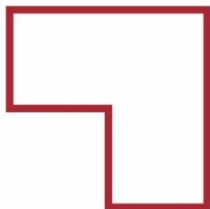


LAND ACQUISITION AND  
RESETTLEMENT ACTION PLAN



FINAL REPORT on the  
implementation of  
the activities  
indicated in LARAP  
WORKS CONTRACT  
3A.3

ODRA-VISTULA FLOOD  
MANAGEMENT PROJECT







# FINAL REPORT ON THE IMPLEMENTATION OF THE ACTIVITIES INDICATED IN THE LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

**FINAL VERSION** -----

## ODRA-VISTULA FLOOD MANAGEMENT PROJECT

FINAL REPORT ON IMPLEMENTATION OF THE LAND ACQUISITION AND RESETTLEMENT PLAN FOR  
WORKS CONTRACT IMPLEMENTED BY THE STATE WATER HOLDING POLISH WATERS REGIONAL  
WATER MANAGEMENT AUTHORITY IN CRACOW

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**COMPONENT 3:**  
FLOOD PROTECTION OF THE UPPER VISTULA

**SUBCOMPONENT 3A:**  
Flood Protection of Upper Vistula Towns and Kraków

### **WORKS CONTRACT 3A.3**

Section 4 – The right embankment of the Vistula River from the estuary of Skawinka  
to the Kościuszko barrage

ISSUE	DATE	AUTHORS	REVIEWED BY	CLIENT'S APPROVAL	DESCRIPTION
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**PROJECT IMPLEMENTATION UNIT:**

The State Water Holding Polish Waters represented by  
the Director of the State Water Holding Polish Waters  
Regional Water Management Authority in Cracow  
with the registered office at 22. Marszałka J. Piłsudskiego St., 31-109 Cracow

**THE DOCUMENT PREPARED BY:**

State Water Holding Polish Waters  
Regional Water Management Authority in Cracow  
Project Implementation Unit of the Odra-Vistula Flood Management Project  
Technical Assistance Consultant, AECOM Polska Sp. z o.o.

**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)  
State Budget

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## SUMMARY

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<b>Subject of the Contract:</b>	Under the Works Contract 3A.3, the existing right-side embankments of the Vistula River from the Skawinka estuary to the Kościuszko barrage were extended : from km 60+325 to km 61+662 with a length of 1.337 km (Task 1), from km 62+017 to km 63+183 with a length of 1.66 km (Task 2), and from km 63+779 to km 65+160 with a length of 1.381 km (Task 3) located in the City of Cracow and in the towns of: Piekary and Kryspinów, Municipality of Liszki, Poviát of Cracow, Małopolskie Province.
<b>Completion date of Investment implementation (of completion of works)</b>	September 15, 2022
<b>Date of awarding “NO” for the LARAP:</b>	August 6, 2019
<b>Number and category of PAPs:</b>	130 (129 natural persons, Municipality of Cracow)
<b>Sum of compensations disbursed to PAPs:</b>	PLN 2,374,098.02 – monetary compensations in the amount of the replacement value of assets lost by PAPs (permanent occupation and permanent restriction – total amount in the R column in Appendix 4)
<b>Number of properties and ownership class:</b>	Permanent occupation:  153 properties: 103 private properties, 7 municipal properties, 29 State Treasury properties, 14 properties with undetermined legal status  Permanent restriction in property use:  1 property with undetermined legal status (Cracow Municipality and/or State Treasury (settlement of legal status is necessary))
<b>Key issues:</b>	<ul style="list-style-type: none"><li>— in connection with expropriations, payments of compensations for land and constituent components in the amount of the replacement value,</li><li>— in connection with the permanent restriction in the use of properties, payment of compensation in the amount of loss in the value of land due to the restriction,</li><li>— in connection with temporary occupation of properties acquired by the Contractor, settling the issue of using such properties, monitoring of the manner of use and time of occupation and clarifying the status after finishing the use</li></ul>
<b>Key achievements:</b>	<ul style="list-style-type: none"><li>— compensations were paid to the former owners/co-owners for the land and for all components and plantings, and if the legal status was unsettled, compensation was placed to the court deposit (<i>for a detailed description – see chapter 3.5.1 Permanent occupation</i>),</li></ul>

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- compensation relating to a permanent restriction in the use of the property was placed to the court deposit due to an unsettled legal status *(for a detailed description – see chapter 3.5.2 Permanent restrictions),*
- The Contractor has finished to use the temporarily occupied properties, this use has taken place in accordance with the provisions of the signed agreements. There were no objections as to the condition of the properties after the end of temporary occupation and all obligations were fulfilled *(for a detailed description – see chapter 3.5.5)*

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**Unresolved issues and negative impacts of Task implementation:**

- in 42 cases, compensations - in the absence of an entitled person (owner or co-owner) - were directed to a court deposit – the PIO's strategy for payment of compensation from the deposit is described in chapter 3.5.3
-

## 1. LIST OF ABBREVIATIONS USED IN THE DOCUMENT

AP	Affected Population
World Bank (WB)	International Bank for Reconstruction and Development (IBRD)
PCU	Project Coordination Unit operating within the structures of the National Water Management Authority of the State Water Holding Polish Waters
CEB	Council of Europe Development Bank (CEB)
DEC	Decision on environmental conditions
RLB	Register of land and buildings – a register containing data, which e.g. remain a basis for business planning, spatial planning, assessment of tax and benefits, marking of properties in a mortgage register, register of farms
Investor/Employer/PIU (until 12/31/2017)	Marshal, on behalf of whom the Małopolskie Board of Amelioration and Water Structures in Cracow acted - Odra-Vistula Flood Management Project (OVFMP) Implementation Unit
Investor/Employer/PIU (from 01/01/2018)	SWH Polish Waters – Regional Water Management Authority in Cracow - Odra-Vistula Flood Management Project Implementation Unit (OVFMP)
Engineer	See <i>Consultant</i>
PIO	Project Implementation Office formed within the PIU; a separate organizational unit responsible for implementation of the Contract/Investment
Consultant/Engineer/Contract Engineer	Company or legal person providing services for the Investor  Technical Assistance Consultant for the OVFM Project – AECOM Polska Sp. z o.o.
MZMiUW	Małopolskie Board of Amelioration and Water Structures in Cracow
Project/Contract/Works Contract/Investment	WORKS CONTRACT 3A.3 Section 4 – The right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko barrage
C.C.	The Act of April 23, 1964 – Civil Code
CAP	The Act of June 14, 1960 – Code of Administrative Procedure
LARPF or RPF	Resettlement Policy Framework
LARAP	Land Acquisition & Resettlement Action Plan



OP 4.12	<del>The symbol of a document containing the principles of conducting involuntary resettlement required for Contract co-financing with a World Bank loan: Operational Policy 4.12 – Involuntary Resettlements.</del> 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.
EIA	Environmental Impact Assessment
PAP	Project Affected Person(s)
SWH PW RZGW in Cracow	State Water Holding Polish Waters - Regional Water Management Authority in Cracow
IPIP	Investment Project Implementation Permit in the scope of flood protection facilities
POM	Project Operations Manual
Project / OVFP	Odra-Vistula Flood Management Project
Construction Law	The Act of July 7, 1994 - Construction Law
Water Law	The Act of July 20, 2017 - Water Law
EMP	Environmental Management Plan
Valuer / expert	Natural person with state professional qualifications within the scope of property valuations
RDOŚ	Regional Director for Environmental Protection
Special Flood Act	The Act of July 8, 2010 on specific terms of preparing for implementation of projects in the scope of flood protection facilities
Special Decision	Decision on the Investment Project Implementation Permit (IPIP) issued based upon the Special Flood Act
PR	permanent restrictions to the manner of property use
EU	European Union
RPM	The Act of August 21, 1997 on real property management
PAC	Provincial Administrative Court
Contractor	Entity implementing the Works Contract

## 2. INTRODUCTION

The Land Acquisition and Resettlement Plan (LARAP) for *Works Contract 3A.3 Section 4 – The right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko barrage* has been implemented. The aim of the Final Report on Implementation of the Land Acquisition and Resettlement Plan (LARAP), prepared in accordance with the requirements of the *Project Operations Manual* and the *Land Acquisition and Resettlement Policy Framework*<sup>1</sup>, is to document the process of obtaining land and to assess if it meets the requirements under OP 4.12, or whether there are any corrective actions that still need to be taken. For the Contract 3A.3, as outlined in the next chapters of this Report, this aim has been achieved and corrective measures are no longer required. The ex-post evaluation of the LARAP was conducted after the LARAP was fully implemented and its objectives were achieved.

