property,</li> </ul>
	Illegal possessor of real property	<ul style="list-style-type: none"> <li>• proposing institutional support and advice on other uses of the property,</li> </ul>

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

**LAND ACQUISITION ACTION PLAN**

FOR CONTRACT 2B.1, WORKS CONTRACT 2B.1/1

Impacts/losses	Identification of PAP	Compensation
	Illegal holders of easement	<ul style="list-style-type: none"> <li>assistance in finding a solution allowing for the use of their property (which is owned by expropriated property).</li> </ul>
Buildings and non-residential structures (fences, technical infrastructure, etc.)	Owners, holders of perpetual usufruct, autonomous holders of buildings and structures	<ul style="list-style-type: none"> <li>monetary compensation of the replacement value of the goods lost (the value of the compensation/indemnification necessary to obtain the replacement cost for the lost assets),</li> <li>transfer or reconstruction of lost goods.</li> </ul>
	Users	<ul style="list-style-type: none"> <li>monetary compensation of the replacement value of the goods lost (the value of the compensation/indemnification necessary to obtain the replacement cost for the lost assets)</li> <li>transfer or reconstruction of lost goods.</li> </ul>
	Illegal possessors of buildings and structures	<ul style="list-style-type: none"> <li>monetary compensation of the replacement value of the goods lost (the value of the compensation/indemnification necessary to obtain the replacement cost for the lost assets)</li> <li>transfer or reconstruction of lost goods.</li> </ul>
	Tenants, lessees of buildings or structures	<ul style="list-style-type: none"> <li>monetary compensation of the replacement value of the goods lost (the value of the compensation/indemnification necessary to obtain the replacement cost for the lost assets)</li> <li>transfer or reconstruction of lost goods.</li> </ul>
Loss of crops	Owners, holders of perpetual usufruct, autonomous holders of properties – the number will be determined at the stage of issuing the RPIP decision and valuation report preparation	<ul style="list-style-type: none"> <li>cash compensation taking into account the costs of making and maintenance of plantings and lost crops,</li> <li>enabling the harvesting of crops</li> </ul>
	Users the number will be determined at the stage of issuing the RPIP decision and valuation report preparation	<ul style="list-style-type: none"> <li>cash compensation taking into account the costs of making and maintenance of plantings and lost crops,</li> <li>enabling the harvesting of crops</li> </ul>
	Tenants, lessees	<ul style="list-style-type: none"> <li>cash compensation taking into account the costs of making and maintenance of plantings and lost crops,</li> <li>enabling the harvesting of crops</li> </ul>

**LAND ACQUISITION ACTION PLAN**

FOR CONTRACT 2B.1, WORKS CONTRACT 2B.1/1

Impacts/losses	Identification of PAP	Compensation
	Illegal possessor of real property	<ul style="list-style-type: none"> <li>enabling the harvesting of crops</li> </ul>
Municipal property	Borough	<ul style="list-style-type: none"> <li>Restoration or replacement of destroyed facilities in consultation with municipalities.</li> </ul>
Temporary loss of land	Owners, perpetual usufruct holders, autonomous holders of properties	<ul style="list-style-type: none"> <li>cash compensation or in any other form agreed with the person entitled,</li> <li>restoring the real property to its previous state or as indicated in the contract.</li> </ul>
	Illegal possessor of real property	<ul style="list-style-type: none"> <li>restoring the real property to its previous state or as indicated in the contract.</li> </ul>
	Tenants, property users	<ul style="list-style-type: none"> <li>cash compensation or in any other form agreed with the person entitled,</li> <li>restoring the real property to its previous state or as indicated in the contract.</li> </ul>

Details pertaining to eligibility of beneficiaries are shown in Appendix No. 1 to LAAP.

## 10 Social consultations and participation of the local community

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

### 10.1 SUMMARY OF PREVIOUS STAKEHOLDER INVOLVEMENT OF SUBCOMPONENT 2B

In the period from 05.11.2019 to 12.12.2019, public consultations were conducted in the Kłodzko Land with the aim of informing inhabitants about the planned flood protection investments and possible correction of technical solutions in the scope of Subcomponent 2B - passive flood protection of the Nysa Kłodzka Valley. The consultation included a series of 9 meetings (one in each town where works are planned) i.e.: Duszniki-Zdrój (5.11.2019), Szczytna (15.11.2019), Polanica Zdrój (18.11.2019), Stronie Śląskie (25.11.2019), Lądek-Zdrój (29.11.2019), Międzyzylesie (2.12.2019), Długopole Zdrój (4.12.2019), Bystrzyca Kłodzka (9.12.2019), Kłodzko (12.12.2019), which were attended, in particular, by representatives of SWH PW, PCU, representatives of local governments and mayors of towns, designers and interested inhabitants. The meetings had an open character and were preceded by an extensive information campaign about their organisation. The scopes of proposed investments within the scope of the implemented project were presented during the conducted meetings and in the second part of the meeting the participants of the consultation could make comments/objections and ask questions.

A Report was produced from the consultations held, detailing the problems/issues raised at each meeting and the proposals for their solution by SWH PW.

As the town authorities were interested in the design works, additional meetings and consultations were held with regard to the acceptance of the design solutions introduced after taking into account the comments and requests of the residents and representatives of local authorities, i.e.:

Town of Szczytna (06.12.2019)

Town of Kłodzko - (17.01.2020) and (05.11.2020) - teleconference format

Town of Bystrzyca Kłodzka and Długopole-Zdrój (13.05.2020) - teleconference format

Town of Polanica - Zdrój and Town of Duszniki - Zdrój (22.07.2020)

Town of Stronie Śląskie and Town of Lądek-Zdrój (29.07.2020) - teleconference format



## 10.2 IDENTIFICATION OF STAKEHOLDERS OF SUBCOMPONENT 2B

Stakeholder group	Key stakeholders	Area of interest
Natural persons directly affected by the project implementation	Appendix No. 1. List of real properties' owners and the impacts for 2B.1/1	Scope and duration of the investment, minimisation of impacts, public consultation, compensation



## 10.3 PREPARATION OF CONSULTATIONS

### 10.3.1 Objectives of the consultation process

The following objectives of the Consultation process have been determined:

- provision of information to the public on the scope as to the subject matter of the investment and information on the anticipated types and scale of impacts,
- identifying the needs and concerns of different stakeholder groups;
- consultations with all persons affected by the Project execution effects, as well as with other stakeholders;
- verifying the correct orientation of the proposed actions;
- maintaining the commitment and willingness of local stakeholders to participate in the Project implementation process;
- enabling stakeholders to actively and effectively participate in the Project development process and to lodge complaints and requests;

The aforelisted have been taken into account and implemented (see: chapter 10.4, consultations report – appendix No. 6).