In line with the assumptions made in the Land Acquisition and Resettlement Action Plan, an ex-post evaluation was made after full implementation of the LARAP and confirms that the mitigation measures have been implemented and properly documented. **It is concluded that all the measures described in the LARAP have been implemented and that each known entity affected by the project (family, individuals, legal entities) have obtained compensation and their standard of living has improved or at least been restored. In 42 cases compensations were paid to a court deposit. The PIO has established a strategy that will be applied to make easier eligible persons to withdraw the deposited compensations.**

This Report presents an account of the implementation of the measures planned in the LARAP for *Works Contract 3A.3 Section 4 – The right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko barrage* implemented as part of the *Odra-Vistula Flood Protection Project (OVFMP)* co-financed by the International Bank for Reconstruction and Development (World Bank or WB), Council of Europe Development Bank (CEB), and the State Budget.

The task was executed on the area of two Municipalities of Małopolskie Province: the right bank part of the city of Cracow – Podgórze district and the towns of: Piekary and Kryspinów, Municipality of Liszki. The scope of Works under Contract 3A.3 has not changed and remains the same as described in Chapter 4.1 of the LARAP.

Location of the Task is presented on an attached general drawing (**Appendix no. 1** to this document).

Key Contract performance dates:

Date of signing the Contract:	01/21/2020
Date of handing over the Construction Site:	01/27/2020
Commencement date of Works:	02/05/2020
Completion date of Works:	09/15/2022
End date of the Quality Guarantee and Warranty Period:	03/03/2028

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<sup>1</sup> <https://odrapcu.pl/en/dokumenty/>

The implemented extension of embankments has increased flood safety in the area of two Municipalities: Cracow and Liszki, i.e. it provided flood protection for ca. **3,000 residents** living in an area of ca. **336.1 hectares**.

Properties had to be acquired to implement the Task which is linear in nature (extension of existing sections of embankments and associated infrastructure), but did not result in the physical or economical resettlement of households.

**Table 1.** Area and number of properties acquired and impacts of Contract 3A.3.

	Total number of hectares	Total number of plots	State Treasury plots	%	Private plots (natural persons and Municipality)		%	Undetermined legal status	%	Physical resettlement	Economic resettlement
					Natural persons	Municipality					
<b>Permanent occupation</b>	14.6267	153	29	18.9	103	7	71.9	14	9.2	0	0
<b>Permanent restrictions to manner of property use</b>	0.0110	1	0	0	0	0	0	1	100	0	0

This task was originally outside the scope of the OVFMP financed from the funds of the WB's and CEB's loan and, at the request of SWH PW RZGW in Cracow, was included in the OVFMP under the name: of *3A.3 Section 4 – The right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko barrage* in the Procurement Plan published on 04/16/2019 on the World Bank's website (accepted by the WB on 03/20/2019).

Before the task was included in the OVFMP Project, compensations had been paid for 70 properties (63 properties of natural persons and 7 municipal properties), and for 4 properties compensation had been paid into court deposit. The amounts of compensations for the remaining properties were determined by the Province Governor of Małopolskie; compensation decisions were issued in 2016-2019 by the Province Governor of Małopolskie on the basis of the Special Flood Act. **The fact that land has been acquired before this Contract was included in the OVFMP. At the stage of developing the LARAP, the compliance of the activities carried out (until the LA&RAP development) with the operational policy of OP 4.12 was analyzed and confirmed.** It should be emphasized that the methodology for determining the value of compensation was consistent with the requirements of the operational WB policy OP 4.12, and all compensation was paid prior the commencement of works.

Small parts of properties of natural persons ranging from 3 m<sup>2</sup> to 7,367 m<sup>2</sup> were taken over for the benefit of the State Treasury; the plots were not utilised for agricultural purposes; in fact they were meadows and pastures undergoing ecological succession. No farming activity was taking place on any of the properties according to the findings of the site visit conducted at the stage of preparing a socio-economic study. The areas subject to expropriation cannot be considered as generating any income that is an opportunity to ensure the existence of a household. Three plots had the status of building plots and project implementation did not change the situation regarding the possibility of developing these plots (expropriated areas are 0.0431 ha, 0.0764 ha, 0.1030 ha). All cases of occupation above 10% (in relation to the initial area of the plot occupied) were subject to socio-economic studies, which confirmed that the impacts generated by the Project are minor, as households do not make a living

from farming. There was no substantial production for household consumption the families relied on. In no case were built-up parts of the property (e.g. residential, buildings or other buildings that would be used) subject to occupation. No vulnerable groups were identified during the studies.

All impacts were minor, with no impacts identified in any case in terms of, inter alia, loss of sources of income, jobs, accessibility to infrastructure, loss of farming opportunities, loss of enjoyment of natural assets/access to parks, reserves, access to educational institutions, cultural facilities, etc.

The implemented Task has had a positive social impact, as assets, jobs and, in the extreme case, the lives of PAPs are protected from the disastrous impact of flood.

The local community had a very positive attitude towards the implemented project during the execution of the works, because the executed extension of embankments, as already indicated above, protected their lives and assets from the floods likely to occur in the future.

No complaints were received during the implementation of works and no application was filed for the Contract in question.

Listed below are addresses to websites where information on the implementation of this Task is published. All the implemented Tasks (implemented under OVFMP with the World Bank's co-financing) have a huge social impact by providing flood protection for this area:

- <https://liszki.pl/zawiadomienie-o-wszczeciu-postepowania-projekt-rozbudowy-walow-przeciwpowodziowych-rzeki-wisly-w-krakowie-odcinek-4-prawy-wal-rzeki-wisly-od-ujscia-skawinki-do-stopnia-kosciuszko,news-2885>
- [https://narowery.visitmalopolska.pl/aktualnosci-rowerowe/-/asset\\_publisher/yhAcR5bp0s5Z/content/wybrany-wykonawca-remontu-walow-skawina-tyniec](https://narowery.visitmalopolska.pl/aktualnosci-rowerowe/-/asset_publisher/yhAcR5bp0s5Z/content/wybrany-wykonawca-remontu-walow-skawina-tyniec)
- <https://gazetakrakowska.pl/krakow-poslizg-przy-budowie-walow-przeciwpowodziowych-we-wschodniej-czesci-miasta-jednym-z-powodow-jest-wojna-na-ukrainie/ar/c1-16528209>
- <https://wody.gov.pl/aktualnosci/3330-stop-powodzi-kolejny-krok-na-drozdze-do-kompleksowego-zabezpieczenia-krakowa-przed-powodzi>
- <https://www.wnp.pl/finanse/krakow-wody-polskie-zakonczyly-inwestycje-dot-ochrony-przeciwpowodziowej-za-ponad-112-mln-zl,681682.html>
- <https://www.kierunekwodkan.pl/artukul,96591,przeciwpowodziowe-inwestycje-w-krakowie.html>
- [https://www.rmfm24.pl/regiony/krakow/news-w-krakowie-dobiegly-konca-inwestycje-przeciwpowodziowe,nld,6621577#crp\\_state=1](https://www.rmfm24.pl/regiony/krakow/news-w-krakowie-dobiegly-konca-inwestycje-przeciwpowodziowe,nld,6621577#crp_state=1)
- <https://odrapcu.pl/inwestycja/3a-3-odcinek-4-prawy-wal-rzeki-wisly-od-ujscia-skawinki-do-stopnia-kosciuszko/>
- <https://krknews.pl/trwa-modernizacja-walow-przeciwpowodziowych-ochronia-40-tys-mieszkanow-krakowa/>

- <https://gazetakrakowska.pl/malopolska-i-krakow-zabezpieczaja-sie-przed-podtopieniami-czy-to-wystarczy-kiedy-przyjda-wiosenne-ulewy/ar/c1-17319339>
- <https://lubie.krakow.pl/krakow-coraz-lepiej-zabezpieczony-przed-powodzią/>
- <https://www.dziennikprawny.pl/pl/a/krakow-zabezpieczony-przed-powodzią>

Information about Contract 3A.3 was also posted on the social networking site Facebook, where registered users can create networks and groups, share news and photos. Screenshots of websites are included in **Appendix no. 2**.

## 3. SUMMARY OF MAIN ACTIVITIES CARRIED OUT UNDER THE CONTRACT

### 3.1. DESCRIPTION OF THE OPERATION OF PROPERTY ACQUISITION

#### PROCEDURES

Properties were acquired under the provisions of the special flood protection act and the act on real estate management. The Project Implementation Unit, when implementing this Task, also applied all the principles resulting from the World Bank's Operational Policy OP 4.12, as well as the procedures of conduct indicated in the *Resettlement Policy Framework (RPF)*<sup>2</sup> and *Land Acquisition and Resettlement Action Plan*<sup>3</sup>.

The rules arising from Polish legislation, World Bank's policy OP 4.12 and the LARAP were complied with during the execution of works. The guiding principle of the activities was to achieve the effect of improving or at least restoring PAPs' living conditions, and assuring long-time balanced use of environmental resources within that area. **This effect has been achieved, as described below.**

**The procedures for the acquisition of properties were described in detail in the LARAP for Works Contract 3A.3, which was awarded a "No objection" clause from the WB on 08/06/2019. There were no gaps/inconsistencies in the implementation of the LARAP that would require corrective measures. In the 42 cases in which compensation was paid into a court deposit, additional measures were introduced to make it easier for interested parties to collect funds from the deposit.**

### 3.2. PUBLIC CONSULTATION

Public consultation was held at every stage of the Contract's preparation and implementation. Engagement of the local community is treated as one continuous process spread out in time, the correct implementation of which should facilitate a minimisation of risks associated with the potential social conflict for the Contract. Public consultation was held at the stage of:

1. Obtaining a water permit,
2. Obtaining an environmental decision,
3. Obtaining an investment project implementation permit,
4. Establishing the compensation and preparation for performance of construction works.

Additionally, public consultation was also conducted in connection with the preparation and public release of documents resulting from the World Bank's operational policies, i.e. the Environmental Management Plan and the Land Acquisition and Resettlement Action Plan (including during the socio-economic study). The public consultation conducted as part of the public release of the Draft Land

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<sup>2</sup> <https://odrapcu.pl/en/dokumenty/resettlement-policy-framework/> - the basic document adopted and approved by the WB in April 2015, its update no. 1 approved in June 2022 and update no. 2 approved in November 2023

<sup>3</sup> <https://odrapcu.pl/en/dokumenty/> - LARAP for Contract 3A.3 adopted and approved by the WB on August 6, 2019.

Acquisition and Resettlement Action Plan is described in detail below. For more information on public consultation, see chapter 10 of the LARAP.

After the completion of works on the draft IPIP and the World Bank's acceptance for the commencement of the public disclosure procedure on its basis, the document was subject to public consultations conducted in accordance with the requirements of the World Bank's operational policy (OP 4.12), the purpose of which was to enable individuals, institutions and all interested parties to become familiar with the content of the document and to ensure the possibility to submit any comments, questions and conclusions to its content.

In accordance with Operational Policy OP 4.12, the public disclosure of the draft Land Acquisition and Resettlement Action Plan commenced on June 12, 2019, when an announcement was published in the Polish Journal of Laws (a local journal). The announcement invited individuals, authorities and interested institutions to inspect the draft LARAP for the Works Contract 3A.3.

Each interested party could familiarise oneself with the draft LARAP between **June 12, 2019** and **July 2, 2019** (inclusive) (paper version), which was displayed for review at the office of:

- State Water Holding Polish Waters, Regional Water Management Authority in Cracow (SWH PW RZGW in Cracow), 36. Kraszewskiego St., 30-110 Cracow, at working days from 9:00 a.m. to 2 p.m.,
- State Water Holding Polish Waters, Regional Water Management Authority in Cracow - Water Supervision Department in Cracow, 278. Kryspinów St., 32-060 Liszki, on working days between 10:00 a.m. and 1:00 p.m.
- OVFM Project Office, AECOM Polska Sp. z o.o., 1. Pokoju Alley (K1 building – 4th floor), 31-548 Cracow, working days from 7:30 am to 3:30 pm.

or with the electronic version of the document published on a publicly accessible website:

- SWH PW RZGW in Cracow at - [www.krakow.rzgw.gov.pl](http://www.krakow.rzgw.gov.pl),
- OVFM PCU at – [www.odrapcu.pl](http://www.odrapcu.pl),
- Liszki Municipality Office at - [www.liszki.pl](http://www.liszki.pl),
- City Hall of Cracow at – [www.bip.krakow.pl](http://www.bip.krakow.pl),
- Powiat Starosty Office in Cracow at – [www.powiat.krakow.pl](http://www.powiat.krakow.pl).

Each interested party could submit comments and motions concerning the draft LARAP in writing and orally to the protocol at the above-mentioned addresses or in electronic form to the e-mail address: [jrp.krakow@wody.gov.pl](mailto:jrp.krakow@wody.gov.pl) on working days from 06/12/2019 to 07/02/2019 (inclusive). The institution competent to examine the comments and motions was the SWH PW RZGW in Cracow, the contact person: Ms Ewa Uczniak-Grzanka tel. +48 12 628 09 83 and Mr Rafał Sionko tel. +48 12 628 09 83.

Detailed information on the possibility of familiarizing oneself with this document and the possibility of submitting motions and comments (including contact details: telephone numbers, e-mail address, addresses of places where the draft document may be consulted, office hours) was published in the Announcement posted in the following places:

- at the website of SWH PW RZGW in Cracow at - [www.krakow.rzgw.gov.pl](http://www.krakow.rzgw.gov.pl), OVFM PCU at - [www.odrapcu.pl](http://www.odrapcu.pl), Liszki Municipality Office at - [www.liszki.pl](http://www.liszki.pl), Cracow City Office at – [www.bip.krakow.pl](http://www.bip.krakow.pl) and the Powiat Starosty Office in Cracow at – [www.powiat.krakow.pl](http://www.powiat.krakow.pl);
- in local press – Dziennik Polski;
- on the notice boards in the office of SWH PW RZGW in Cracow, in the office of SWH PW RZGW in Cracow - Water Supervision Department in Cracow, in the Cracow City Office and the Powiat Starosty Office in Cracow, Liszki Municipality Office,
- as well as on notice boards in places visited by the local community, Podgórze Centre of Culture – Tyniec Club, in Local Kindergarten no. 133 of Father Leon Knabit, in the General Store at 74B. Bogucianka St., as well as on local notice boards in the following locations of works execution: in Cracow at 2. Bogucianka Street, 26. Benedyktyńska St. and in Liszki at Św. Jana Kantego St. and 3. Rynek St.

Information was also given in above-mentioned announcement on the possibility of participating in open meetings and discussions for all interested persons, organisations and institutions planned for July 4, 2019 (including the place, date and time of the meeting).

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

- Powiat Starosty in Cracow
- Cracow City Office
- Cracow City Council
- Mayor of Liszki Municipality
- Village Administrator of Liszki

Publication of the Draft LARAP was commenced officially on June 12, 2019 and was completed after 21 days, on July 2, 2019. During the publication process for the Draft Land Acquisition and Resettlement Action Plan, no visits were recorded of persons reviewing the document that was put out for review, no questions or motions were filed, either by e-mail or telephone, and were not submitted personally to the Offices of SWH PW RZGW in Cracow and Kryspinów and in the Consultant's Office, either. However, an interest in the document was noted. Downloads of files from the websites included in the notice were observed.

An open meeting for the public on public consultation regarding the Land Acquisition and Resettlement Action Plan for the Works Contract 3A.3 Section 4 – The right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko barrage, implemented as part of the Odra-Vistula Flood Protection Project, was held on July 4, 2019 at 4:00 p.m. at the office of SWH PW RZGW in Cracow – Water Supervision Department in Cracow, 278. Kryspinów St., 32-060 Liszki (Liszki Municipality).

The meeting in Kryspinów was attended by 14 people, among the participants were a representative of the local government of the Liszki Municipality Office, mayors of the surrounding villages of Piekary, Kryspinów and Jeziorzany. The meeting was also attended by representatives of units directly involved in the implementation of OVFP: a Project Implementation Office from SWH PW RZGW in Cracow, OVFM Project Coordination Unit and the Engineer – Consultant Team (including: Project Manager, Supervision Engineer – Resident Engineer and Land Acquisition Team).



At the meeting (open to anyone interested in Project implementation), during the public discussion each participant could submit oral and written comments / remarks on the draft LARAP to the report. No additional questions or comments, which would require time for answer, were received during the meeting. Questions asked during the meeting concerned in most cases the issues described in detail in the LARAP document; they were discussed and clarified during the meeting.

The final LARAP document, after obtaining the WB's no-objection on 08/06/2019, will be made available to interested parties, i.e. posted on the website and will remain there until the completion of Contract execution.