### 10.3.2 Principles of public consultation

The principles for public consultation adopted in this document were formulated in 2012 under the auspices of the Ministry of Administration and Digitisation. The Seven Principles of Consultation is part of the Consultation Code created by social experts and representatives of the administration during the Internet Freedom Congress workshop, which describes in simple language the most important rules of consultation and practical guidelines for their application. They have been adapted for the purposes of this document.

The principles adopted are as follows:

#### 1. GOOD FAITH

The consultation is conducted in the spirit of civil dialogue. The parties listen to each other, showing a willingness to understand each other's points of view.

#### 2. UNIVERSALITY

Anyone interested in the subject should be able to find out about the consultation and express their views in it.

#### 3. TRANSPARENCY

Information on the purpose, rules, progress and outcome of the consultation must be publicly available. It must be obvious who represents what view.

#### 4. RESPONSIVENESS

Everyone who submits an opinion is entitled to a substantive reply within a reasonable time, which does not exclude collective replies.

#### 5. COORDINATION

Consultations should have a host responsible for the consultation both politically and organisationally. They should be properly empowered in the administrative structure.

#### 6. PREDICTABILITY

Consultation should be carried out in a planned way and on the basis of clear rules.

The aforelisted have been taken into account and implemented in the public consultations process (see: chapter 10.4, consultations report – appendix No. 6)

## 10.4 SUMMARY OF THE PUBLIC CONSULTATIONS FOR THE LAAP DRAFT

The draft Land Acquisition Action Plan (LAAP) *for 2B.1/ 1 Task - Flood Management for the Nysa Kłodzka river* was subject to public consultations carried out in accordance with the requirements specified in the World Bank operational policy (OP 4.12) The public consultations were meant to make it possible for private persons, institutions and all the interested ones to review the document and be able to report possible remarks, inquiries and conclusions regarding its content. When planning and conducting the consultations process we based on the public consultations principles described in item 10.3.2 of this LAAP and aimed at achieving the consultations goals described in item 10.3.1 of thus LAAP.

After developing the LAAP draft, the document was sent to the World Bank. On 16.09.2022 the LAAP digital version and the Announcement (see: For. 1) on public consultations was published on the websites of the institutions:

- Państwowe Gospodarstwo Wodne Wody Polskie , Regionalny Zarząd Gospodarki Wodnej we Wrocławiu [State Water Holding Polish Waters, Regional Water Management Authority in Wrocław]  
<https://wroclaw.wody.gov.pl/nasze-dzialania/projekt-ochrony-przeciwpowodziowej-w-dorzeczu-odry-i-wisly-dokumenty> - (Fig. 2);
- Biuro Koordynacji Projektu Ochrony Przeciwpowodziowej Dorzecza Odry i Wisły [Project Coordination Unit of the Odra-Vistula Flood Management Project]  
<https://odrapcu.pl/projekt-opdow/popdow-dokumenty/> (Ryc. 3).
- Urząd Miasta i Gminy in Międzyzlesie [City and Borough Office of Międzyzlesie]: ODRA - VISTULA FLOOD MANAGEMENT PROJECT- Urząd Miasta i Gminy w Międzyzlesiu [City and Borough Office of Międzyzlesie] ([miedzylesie.pl](http://miedzylesie.pl));
- Urząd Miasta i Gminy w Bystrzycy Kłodzkiej [City and Borough Office of Bystrzyca Kłodzka]: [www.bystrzycaklodzka.pl](http://www.bystrzycaklodzka.pl);
- Urzędu Gminy w Kłodzku [Borough Office of Kłodzko] : [www.gmina.klodzko.pl](http://www.gmina.klodzko.pl);
- Urząd Miasta w Kłodzku [City Office of Kłodzko]: [https://um.bip.klodzko.pl/index.php?n=i&menu=334#tresc\\_main](https://um.bip.klodzko.pl/index.php?n=i&menu=334#tresc_main)

Information about the possibility of getting to know the LAAP content and submitting potential conclusions and remarks, along with specifying detailed contact data (e-mail address, phone number) were published in the local press. The announcement was published on 16/09.2022 in the hard copy of Euroregio Glacensis and in the local Internet portal of DKL24, as well as in the local information portal - Kłodzko24. The published Announcement also includes information about the planned date of the social consultations regarding LAAP (along with specifying the date, time, place and purpose of the meeting) ad on the way of reporting remarks and conclusions to the draft of the Land Acquisition Action Plan.

Information poster with details about the pending public consultations was hung on poster pillars. In total 30 posters were hung in Długopole-Zdrój, Międzyzlesie, Bystrzyca Kłodzka and Kłodzko, on the poster pillars and the announcement boards of the City and Borough Offices of Międzyzlesie, Bystrzyca Kłodzka, the Borough Office and the City Office of Kłodzko. Additionally notifications about public consultations were sent to all PAPs (Project Affected Persons), with information about the possibilities

of getting to know the LAAP content. Following the 21-days period when the LAAP draft was available for the public, open meetings for all the interested individuals took place.

Four meetings were held following the consultations and the LAAP draft document:

1. **12.10.2022**, at 16:30 in „Dwór Elizy” hotel at ul. [street] Zdrojowa 22 in Długopole-Zdrój
2. **18.10.2022**, at 16:30 in Sala Widowiskowa Miejsko - Gminnego Ośrodka Kultury at ul. [street] Wojska Polskiego 20 in Bystrzyca Kłodzka
3. **19.10.2022**, at 16:30 in Sala Miejsko - Gminnego Ośrodka Kultury at Plac Wolności 15 in Międzyzlesie
4. **20.10.2022**, at 16:30 in Sala Konferencyjna A3 (ground floor) in the building of Wyższa Szkoła Zarządzania „Edukacja” Branch in Kłodzko, at ul. [street] Wyspiańskiego 2f.

What was presented, in detail, were the issues concerning the compensation procedure and explained, step by step, the entire procedure on determining the compensation for temporary and permanent seizure. Moreover, issues concerning expropriation of real properties or their parts pursuant to the special purpose flood control act and real estate management act were presented. The expert also informed about the way of determining the compensation amount and indicated the differences and advantages resulting from the compensation procedure that is to involve payment of compensation pursuant to the expert opinion. The expert informed that the undisputed part of the compensation would be paid before the physical commencement of works, based on the agreements concluded with PAPs (70% of the real property value determined in the report of an expert valuer).

During the public consultations there were no remarks or conclusions regarding changes in the LAAP document. Considering the fears reported by the owners of the plot o. 195 (Bystrzyca Kłodzka) and the plot No. 213/5 regarding the Land Acquisition Action Plan (chapter 6.2 Mitigation measures), the minimising actions were added and supplemented.

The other owners of the real properties were mostly interested in getting to know the Investment scope and wanted to know to what extent the investment would impact their real properties

## 10.5 NEGOTIATIONS

Negotiations with PAP will be conducted individually with a specific PAP depending on the type of impacts on his household. All the interested persons have the right to participate in the negotiations, on equal bases. The negotiation areas will depend on the type of the affected good, what will make it possible to satisfy the needs of each PAP regarding the impacts the PAP is affected by:

- loss of land,
- loss of structures or buildings located on the real property's structure,
- loss or reconstruction of infrastructure,
- the extent to which management on the real property is restricted,
- temporary limitation of the possibility to use the property,
- other elements (e.g. the need to establish transmission easement).

Due to the type of impact, in relation to the investment in question, the negotiations will primarily concern the period of occupation and the amount of compensation due. Other areas will be subject to negotiations depending on a specific case.

During the negotiations the Investor will, on a regular basis, be providing the PAPs with comprehensive explanations and information in order to guarantee the undertaken agreements and settlements are clear for all to whom they pertain. The negotiation process will be non-discriminative and it will take into account the equal rights problems.

The reservations made by the parties during the negotiations stage will be archived in minutes of the meetings and protocols from the negotiations.

If an individual compensation package is agreed upon and includes other than financial means of the compensating party, it will be determined in the settlement signed with the PAP.

## 11 Grievance redress mechanism

A principle was assumed in this LAAP that the PIU will take all measures to amicably resolve complaints concerning the Contract (including those submitted during the design works). The grievance redress mechanism is diverse in order to integrate it into the administrative procedures of the various stages of Contract preparation.

### 11.1 THE GENERAL GRIEVANCE REDRESS MECHANISM

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

- a) submitted during public consultations on the draft of the current LAAP,
- b) submitted prior to the Investor's request for the IPIP,
- c) submitted in the course of IPIP proceedings or a decision determining the amount of compensation directly to the Investor,
- d) submitted after the decision determining the compensation amount for the expropriated real property was issued,
- e) submitted during the design works,
- f) submitted directly to PIU, PCU, SWH Polish Waters or another entity acting on behalf of PAP.

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

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

Grievances and requests can be submitted in writing, electronic format, by telephone and verbally to the protocol.

A grievance or request may be submitted by a party directly in the Employer's head office:

**Państwowe Gospodarstwo Wodne Wody Polskie [State Water Holding Polish Waters]**

**Regionalny Zarząd Gospodarki Wodnej we Wrocławiu [Regional Water Management Authority in Wrocław]**

ul. C.K. Norwida 34

50-950 Wrocław

or

**Państwowe Gospodarstwo Wodne Wody Polskie [State Water Holding Polish Waters]**

**Regionalny Zarząd Gospodarki Wodnej we Wrocławiu [Regional Water Management Authority in Wrocław]**

**Inspektorat w Kłodzku**

ul. Kościuszki 1

57-300 Kłodzko

Additionally, grievances and requests can be submitted:

Via conventional post to the above address or

By e-mail: ziemiaklodzka@wody.gov.pl

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

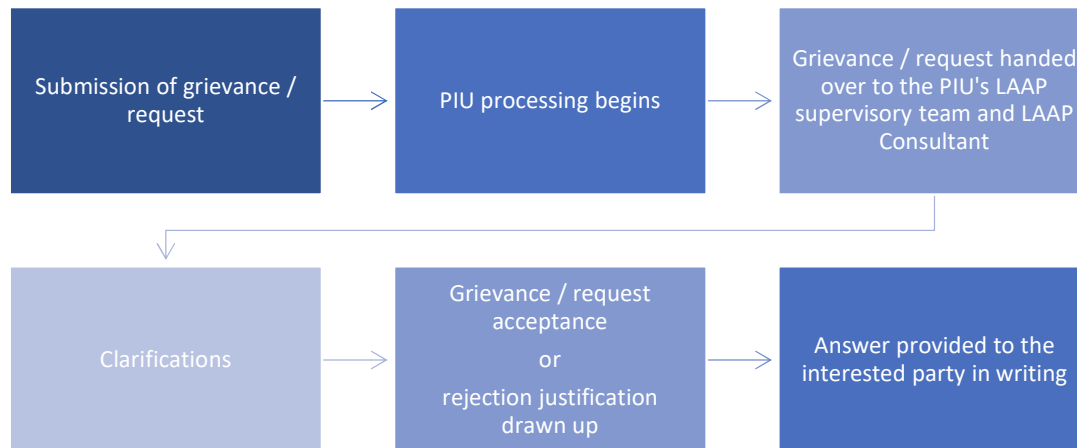
The grievance or request will be considered immediately, which means that the party must be given official notice without undue delay of how the grievance or request will be considered. Such notice shall include the identification of the entity from which it originates, an indication of how the complaint has been considered and a signature stating the name and official position of the person authorized to deal with the grievance or request.

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

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

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

Figure 7 - The general mechanism for managing grievances and requests



## 11.2 PARTICULAR GRIEVANCE REDRESS MECHANISMS

Particular mechanisms for managing grievances and requests are directly connected with the proceedings for issuing the IPIP and determining the compensation for the lost right to the real property and the associated assets (e.g. civil benefits, belongings or plant and machinery which cannot be used at another location).

These will be used during the proceedings on issuing the IPIP, negotiations to determine the compensation conducted after the IPIP is issued, in the proceedings on the Lubuskie Province Governor

issuing a decision determining compensation amount and appeals and court proceedings pertaining to the IPIP and compensation.

Persons whose property is within the contract implementation area shall be parties to the OPIP issuance proceedings. They have the right to participate actively, free of charge, in the proceedings concerning the issuance of IPIP, including the right to submit comments and motions directly to the Lubuskie Province Governor. It should be noted that comments and motions submitted in the proceedings do not always require a response from the Investor. In the event that such a response is required, the Investor will immediately take a position on the matter and forward it to the Dolnoslaskie Province Governor. The Investor's replies will be delivered to the parties by the Dolnoslaskie Province Governor.