**Activities in the area of public consultation were carried out in accordance with the provisions of the LARAP. There were no gaps/inconsistencies in the implementation of the LARAP that would require corrective measures.**

### 3.3. ADMINISTRATIVE DECISIONS OBTAINED

For the Task in question, the Investor obtained the following decisions in the area of environmental protection, water management and construction law:

- Decision on environmental conditions:
  - Decision of the Regional Director for Environmental Protection in Cracow of 05/20/2015 on environmental conditions for the project titled: “The project of Modernization of Vistula Embankments in Kraków: Section 4 – The right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko barrage”, ref. OO.4233.8.2014.BM. The decision issued on behalf of the Marshal of the Małopolskie Province acting on behalf of and to the benefit of the State Treasury and performing tasks as part of government administration.
  - Decision of the Regional Director for Environmental Protection in Cracow of 05/20/2020, ref.: OO.420.4.1.2020.BM (issued as a result of the need to change the conditions provided in the environmental decision of 05/20/2015 in point I.1.2 sub-point n - concerning the dates for the removal of topsoil).
- Water permit:
  - Decision of the Podkarpackie Province Marshal of July 7, 2015, ref. OS.II.7322.29.2015.RD on granting to the Małopolskie Board of Amelioration and Water Structures in Cracow a water permit for the construction of water facilities – extension of flood protection embankments for Contract titled “Modernization of Vistula Embankments in Kraków: - Section 4 – The right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko barrage”.
- Decision on the investment project implementation permit (IPIP);
  - Decision of the Province Governor of Małopolskie no. 06/2015 of 22/12/2015, ref.: WI-IX.7840.1.8.2015 issued on behalf of the Marshal of the Małopolskie Province, acting on behalf of and to the benefit of the State Treasury and performing tasks as part of government administration. The Decision became finally valid on 01/28/2016.

- Decision on the building structure exploitation permit:
  - Decision of the Małopolskie Province Construction Supervision Inspector in Cracow no. 54/2023 of February 01, 2023, ref.: WINB.771.1.10.2022.ACIE issued in favour of SWH Polish Waters on the building structure exploitation permit;
  - Certificate issued by the Małopolskie Province Construction Supervision Inspector in Cracow, ref.: WIB.770.24.2023.MKLO of February 20, 2023 stating the validity and finality of the decision ref.: WINB.771.1.10.2022.ACIE.

The decisions issued by December 31, 2017 were issued to the Investor, who was the Marshal of the Małopolskie Province on behalf of whom the Małopolskie Board of Amelioration and Water Structures in Cracow. From January 1, 2018, based upon the Act of July 20, 2017 Water Law, the State Water Holding Polish Waters Regional Water Management Authority in Cracow overtook rights and liabilities associated with implementation of the Project.

**The administrative decisions were acquired in accordance with Polish law in compliance with the operational policy OP 4.12 and in accordance with the rules laid down in the LARPF and LARAP. There were no deviations in the implementation of the LARAP.**

### **3.4. REGISTER OF EXPROPRIATIONS (ACQUISITION OF PROPERTIES) – DATA ANALYSIS**

The properties subject to permanent occupation and necessary for investment implementation were identified in IPIP decision no. 06/2015 of 12/22/2015, ref.: WI-IX.7840.1.8.2015: a total of **153** plots were identified with the area of **14.6267 ha** (see **Appendix no. 4**).

A site visit, conducted at the stage of preparing the socio-economic study, and the examination of registration documents revealed that the areas taken over for the purposes of investment implementation from the existing owners include green areas, mainly wasteland, excluding 3 properties where the owners have built or started building residential houses.

An ownership structure of plots after completing the process of establishing the ownership by the Province Governor (after issuing a set of compensation decisions).

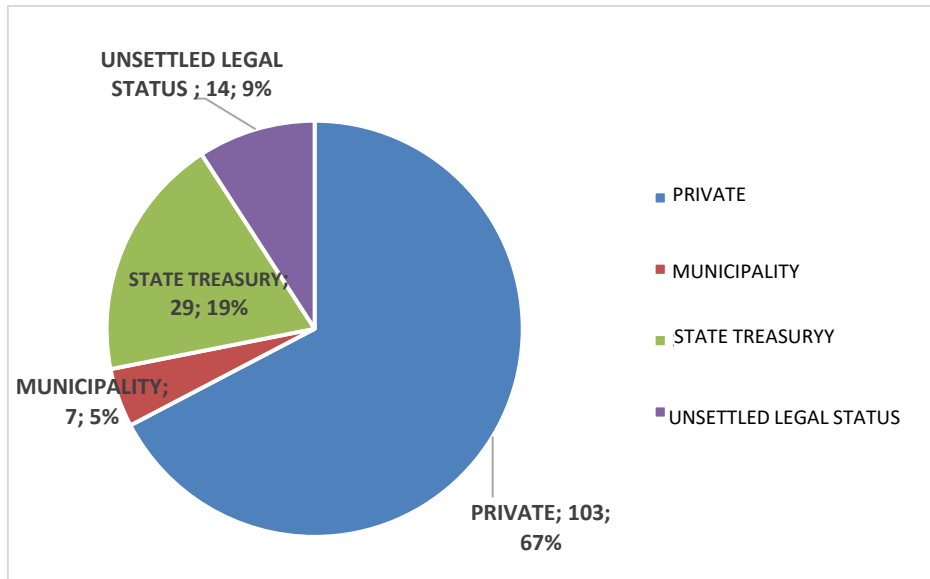


Fig.1. Ownership structure by number of plots and percentage share (%)

An analogous analysis was also made for the plots acquired for investment implementation, but for the permanently occupied land area by ownership.

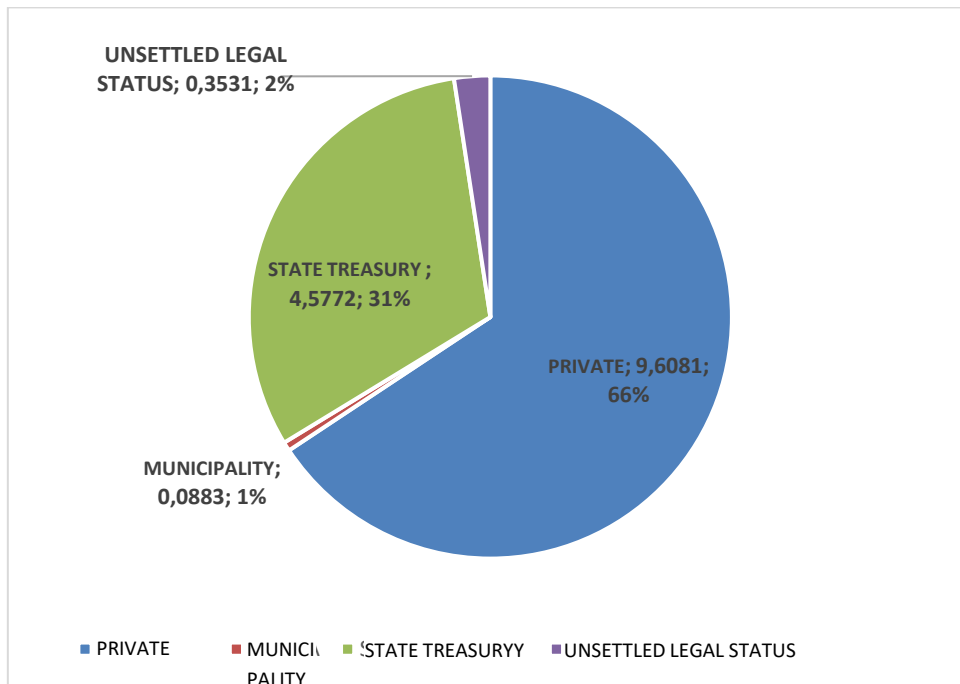


Fig.2. Ownership structure by area of plots (ha) and percentage share (%)

153 properties were covered by permanent occupation including in the category of private properties indicated in the reporting 110 plots (9.6464 ha): 103 properties of private persons with a total area of 9.6081 ha and 7 properties of Municipality with an area of 0,0883 ha.

In all cases regarding private properties these are small areas ranging from 0.0003 to 0.7367 ha. These plots were not used for agricultural purposes, in fact they were mostly meadows and pastures overgrown with self-sown trees and bushes (ecological succession). No farming activity, being the main

source of livelihood, was conducted on any of the properties according to the findings of the site visit conducted at the stage of preparing the socio-economic study. It was established, based on socio-economic studies, that the land intended for investment execution was not the subject of a long-term investment, either.

The areas subject to expropriation cannot be considered as generating any income that is an opportunity to ensure the existence of a household. Three plots had the status of building plots, the implementation of the project did not change the situation regarding the possibility of developing these plots (expropriated areas are 0.0431 ha, 0.0764 ha, 0.1030 ha). In no case were built-up parts of the property (e.g. residential, buildings or other buildings that would be used) subject to occupation.

Detailed information on the number of plots, their area and ownership is included in the summary table attached as **Appendix no. 4**.