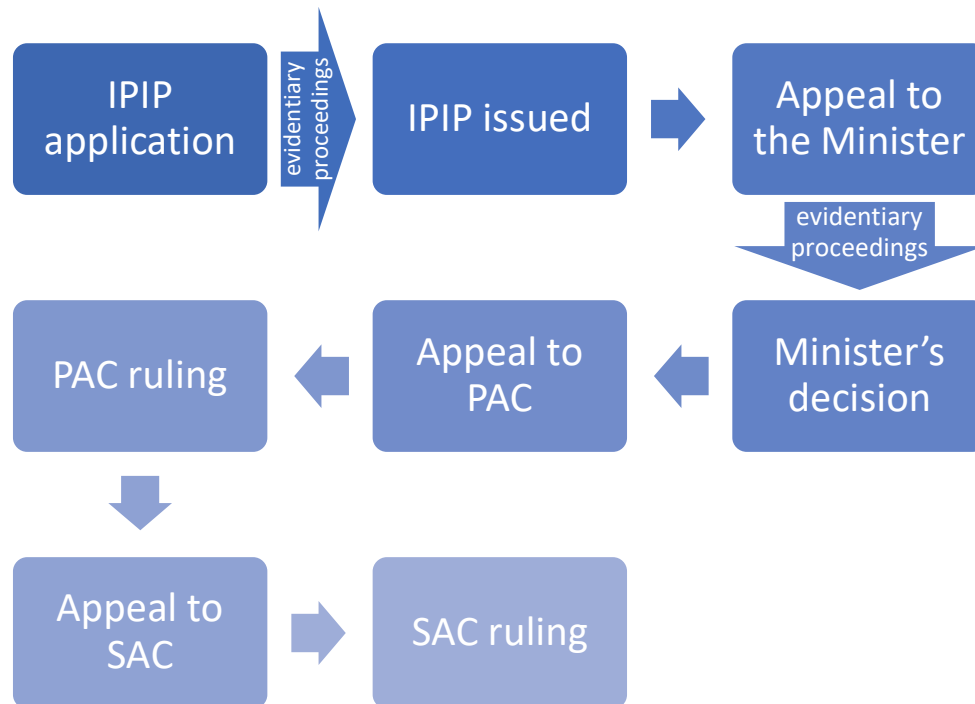
If the parties are not satisfied with the decision issued by the Province Governor, they will be entitled to lodge an appeal with the competent Minister. All statements, motions and evidence submitted in the proceedings before the minister will have to be admitted by the minister and considered when issuing the decision

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

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



Figure 8 - Complaint management mechanism at the IPIP stage



Once a final IPIP is obtained, negotiations will be held with persons who have lost their right to a real property or asset (e.g. civil benefits, affiliations or equipment and machines that are not suitable for use in the new location), at the initiative of the Investor on the amount of compensation and the acquisition of the real property. Objections submitted by the Parties at the negotiations stage will be archived in negotiation meeting reports.

For real properties expropriated on the basis of IPIP, protocols and other documents sent to each other by the parties during negotiations, will be transferred to the Province Governor unless an agreement on compensation is reached. These documents, next to the valuation, will constitute the basis for issuing a decision determining the compensation amount.

PAP entitlements in the proceedings to issue a decision determining the compensation amount are analogous as to those for proceedings on the issuance of IPIP. This means that PAPs are entitled to an active, free of charge participation in these proceedings, to submit comments and requests, to appeal the decision issued by the Province Governor and to appeal the appeals decision issued by the competent Minister to the competent Provincial Administrative Court and then to the SAC. However, unlike the proceedings relating to the issue of IPIP, an action before the PAC against the decision establishing the amount of compensation is subject to a relative free, which depends on the amount of the pecuniary charge covered by the contested decision and amounts to:

up to 10 000 PLN - 4 % of the value of the object of complaint, but not less than 100 PLN;

over 10 000 PLN to 50 000 PLN - 3 % of the value of the object of complaint, however not less than 400 PLN;

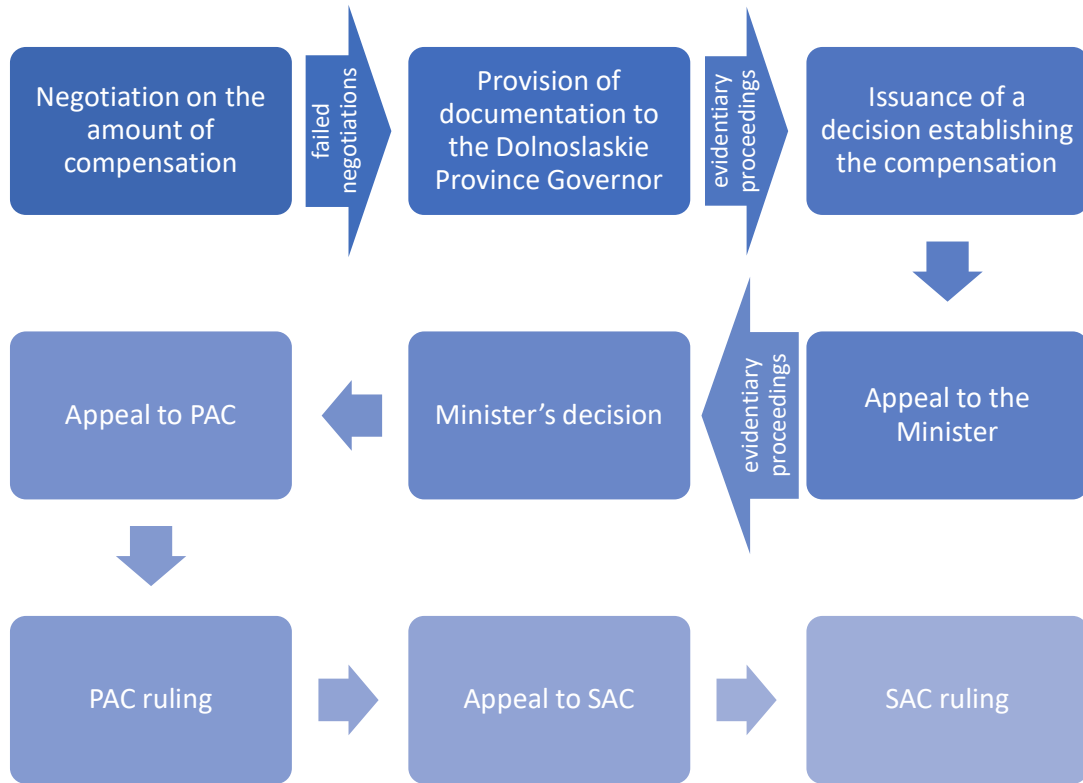
over 50 000 PLN to 100 000 PLN - 2 % of the value of the object of complaint, however not less than 1.500 PLN;

over 100 000 PLN - 1 % of the value of the object of complaint, but not less than 2 000 PLN and not more than 100 000 PLN.

A fee from a cassation complaint to the SAC is half of the fee from a complaint to the PAC, but not less than 100 PLN.

If the PAP is unable to bear the costs of the proceedings, it is entitled to submit an application for exemption from the obligation to bear court costs

Figure 9 - Mechanism for managing grievances at decision determining the compensation amount stage (after issuing the IPIP and after it becomes enforceable)



### 11.3 GRIEVANCE REDRESS MECHANISM PERTAINING TO THE PERFORMANCE OF THE WORKS

#### CONTRACT

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

### 11.3.1 Location for submitting grievances and requests

A grievance or request may be submitted by a party directly in the Employer's head office:

Państwowe Gospodarstwo Wodne Wody Polskie [State Water Holding Polish Waters]

**Regionalny Zarząd Gospodarki Wodnej we Wrocławiu [Regional Water Management Authority in Wrocław]**

ul. C.K. Norwida 34

50-950 Wrocław

or

**Państwowe Gospodarstwo Wodne Wody Polskie [State Water Holding Polish Waters]**

**Regionalny Zarząd Gospodarki Wodnej we Wrocławiu [Regional Water Management Authority in Wrocław]**

**Inspektorat w Kłodzku**

ul. Kościuszki 1

57-300 Kłodzko

It may also be submitted directly in the office on the construction site (the address of this office will be given on the Investor's website within 1 month before the start of works).

Additionally, grievances and requests can be submitted:

- Via conventional post to the above address or

- Via the Internet:

website [wroclaw.wody.gov.pl](http://wroclaw.wody.gov.pl)

By e-mail: [ziemiaklodzka@wody.gov.pl](mailto:ziemiaklodzka@wody.gov.pl)

### 11.3.2 Deadlines for handling grievances and requests

Deadlines for handling grievances and requests

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

The principles for handling grievances and requests cited in pos. 11 are also applicable for grievances of this type.

A suggested grievance registry form is shown in Appendix 16.5.

### 11.3.3 Persons responsible for handling grievances and requests

The substantive employees of the PIU, indicated by the PIU Manager, will be responsible for handling grievances and requests.

#### 11.3. 4 Audits and independent appeal mechanism

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

#### 11.4 PERSONAL DATA PROTECTION POLICY APPLIED FOR THE PROJECT

The following rules, applied during the implementation of this Task, are aimed at ensuring transparency, protection and security of collected personal data of Project Affected Persons (PAPs).

##### 11.4. 1 Who is the personal data controller

Pursuant to Article 13, clause 1 and 2 of the General Regulation on the Protection of Personal Data of 27 April 2016, the controller of personal data is the State Water Holding Polish Waters with its registered office in Warsaw 00-848, ul. Żelazna 59a. 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.

##### 11.4.2 Contact details for the data protection officer

All PAP's questions concerning the manner and scope of personal data processing within the scope of SWH Polish Waters' operations, as well as the powers vested in them, are answered by the Personal Data Protection Inspector at SWH Polish Waters using the address [iod@wody.gov.pl](mailto:iod@wody.gov.pl)

##### 11.4. 3 Legal basis for 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 Special Purpose Flood Control Act.

##### 11.4. 4 What personal data may be collected and for what purpose

Personal data is any information of a personal nature that identifies a particular person. **SWH PW RZGW in Wrocław** collects only those data which are necessary to carry out investment tasks executed by **SWH PW RZGW in Wrocław** (in this case, concerning the execution of Task 2B.1/1 Flood Protection of the Nysa Kłodzka Valley). Such data are processed only to the extent stated by the PAP, on the basis of their voluntary consent through the relevant form, and may include:

- a) identity details: full name and date of birth,
- b) contact details: telephone number, registered and/or residence address, e-mail address,

- c) data related to the payment of compensation for permanent seizure of property, restrictions on use: PESEL number, series and number of identity card, parents' names, bank account number.

Consent to the storage and processing of personal data is voluntary, but the lack of consent may prevent the execution of compensation payments or informing PAPs about the commencement of construction works and their progress.

**SWH Polish Waters RZGW in Wrocław** stores only current personal data of PAP, and should inform RZGW in Wrocław about any change of PAP data.

#### 11.4. 5 What personal data have been obtained other than from the person concerned and from what source(s)

In order to identify the owners/ holders of perpetual usufruct /operators of the real properties that will be subject to permanent occupation or limitation in use, **SWH Polish Waters RZGW in Wrocław** obtained personal data from the Land and Building Register and the electronic Land and Mortgage Register system. The data obtained include:

- a) identity data: full name and first names of parents (where indicated in EGIB), PESEL number (where indicated in KW)
- b) contact details: address for registration (in those cases where indicated in EGIB).

#### 11.4. 6 To whom personal data may be disclosed

PAP's personal data can only be disclosed to:

- a) eligible public entities for the purposes of their proceedings, when **SWH Polish Waters RZGW in Wrocław** is obliged to do so on the basis of relevant regulations and documents (e.g. summons from the court, court order or other administrative or legal procedure),
- b) units involved in the execution of the Works Contract 2B.1/1 Flood Protection of the Nysa Kłodzka Valley
- c) only to the extent necessary to carry out a specific activity,
- d) postal operators, to inform PAP,
- e) the Consultant's representatives and lawyers to support the implementation of the Works Contract and compensation payments.

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

#### 11.4. 7 What rights does the data subject have

Every PAP is entitled:

- a) to access, update and correct their personal data,
- b) to delete their personal data ("right to be forgotten") or transfer them to another controller,
- c) to restrict the processing of their personal data - some data may be designated as restricted to processing only in certain circumstances,

- d) to lodge a complaint concerning the processing of their data by **SWH Polish Waters RZGW in Wrocław** to the competent authority supervising the processing of personal data, if PAP considers that the processing of personal data concerning them violates the provisions of the General Regulation on Personal Data Protection of 27 April 2016 (indicated above),
- e) to withdraw at any time consent to the processing of their personal data by **SWH Polish Waters RZGW in Wrocław**.