## 3.5 COMPENSATION AND MITIGATION MEASURES, IMPACTS OF THE CONTRACT

### 3.5.1. Permanent occupation

Before the task was included in the OVFM Project, the then the Investor, the Małopolskie Board of Amelioration and Water Structures (hereinafter MZMiUW) paid compensation for 74 properties (63 properties of natural persons, 7 municipal properties and 4 properties with unresolved legal status, in which case the compensation was directed to court deposit). For the other properties (42 properties out of 116 subject to payment), compensations were paid by the State Water Holding Polish Waters, RZGW in Cracow. A total of PLN 2,370,717.02 was paid for 116 properties.

The process of agreeing the compensation with PAPs - as per the provisions of the Special Act - lasted for a period of 2 months from the date on which the investment project implementation permit became final. Over this period, MZMiUW was unable to agree any compensation. At the second stage, compensations for taking over the properties by the State Treasury were established by the Province Governor of Małopolskie by way of an administrative decision.

Applications for determining the amount of compensation were thus submitted by MZMiUW to the Province Governor of Małopolskie for all properties. The amounts of compensations were determined by the Province Governor of Małopolskie in administrative proceedings in accordance with the regulations introduced with the *Special Flood Act*. Compensation decisions were issued in 2016-2019. In accordance with the requirements of the World Bank's operational policy OP 4.12 specified in the LARAP for the Contract, all compensations were paid prior to the commencement of works.

It was confirmed at the stage of preparing the IPIP for Contract 3A.3 that MZMiUW's actions undertaken to pay the compensations due to property owners were conducted in congruence with Polish law and OP 4.12 operational policy, the details of which, in the form of procedures to be applied to Contract 3A.3, were included in the LARAP.

The compensations paid to the former owners of properties consisted of the following amounts (**Appendix no. 4**):

- for land in all 116 cases (total amount of PLN 2,274,659.08);
- for plantings – 8 cases (total amount of PLN 18,384.00);
- for construction components (assets) – 1 case (amount of PLN 3,177.00 - part of the fence).

In 37 cases (private persons), the compensation was increased by a bonus, i.e. an additional 5%, for a total amount of PLN 40,892.15. This concerned the cases where the owners released the property within 30 days counting from the date of receiving the notice of awarding the IPIP decision. The basis and regulation for the right to increase the remuneration in connection with the release of a property is regulated by the provisions of the Special Act.

Payments were made by transfers to designated bank accounts.

In 41 cases, compensation for permanent occupation (expropriated properties) amounting to PLN 966,242.00 was directed to a court deposit (**Appendix no. 8**). Payment into the deposit was made due to unresolved ownership issues.

All compensations collected in the deposit (including compensation for PR directed to the court deposit) are all the time available to those who settle ownership issues and submit an appropriate application to the court (**Appendix no. 9**).

The process of land acquisition and compensation payments was completed long before the works began. Compensation activities were completed in 2019 and works started in February 2020.

The process of acquiring the properties, with a particular focus on the payment of compensations, was monitored from the moment the IPIP decision was issued until the completion of works and when temporarily occupied property were returned. Below, the table lists the range of indicators monitored and the values achieved.

**Table 2.** Summary of monitoring indicators used in the implementation of Contract 3A.3 carried out by the SWH PW RZGW in Cracow

Indicator	Information source	Frequency of monitoring	Progress indicator	Value
<b>Assumed parameters</b>				
People exposed to flood	Data from model tests	Once at the investment preparation stage	Number	Approx. 3 thousand
Number of hectares of land at risk of flooding	Data from model tests	Once at the investment preparation stage	Quantity [ha]	Approx. 336.1
Number of properties subject to permanent occupation (see Table 1)	IPIP decision	Once after decision is issued	Quantity (pcs.)	153
Number of properties subject to permanent restriction in use (see Table 1)	IPIP decision	Once after decision is issued	Quantity (pcs.)	1
Number of project affected persons (PAP)	Land and mortgage registers, extracts from land	Once after decision is issued ongoing updates during	Number	130*

Indicator	Information source	Frequency of monitoring	Progress indicator	Value
	registers, IPIP decision	the process of negotiating and disbursing compensations		
Quantity of acquired properties	Consultant's registers	Monthly/Quarterly	Quantity (pcs.)	153
Number of properties for which compensation must be paid	Consultant's registers	Once	Number	116
<b>Achieved parameters</b>				
Number of people protected against flood	RZGW/ Consultant's registers	One time after Contract execution	Number	Approx. 3 thousand
Number of hectares protected from flood	RZGW/ Consultant's registers	One time after Contract execution	Quantity [ha]	Approx. 336.1
Amount of compensation paid for the land	RZGW/ Consultant's registers	One time after Contract execution	PLN	2,274,659.08
Amount of compensation paid for plantings	RZGW/ Consultant's registers	One time after Contract execution	PLN	18,384.00
Amount of compensation paid for assets	RZGW/ Consultant's registers	One time after Contract execution	PLN	3,177.00
Amount of all expenses for compensations (actual)	Investor's financial registers <b>Appendix no. 4</b>	Monthly/Quarterly	PLN	2,370,717.02
Quantity of acquired properties	RZGW/ Consultant's registers	Monthly/Quarterly	Quantity (pcs.)	153
Number of properties for which compensation was paid	Consultant's registers	Once	Number	116
<b>Performance indicators</b>				
Number of complaints	RZGW/ Consultant's registers	Monthly/Quarterly	Quantity (pcs.)	0
Number of complaints handled	RZGW/ Consultant's registers	Monthly/Quarterly	Quantity (pcs.)	0
Disbursed compensations, miscellaneous	Financial registers of RZGW	Monthly/Quarterly	%	100 - payment in terms of access to the land; 59.2 -

Indicator	Information source	Frequency of monitoring	Progress indicator	Value
				disbursement to the PAPs**
Compensations directed to court deposit	Financial registers of RZGW <b>Appendix no. 8</b>	Monthly/Quarterly	PLN	969,623.00

\* all PAPs and Municipality are included in the value of 130, however, if a person or persons owned more than one property that was subject to occupation, they were counted only once, hence there are more persons in the anonymised list in Appendix 4 (column C).

\*\* 40.8% of the payment was placed in court deposit due to the unsettled legal status, which in accordance with Polish regulations and the RPF, is equivalent to fulfillment of the payment (according to Resettlement Policy Framework: "(...) Placement of the compensation amount into a court escrow account has the same effects as the performance of the payment obligation. (...)"). The compensation has not actually been disbursed to the PAPs but is available at any moment to be paid for a period of 10 years from the date of submitting the compensation to the court deposit.

### 3.5.2 Summary of socio-economic studies and status of PAPs after payment of compensation

The social-economic study was conducted by the Consultant's team between December 2017 and January/February 2018. The basic source of information concerning the development and use of the properties to be acquired, apart from the information provided by PAPs, was the analysis of GIS data and written extracts and copies from the land and building register, property split maps, mortgage register data, information obtained from Geoportal, as well as by verification on the Contract implementation site. The ownership status of the properties to be acquired was established based on a record of land and buildings and based on land and mortgage registers. The presence of infrastructure was confirmed by analysing GIS data, written extracts from the land and building register, and design documentation (including construction designs), as well as by verification on the Contract implementation site.

The main source of data in the study are the results of a population-based field survey, which aimed to reach every owner of plots located in the project area and subject to the expropriation procedure for more than 10% of the area. The survey also included data obtained during visits on Contract implementation site, as well as the CSO's static data and materials published on the internet.

Standardised questionnaire interviews constituted the data gathering method. Responses to all questions were recorded. Interviews were partially carried out over the phone; this relates mainly to cases when direct contact with plot owners was impossible or very difficult.

The surveyed persons were divided into two groups.

The first group, i.e. simplified questionnaires, concerned the households for which the Province Governor of Małopolskie had issued decisions on the amount of compensation for the properties taken over at the time when MZMiUW was the investor. Compensations were then paid for 74 properties

(63 properties of natural and legal persons, 7 municipal properties and for 4 properties the compensation was directed to court deposit).

The second group of questionnaires concerned households for which, at the time of conducting the surveys, a compensation decision had not yet been issued. In this case, interviews were extended with a request to indicate and discuss by PAPs (the representatives of the households) in detail all the socio-economic costs associated with the Investment.