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

#### **11.4. 8 Contact to the supervisory authority to which a complaint can be lodged**

Prezes Urzędu Ochrony Danych Osobowych

[President of the Office for the Protection of Personal Data]

ul. Stawki 2

00- 193 Warszawa

phone: +48 22 531 03 00

fax. +48 22 531 03 01

Office hours: 8:00 – 16:00

Helpline: 606-950-000 open on working days from: 10:00 – 13:00

#### **11.4. 9 Contact in SWH Polish Waters RZGW in Wrocław on matters related to privacy policy**

At PGW WP **Inspektor Ochrony Danych** [SWH POLISH WATERS, the Data Protection Inspector],

phone: +48 22 37 20 213 e-mail: iod@wody.gov.pl

at RZGW in Wrocław: rioid.wroclaw@wody.gov.pl

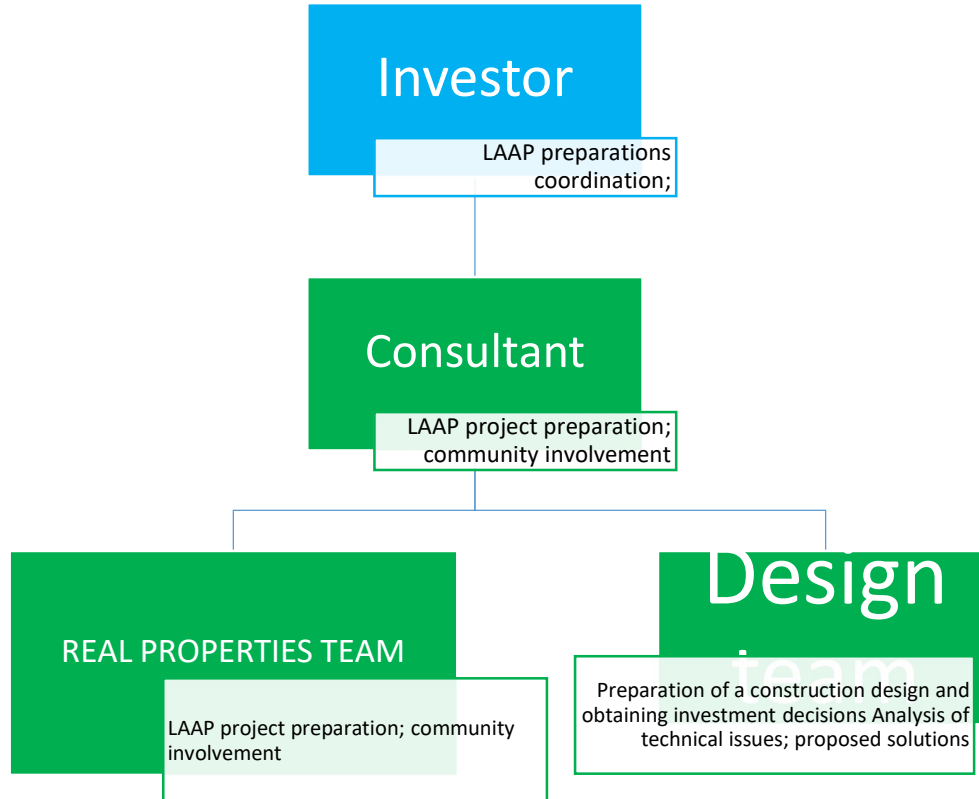
#### **11.4. 10 Period for which personal data will be stored**

Personal data will be stored until the statute of limitations for PAP's compensation claims.

## 12 Institutional structure and the implementation team

The institutional structure of the team drawing up this LAAP is presented on the diagram below:

Figure 10 – The institutional structure of the team drawing up this LAAP



The LAAP Consultant for the preparation of this LAAP is Sweco Polska Sp. z o. o.

The scope of competencies of the team drawing up the LAAP is as follows:

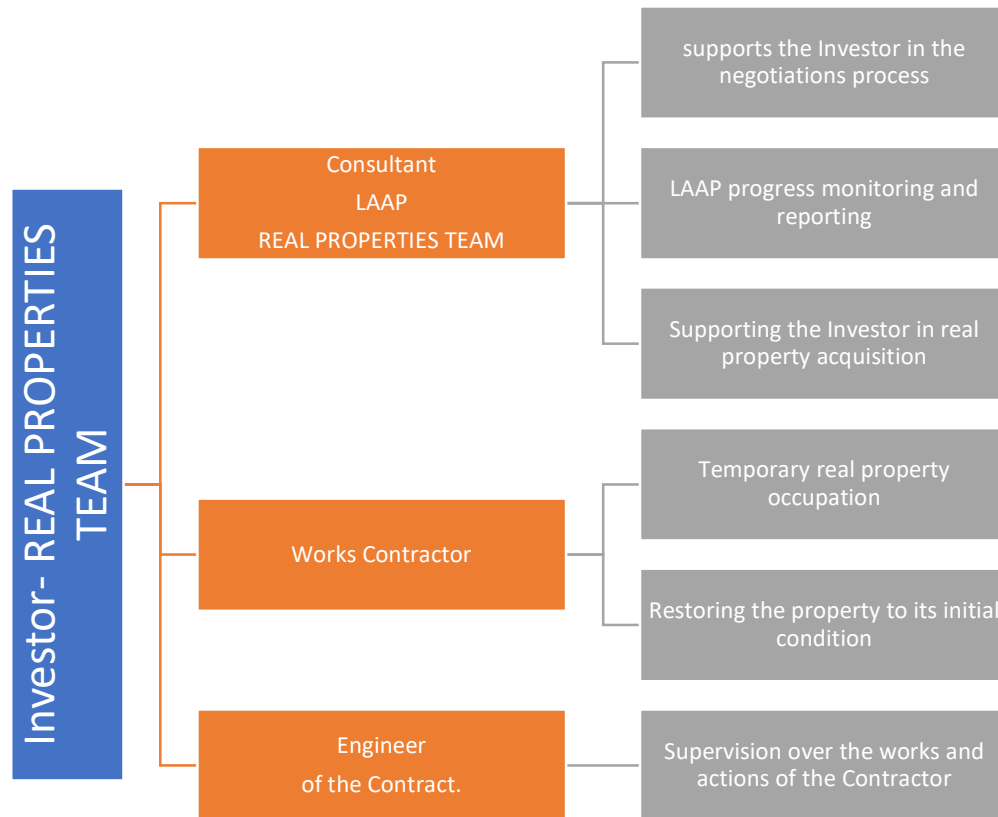
1. Investor – LAAP preparations coordination:
  - a. supervision improving the drawing up of LAAP,
  - b. ensuring flow of information between the Consultant and the Designer,
  - c. ensuring changes which surfaced during preparation of the LAAP are introduced to the Construction Design,
  - d. monitoring the LAAP drawing up process,
2. Consultant– REAL PROPERTIES TEAM:
  - a. cooperation with the design team to ensure that occupation of the property is minimised and that the needs of the PAPs raised during the development of the LAAP are taken into account,

- b. performance of socio-economic research and drawing up of socio-economic study,
  - c. collection and analysis of data pertaining to real property use and development,
  - d. social consultations,
  - e. social consultations process coordination,
  - f. preparation of a proposal for minimizing impact and technical analysis of these proposals, provision of Construction Design change proposals to the Investor,
  - g. qualification analyses,
  - h. preparation of compensation packages,
  - i. preparation of the LAAP document draft.
  - j. preparation of the final LAAP document.
3. Consultant – Design Team
- a. preparation of the Construction Design,
  - b. administrative decisions including decision on environmental conditions, IPIP,
  - c. technical analysis of Construction Design changes presented by the Land Acquisition Team.