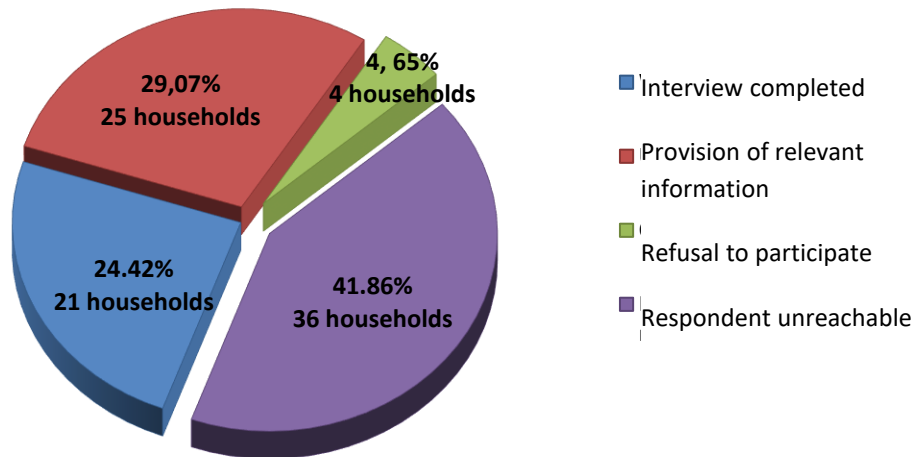


Fig.3. Summary of results of questionnaire studies

No households were identified among the households covered by the expropriation procedure requiring physical and economic resettlement in connection with the conducted investment and which would be significantly affected by the investment.

As already indicated, the extension of the right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko barrage did not involve the need to relocate households. Flood protection embankments have been located for years at the area intended for the investment, hence no buildings existed on this area. The area was a green area with the character of meadows and pastures not in agricultural use and subject to ecological succession.

There were three built-up land properties located in the adjacency of the investment area, which to a certain degree experienced the nuisance of construction works, noise, and other related factors, but currently they are the biggest beneficiaries of enhanced flood safety. At the investment stage, by applying the mitigation and minimisation measures (as described in the EMP for Contract 3A.3 Contract 3A.3 Section 4 – The right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko barrage), the implementation of the Investment did not cause disturbances in the daily functioning of these households.



### Results of survey studies conducted after the completion of Contract 3A.3<sup>4</sup>.

Survey studies were conducted after the completion of Contract 3A.3 (in November 2023 and February 2024) among PAPs and representatives of local authorities - local government units (i.e. representatives of the City of Cracow).

The survey began by sending out letters to those covered by the Contract, informing them of the fact that the works had been completed and asking them to complete and return the questionnaires. A telephone number was also provided in the letter to a representative of the Technical Assistance Consultant, should the people wish to obtain additional information or complete the questionnaire in a telephone call. Only representatives of the City of Cracow used this method of communication. One of the persons filled out and returned the questionnaire with a question about the possibility of additional purchase of properties located in the inter-embankment area of the Vistula River that were not included in Contract 3A.3 (written information was provided to this person along with thanking for taking part in the questionnaire).

A sample questionnaire addressed to the PAPs is included in **Appendix no. 7**.

As the number of questionnaires received was small, the Consultant's representatives made visits to the PAPs' place of residence in January and February 2024 to complete the questionnaires with these individuals and obtain information from a representative group of people. A total of 29 questionnaires were received, including one only partially completed.

These results were considered to be representative as the impacts of the said Contract are minor; survey studies were conducted with representatives of 29 households out of 130 PAPs (i.e. over 20%). In particular, the people living on properties that were partly expropriated for Contract implementation were covered by the survey, including those surveyed during the preparation of the socio-economic study at the stage of drawing up the IPIP. The surveys were mostly conducted through face-to-face questionnaire interviews, which ensured that the PAPs' views were obtained more effectively than surveys conducted by correspondence. The direct contact between the researcher and the respondent also allowed, in many cases, to assist the PAPs to complete the questionnaire by providing explanations on the wording used.

The set of completed questionnaires obtained was archived by the PIO. It can be made available for review by those interested, as the questionnaires were completed anonymously.

All the respondents pointed out that the pursued investment had a positive/strongly positive impact on PAPs and their relatives. When it came to the impact on the community in which the PAP resides, approx. 11% answered that the impact was *definitely positive*, 83% that it was *positive* and 3% that it was *neither positive nor negative*, with one respondent (3%) not answering this question. There was no response in which the PAP stated that the investment had affected him or her and his or her relatives negatively.

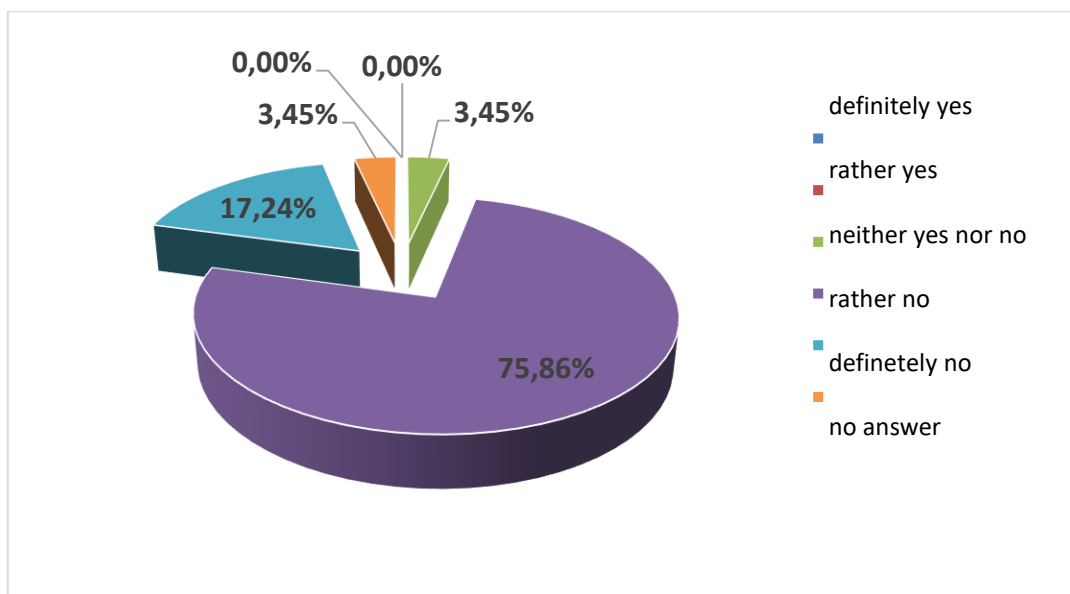
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<sup>4</sup> After completion of the construction works but also after the LARAP has been implemented to the extent feasible given the 42 cases court deposits

Approx. 76% of the respondents indicated that they had no concerns about the investment implementation, 7% indicated that they had such concerns, while during implementation their concerns were not confirmed and now that the reconstruction of embankments has been completed, they view the investment in a very positive light. The positive impact of the investment on the household and the local community as a whole was indicated by 100% of respondents.

When asked: "As a result of the implementation of the flood protection investment, has your household's socio-economic situation been maintained at pre-project levels?" 31% of respondents answered *definitely yes*, 59% *rather yes*, 7% *neither yes nor no*, 3% did not answer this question.

Much more varied responses were received to the question: "Has the construction of the flood protection investment affected the livelihoods of your household?" The responses are illustrated in the chart below.



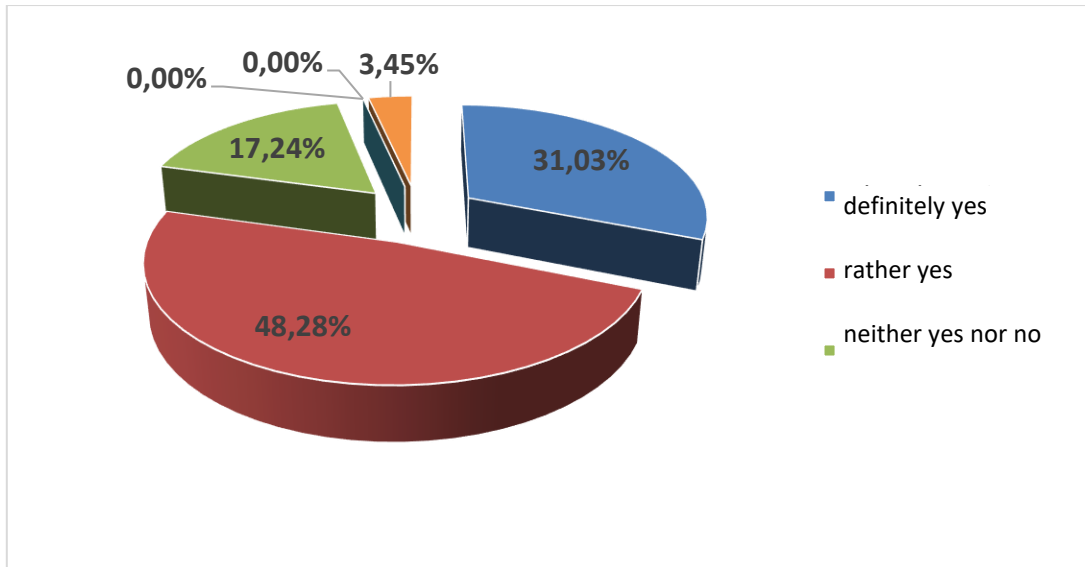
**Fig. 4** Answers received to the question on the impact of investment implementation on the household's livelihoods (que. 8).

75.86% of the surveyed PAPs answered *rather no*, 17.24% of the surveyed PAPs answered *definitely no* when asked about the impact of the investment implementation on livelihoods, 3.45% answered *neither yes nor no*. None of the persons indicated that the Contract had affected their sources of income. At the same time, in response to a further question linked to this topic, conc. the impact of the investment on the improvement on the living conditions and/or livelihoods – 7% answered *definitely yes*, 10%, *rather yes*, 48% *neither yes nor no*, 32% *rather no*, 3% did not answer this question.

When asked: "Was the compensation you received sufficient to compensate/restore the impact/assets lost caused by the flood protection investment", the majority of respondents, 97%, answered *yes* and *rather yes*. In isolated cases (3%), PAPs answered *neither yes nor no*.

In general, the surveyed persons confirmed that they had received compensation in a timely manner and in line with the rules indicated in the Land Acquisition and Resettlement Action Plan (Fig. 5). There was an equally positive response to the question of whether the expropriation took place in

accordance with Polish law and World Bank policies (14% - *definitely yes*, 76% - *rather yes*, 10% - *neither yes nor no*).



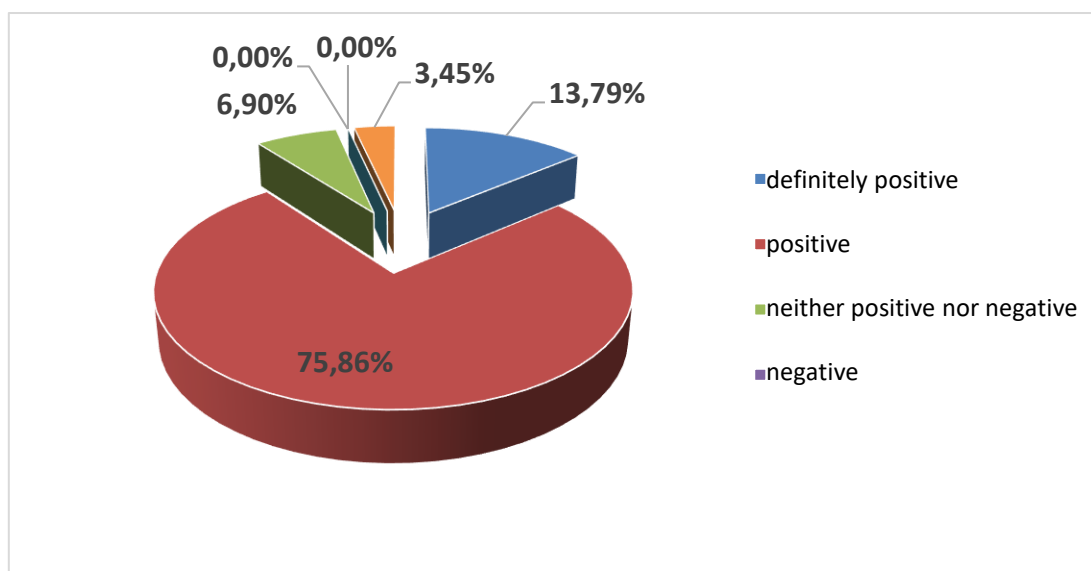
**Fig. 5** Answers obtained to the question of whether the compensation was paid within the time indicated in the IPIP (question 11).

Question no. 14: was the expropriation deadline indicated in the LARAP clear and was the process conducted as announced and expected - was answered: 25% - *definitely yes*, 62% - *rather yes*, 17% *neither yes nor no*, 3% - no answer.

Only eight respondents answered the questions nos. 15 and 16 related to the temporary occupation of properties; the others were not concerned, as their properties were not subject to temporary occupation. Those answering these questions marked the answer that the temporary occupation “had no impact” on the household.

To the question "was the information you received as part of the process about the impacts caused and the planned compensation/mitigation measures sufficient for you", the respondents answered: *definitely yes* - 27%, *rather yes* - 55%, *neither yes nor no* - 15%, no answer - 3%.

A grievance redress mechanism was appraised equally positively; responses are presented in the chart below.



**Fig. 6** Responses received to the question on how the PAP evaluates the grievance redress mechanism applied in the process (q. 18).

The respondents were very positive about the method of stakeholder engagement used as part of the process, including those affected by the flood protection investment (14% indicated a *strongly positive* response, 83% a *positive* response, 3% - no answer).

In response to question 20 regarding difficulties in receiving the compensation, 100% of respondents answered that there *were no difficulties* in this regard.

Similarly positive responses were received from those representing local authorities. These people indicated that investment execution has had a positive impact on both their relatives and the entire community they lead.

**Under Contract 3A.3, compensation was paid for land and for constituent components (e.g. parts of fences). A 5% bonus was also paid in connection with the timely release of the property. In the absence of economic and physical resettlement, there was no need to pay additional amounts of compensation related to resettlement or the loss of PAPs’ sources of income.**

Details for payment of compensations are presented in **Appendix no. 4** of the Final Report.

**Table 3.** Summary of LARAP implementation costs.

Item	Quantity	Amount
Compensation for permanent occupation, including plantings and infrastructure elements	14.6267 ha	PLN 2,370,717.02
Compensation for permanent restriction in property use	1	PLN 3,381.00

Item	Quantity	Amount
Purchase of remnants	2 properties	PLN 35,394.00
Court costs*	N/A	PLN 8,886.20
Other LARAP implementation costs**	N/A	PLN 0
TOTAL	-	PLN 2,418,378.22

\* fees for applications submitted, notices in the press and curator's fees

\*\* cost of postage

The source of funding for the costs indicated above were the World Bank's loan (IBRD, BRE, accompanying measures) and others.

Compensation was paid by the Investor, i.e. MZMiUW, until 12/31/2017 and by SWH PW RZGW, as from 01/01/2018, by transfer from the account to the PAP's indicated bank account or to the deposit account.

In accordance with WB's Operational Policy OP 4.12, compensations were made prior to the commencement of construction works, in all cases where payments could be made to existing owners. In the absence of a person entitled to be paid the compensation (deceased owners, owners not found or no documents clearly showing who the owner is) the amounts due were deposited with the court. These funds are available and will be paid immediately to eligible persons.

**The measures required under the LARAP have been implemented (it was shown in the document that in the event of an unresolved legal status, compensations will be paid into a court deposit and no further steps are planned – new measures details see in chapter 3.5.3). There were no deviations in the implementation of the LARAP.**

### 3.5.3 Outstanding issues following LARAP implementation and following preparation of Final Report on LARAP implementation

Pursuant to the *Resettlement Policy Framework* payment the compensation amount in the court deposit (court escrow account) in accordance with the administrative decision of the Governor is equivalent to the performance of the payment obligations. However, in order to make it easier for the entitled persons to collect funds (compensations) from the court deposit, additional actions were introduced to minimize/support PAP during the preparation of the Final Report on the implementation of the LARAP.

It was found when elaborating the Final Report on LARAP implementation that the only issue remaining to be completed is the payment of compensation to entitled persons, with such compensation being deposited with the court under final decisions of the Province Governor of Małopolskie.

**According to the provisions of Polish law, it is the responsibility of the court to inform potential beneficiaries of the deposit submitted.**

If the person entitled to receive the deposit is unknown or his or her place of residence is unknown, the court orders to post a notice, at the court's website and at the notice board in the court building, on the consent to place the subject of the performance in the court deposit, as well as at the notice boards and websites of the municipal and poviata offices of the last place of residence of such person, if known. If the value of the subject of the performance deposited with the court exceeds five thousand zlotys, the court also orders that the notice be posted in the press.

In addition, if the person entitled to receive the deposit is unknown or his or her place of residence is unknown, the court shall appoint a curator. A trial curator is appointed to undertake procedural actions for a designated civil case within the limits of the powers granted to him or her. The role of the curator is to safeguard the procedural interests of a party who cannot take care of this himself or herself.