The scope of responsibilities of the LAAP implementation team is as follows:



Figure 11 – The scope of competencies of the LAAP implementation team



The scope of responsibilities of the team drawing up the LAAP is as follows:

1. Investor
  - a. supervision improving the drawing up of LAAP,
  - b. concluding compensation agreements,
  - c. compensation disbursement,
  - d. ensuring flow of information between the Consultant, Engineer and the Contractor.
  - e. ensuring that there is no impact on real property that has not been acquired and compensated for as real property to be used in the works in progress,
  - f. acquiring real property,
  - g. undertaking the remedial activities in the event of problematic situations,
  - h. control of execution of the Contractor's duties.
2. LAAP Consultant
  - a. planning and participation in negotiations,
  - b. preparing opinions and valuations by surveyors for the needs of negotiations with PAP,

- c. monitoring of the LAAP implementation by the Contractor and Engineer,
  - d. suggesting remedies in the event of problematic situations,
  - e. supporting the Investor in real property acquisition.
3. Engineer:
- a. supervision over commencement and performance of works,
  - b. suggesting remedies in the event of problematic situations,
  - c. control of execution of the Contractor's duties and the implementation of remedial actions by the Contractor.
4. Contractor
- a. acquiring real property for temporary occupation,
  - b. disbursement of compensation for real property acquired for temporary occupation,
  - c. performance of works on real property permanently occupied,
  - d. restoration of properties acquired for temporary occupation to their previous state or the state agreed in the agreement on temporary occupation of properties.
5. PCU OVFMP
- a. coordination of activities undertaken by the PIU in the framework of the Project implementation, including the implementation of the provisions of the LAAP.

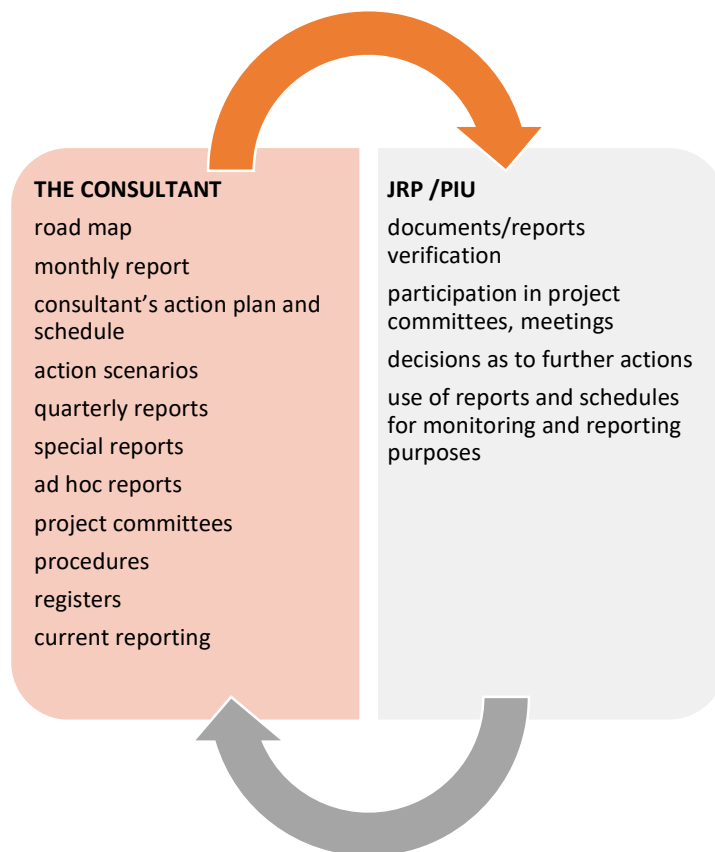
### 13 Monitoring and assessment

Monitoring of the execution of LAAP is an integral part of the Contract monitoring and management system. Therefore, for the purposes of monitoring implementation of LAAP, tools will be used for monitoring of implementation of the Contract, which task is reporting to funding agencies and provision of existing information on the problems, fortuitous events and irregularities. Here, ensuring appropriate cooperation between the Consultant, PIU is paramount. A diagram of information flow within the monitoring is shown here.

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

[https://odrapcu.pl/wp-content/uploads/2021/02/Ramowy\\_dokument\\_dotyczacy\\_Przesiedlen\\_i\\_Pozyskiwania\\_Nieruchomosci.pdf](https://odrapcu.pl/wp-content/uploads/2021/02/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf)

Figure 12 - LAAP implementation monitoring outline



A crucial role in the LAAP monitoring implementation is played by logging facts by the Consultant and by the PIU, notably by correspondence register, the register of the progress of acquiring title to the

property for construction purposes, and the register of the progress of payment of compensation. The data contained in these registers are taken into account in compiling data on the number of acquired real property and the amounts and types of compensation handed over in accordance with Appendix No. 1.

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

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

Such a LAAP performance monitoring system makes it possible to react quickly in case of problems and facilitates efficient reporting within the framework of the existing Contract management systems. The data will be updated on a quarterly basis.

The main indicators, which will be monitored with reference to the Contract executed by SWH Polish Waters RZGW in Wrocław are shown in the table below<sup>7</sup>..

Indicator	Source of information	Frequency of monitoring	Progress indicator
<b>Assumed parameters</b>			
Number of real properties to be expropriated	PNRI [decision on permission for the implementation of a road investment]	Once after decision is issued	Quantity [pcs]
Number of real properties subject to permanent restrictions	PNRI [decision on permission for the implementation of a road investment]	Once after decision is issued	Quantity [pcs]
Number of real properties subject to temporary restrictions	PNRI [decision on permission for the implementation of a road investment]	Once after decision is issued	Quantity [pcs]
Number of project affected persons (PAP)	Land mortgage register, extracts from land and property register, IRPIP decision	Once after decision is issued  Ongoing updates during the process of	Number

<sup>7</sup> Z As there will be no physical and economic resettlement, PAPs will remain in their households and no impact on income levels is expected..

		negotiating and disbursing compensation	
Amount of all expenses for the compensations (expenses)	SWH Polish Waters RZGW registers in Wrocław/Consultant	Monthly / Quarterly	PLN
Number of acquired real properties	SWH Polish Waters RZGW registers in Wrocław/Consultant	Monthly / Quarterly	Quantity [pcs]
<b>Achieved parameters</b>			
Amount of all expenses for the compensations (expenses)	SWH Polish Waters RZGW Wrocław financial records	Monthly / Quarterly	PLN
Number of acquired real properties	SWH Polish Waters RZGW registers in Wrocław/Consultant	Monthly / Quarterly	Quantity [pcs]
Efficiency indicators			
Number of grievances	SWH Polish Waters RZGW registers in Wrocław/Consultant	Monthly / Quarterly	Quantity [pcs]
Number of grievances handled	SWH Polish Waters RZGW registers in Wrocław/Consultant	Monthly / Quarterly	Quantity [pcs]
Disbursed compensation, miscellaneous	SWH Polish Waters RZGW Wrocław financial records	Monthly / Quarterly	PLN

The LAAP activities will be subject to, based on the determined indicators, continuous monitoring and periodic updates by the Consultant's team and by the PIU as the work progresses and new factual and legal circumstances affecting the implementation of its provisions emerge. This will allow, among others, to provide relevant information to PAPs, early identification of risks and implementation of methods that will allow to minimize or eliminate these risks.

The results of monitoring will be presented in monthly and quarterly reports. The ex-post evaluation will be conducted six months after the LAAP is implemented. Its objectives will be assessed and documented in terms of establishing the standard of living of PAPs equal or better than their standard of living before the Project implementation.

## 14 Costs and budget

Pos.	Item	Unit	Price in PLN/ m2	Area [ha] Number [pieces]	Sum [PLN]
1	Permanent occupation <sup>8</sup> (Private plots, municipal plots and plots with undetermined legal status)	Hectare	No data*	2.1036 ha 93 plots	No data*
2	Permanent usage restrictions <sup>9</sup> (Private plots, municipal plots and plots with undetermined legal status)	Hectare	No data*	- -	No data*
3	Temporary seizures <sup>10</sup>	Hectare	No data*	225 plots	
4	Court costs <sup>11</sup>	Not applicable			No data
5	LAAP implementation costs <sup>12</sup>	Not applicable			No data
6	Unanticipated costs (+20 % to items No.: 1)	PLN			No data
6	Total: (sum of the items - No.: 1-5)	PLN			No data

\* the amounts will be determined by an independent valuator

Information on the amount of compensation for permanent restrictions on the use of the property will be supplemented after the valuation is carried out by a valuator.

Compensation is paid by the Investor, i.e. SWH Polish Waters RZGW. The funds are guaranteed by the State Treasury and are distributed through the Ministry of Finance and the Ministry of Infrastructure, to the Polish Waters.

PAP receives compensation by transfer from the SWH Polish Waters RZGW account to the indicated bank account or, if PAP does not have a bank account, the payment will be made by postal order.

<sup>8</sup> The final quantity will be determined by IPIP decisions

<sup>9</sup> The final quantity will be determined by IPIP decisions

<sup>10</sup> The final quantity will be determined by IPIP decisions.

<sup>11</sup> The amount will include the costs of proceedings before administrative courts and common courts (costs of court registrations, costs of experts, costs of legal representation, deposits and other related fees)

Costs before administrative courts can be assessed after the decision of the Dolnoslaskie Province Governor determining the amount of compensation has become final

<sup>12</sup> The amount will be determined at the stage of determining the compensation from PAP

## LAND ACQUISITION ACTION PLAN

FOR CONTRACT 2B.1, WORKS CONTRACT 2B.1/1

The unforeseen costs include the possible costs of purchasing "remnants". The costs of LAAP implementation will include, among others, the costs of correspondence with PAPs and the costs of remittances in case of compensation payment to persons without a bank account.

## 15 Schedule of LAAP implementation

The individual steps necessary for the preparation and implementation of the LAAP according to the LARPF are shown in the table below. A detailed schedule in this respect is included in Appendix No. 2 to the present document.

LAAP DEVELOPMENT			
No.	Functioning	Responsibility	Verification of actions made
1	Determination of the final scope of expropriation and drawing up of a Construction Design	Consultant	JRP /PIU
2	Assessment of Contract's social consequences	Consultant	JRP /PIU
3	Verification of collected materials, analyses of impacts and economic analyses	Consultant	JRP /PIU
4	LAAP draft preparation	Consultant	JRP /PIU
5	LAAP public consultations	JRP /PIU	PGW WP
6	Within the scope stemming from taking into consideration comments and requests - LAAP amendments	Consultant	JRP /PIU
7	LAAP publication (it is also published on the World Bank's website)	World Bank / WB	World Bank / WB

LAAP IMPLEMENTATION			
No.	Functioning	Responsibility	Verification of actions made
1	Submission of IPIP applications	Consultant	JRP /PIU
2	Obtaining the IPIPs	Consultant	JRP /PIU



LAAP IMPLEMENTATION			
No.	Functioning	Responsibility	Verification of actions made
3	Provision of information on obtaining the IPIP to PAP and the investor's further steps	JRP /PIU	PGW WP
4	Property valuation by property valuers	Consultant	JRP /PIU
5	Expropriated individuals receive property valuations and negotiations are held	JRP /PIU	PGW WP
6	If negotiations unsuccessful - Province Governor's decision as to compensation amount	JRP /PIU	PGW WP
7	Payment of compensation and of compensation measures	JRP /PIU	PGW WP
8	Physical acquisition of expropriated real property and commencement of works	Contractor	JRP /PIU
9	LAAP implementation evaluation	JRP /PIU	World Bank / WB

CYCLICAL TASKS			
No.	Functioning	Responsibility	Verification of actions made
1	Internal permanent LAAP implementation monitoring	Consultant	JRP /PIU
2	Reporting to the World Bank	JRP /PIU	World Bank / WB
3	Permanent communication with PAP	Consultant	JRP /PIU

POST IMPLEMENTATION TASKS

<b>Step</b>	<b>Functioning</b>	<b>Responsibility</b>	<b>Verification of actions made</b>
1	LAAP implementation evaluation	Independent third party auditor	World Bank / WB

## **16 Appendices**

### **16.1 TABLE – LIST OF PROPERTIES, OWNERS AND IMPACTS –**

Table attached in an electronic version.

### **16.2 SCHEDULE OF LAAP IMPLEMENTATION**

Schedule attached in an electronic format.

### **16.3 MAPS WITH THE INVESTMENT SCOPE**

Maps will be attached in an electronic version.

### **16.4 SOCIO-ECONOMIC STUDY**

Study attached in an electronic version. The appendix will not be published owing to the personal data protection regulations.

### **16.5 FORM FOR SUBMITTING GRIEVANCES TO THE CONSULTANT (BASED ON WB GUIDELINES)**

Form attached in electronic version.

### **16.6 REPORT ON THE CONDUCTED PUBLIC DISCUSSION ON THE DRAFT LAAP**

The Report is attached in a digital version.

### **16.7 CONTRACT FOR THE PROVISION OF REAL PROPERTY FOR THE PURPOSES OF TEMPORARY OCCUPATION OF LAND**

Contract enclosed in an electronic version.