### 3.5.3.1 PIU's strategy for court deposits

Compensations were deposited with the court in 42 cases (this issue is described in detail in chapter 3.5.1). In order to publicise information on deposits and to assist the entitled persons in taking up the compensation paid from the deposit, the PIU has taken the following actions:

1. A detailed list of all properties was prepared with a description of their legal situation and the reasons known to the PIU as a result of which compensation was directed to the deposit (**Appendix no. 8**).
2. Full information was obtained from the Province Governor conc. the administrative proceedings being conducted, which have resulted in compensation being directed into the deposit. This allowed to complete the PIU's knowledge of the legal situation of the given property.
3. All cases were divided into categories according to the most likely owner (a division into 3 categories was applied: private individual (cat. P), municipality (cat. M), State Treasury (cat. ST)) and, in the group of properties most likely to belong to private individuals, grouping the cases into categories according to the reason that resulted in compensation being sent to the deposit (groups: (I) complete lack of any information about the owner (no address, no personal details, etc.), (II) unregulated legal status, but the circle of entitled persons who will be entitled to payment after the settlement of the inheritance is known, (III) unregulated legal status, but the search is pending for information about the owner, information was revealed about the extended family, persons who have information about potential heirs.
4. The following procedure was applied for each category:
  - (I) a list of properties was prepared for which no owner information is available and the department of the Municipality responsible for the assessment of property taxes was contacted; the background to the case was presented and it was agreed that the Municipality would inform any person who makes contact with the Municipality about a property on the list about a court deposit with the contact being forwarded to the PIU (to the person who will be able to provide full information about the deposit and assist the PAP in taking the funds from the deposit);

(II) letters were sent out/contact by telephone or face-to-face was made (depending on the data available to the PIU) with entitled persons and they were reminded of the deposit; it was proposed, where appropriate, to assist the PAPs in taking funds from the deposit once ownership issues are settled;

(III) letters were sent out to persons having potential information about the owner(s) – asking them: to provide contact/assistance in making contact with the rightful owner, to locate the rightful owner and provide information about the deposit and about the proposed support of the PAP in taking over the funds from the deposit once the ownership issues are settled; in this case it will also be advisable to follow the procedure from point (I).

### 3.5.4 Permanent restriction to the manner of property use

A permanent restriction to the manner of property use as per the provisions of the IPIP decision was imposed on one property, i.e. plot 4/2 located within the precinct of 77 Podgórze (area of the city of Cracow). The total area of the plot is 0.7449 ha and the permanent restriction covers 0.0110 ha or 1.48% of its total area.

It was a road plot, which, to the knowledge of the Investor, was owned by the Municipality (the now non-existing Tyniec Commune) and the management unit was the Roads Management Board of the City of Cracow.

The restriction of the use of a fragment of the above-mentioned property concerns the connection of the embankment crossing located at km 62+024 of the right embankment of the Vistula River to a public road.

It was agreed with the Roads Management Board of the City of Cracow before the start of the project that compensation would be paid upon completion of the project, particularly as there were activities underway by the City of Cracow aimed at settling the ownership issue.

In the course of regulating the ownership, it became apparent that this plot was a mortgage unit<sup>5</sup>, i.e. it is made up of many fragments belonging to different owners. Its area was thus split acc. to ownership and the portion that was subject to permanent restriction is located on a plot being in ownership of a natural person or entity of unknown status (probably the Municipality or the State Treasury).

After the investment was completed, the matter of determining the compensation was therefore referred to the Province Governor, who ruled that it was a property with an undetermined legal status, and once the decision became final, the compensation was paid into the deposit.

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<sup>5</sup> **The mortgage unit** is a historical legacy originating from the Austrian properties cadastre. By this term we understand property consisting of one or more land fragments (building plots) disclosed in one mortgage list of the land register kept for a given cadastral commune (equivalent of the modern land and mortgage register, although based on a slightly different taxonomy). The fragment of land (including the building plot) corresponded to the modern plot of land. Problems arose during the creation of the modern land registration system when, for example, three fragments of land belonging to three different owners were combined into one registration property. Currently, when regulating ownership issues, these fragments are divided into separate plots according to individual owners.

**The measures required under the LARAP for the permanent restriction in the use have been implemented.**

### **3.5.5 Contractor's temporary acquisition**

The Contractor acquired 98 properties by its own efforts and at its own cost, including 96 properties from natural persons and 2 properties from the Poviát Starosty in Cracow. Detailed data for temporary occupation is shown in **Appendix no. 5**. This process was implemented based upon the rule of voluntariness and the rules of occupation were negotiated between the property owner and the Works Contractor. This process was monitored by the Contract Engineer and the Investor, starting from the time of acquisition of such properties to their return.

The Contractor was obliged to notify the Engineer of the planned occupation and, after giving a positive opinion on the possibility of occupying such a plot, to sign an agreement with the property owner according to the sample agreement for temporary occupation, which was attached to the Bidding Documentation. During the use of the property, the issue of occupation and the regulation of contractual obligations was discussed at Site Meetings every month, and upon completion of the occupation, the Contractor was obliged to provide the Engineer with a statement from the owner that he had cleaned up the plot and regulated all contractual obligations.

Properties temporarily occupied by the Contractor were restored to their original state after the completion of works to enable their owners or users to use them in the same manner as before Contract implementation or to the state agreed with the property owner in accordance with the property acquisition contract. These issues were monitored throughout the entire period of the works by the Contract Engineer. The Engineer carried out local inspections of the plots and requested the Contractor to submit declarations on the settlement of liabilities towards their owners. Issues of temporary occupation were discussed on an ongoing basis during the Construction Councils and described in the Contractor's Monthly Reports.

**The measures required in the LARAP concerning the temporary occupation of properties have been implemented. There were no deviations in the implementation of the LARAP.**

### **3.5.6 Purchase of "remnants"**

As part of the information campaign described in line with the LARAP, people affected by the consequences of Project implementation were informed about the possibility of applying for the purchase of the remaining part of the property (called "remnants"), if - after dividing the property and occupying part of it for the investment - the remaining part will not be suitable for further use for the existing purposes (in accordance with Article 23 Clause 2 of the Special Flood Act).

2 applications were submitted by natural persons to purchase the so-called "remnants" under Contract 3A.3. Each application included 2 plots.



**Table 4.** Summary of applications submitted to purchase the “remnants”.

No.	Plot no. before division	Plot no. applied for purchase	Precinct	Recommendation	Person applying for purchase	PRICE	Signing of purchase contract
1	100	100/2	78 Podgórze	NO	Natural person		
2	105/2	105/2		YES		PLN 14,656.00	Notary deed signed on 08/30/2023 <u>Rep A no. 8732/2023</u>
3	254	254/2	77 Podgórze	YES	Natural person	PLN 20,738.00	Notary deed signed on 09/27/2023 <u>Rep A no. 9646/2023</u>
4		254/3		NO			

The applications submitted were examined under a special procedure described in chapter 8.2.4 of the LARAP.

The specially appointed Committee, after examining the applications, decided that 2 plots were eligible for purchase; however, in the case of the other two properties, no legal grounds for their purchase were found (these cases did not meet the requirements of Article 23(2) of the Act of July 8, 2010 on specific terms of preparing for implementation of projects in the scope of flood protection facilities).

The PAPs were informed in writing of the Investor's decisions and, in the event of refusal to purchase, of the possibility of resorting to legal action if they disagreed with the decision. None of the PAPs have resorted to legal action.

The two plots for which a positive purchase decision was taken were acquired from PAPs. Details are presented in the table above.

**The measures required under the LARAP concerning the purchase of “remnants” have been implemented. There were no deviations in the implementation of the LARAP.**

## 4. FUNCTIONING OF THE GRIEVANCE REDRESS MECHANISM (GRM)

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

### 4.1 GENERAL GRIEVANCE REDRESS MECHANISM

A mechanism for submitting grievances and requests pertaining to any matters connected with the implementation of Contract 3A.3 was implemented at the beginning of the whole process and was binding throughout the entire period of implementation, functioning and closure of the Contract.

Any interested party was entitled to lodge a complaint or request at one of three locations:

1. Directly in the Project's main office, which has operate as a consultation point:  
AECOM Polska Sp. z o.o., Odra-Vistula Flood Management Project Office, 1. Pokoju Alley, K1 Building, Cracow 31-548,  
Ms Marta Rak, tel. +48 601 824 298 (Senior Support Expert for Properties and Technical Assistance for the Client, AECOM Polska Sp. z o.o.),  
Mr. Tomasz Jankowski, tel. +48 505 028 137 (Property Specialist, AECOM Polska Sp. z o.o.).
2. Directly at the Employer's office:  
SWH PW RZGW in Cracow  
22. Marsz. Józefa Piłsudskiego St.  
31-109 Cracow  
+48 (12) 62-84-209 (Ms Aleksandra Macek SWH PW RZGW in Cracow, Senior Specialist, Mr Rafał Sionko SWH PW RZGW in Cracow, Specialist).
3. Directly in the office on the construction site (the address of this office was given on the Investor's website within a month before the start of works).

Additionally, complaints and requests could be submitted:

- Via conventional post to the above address or

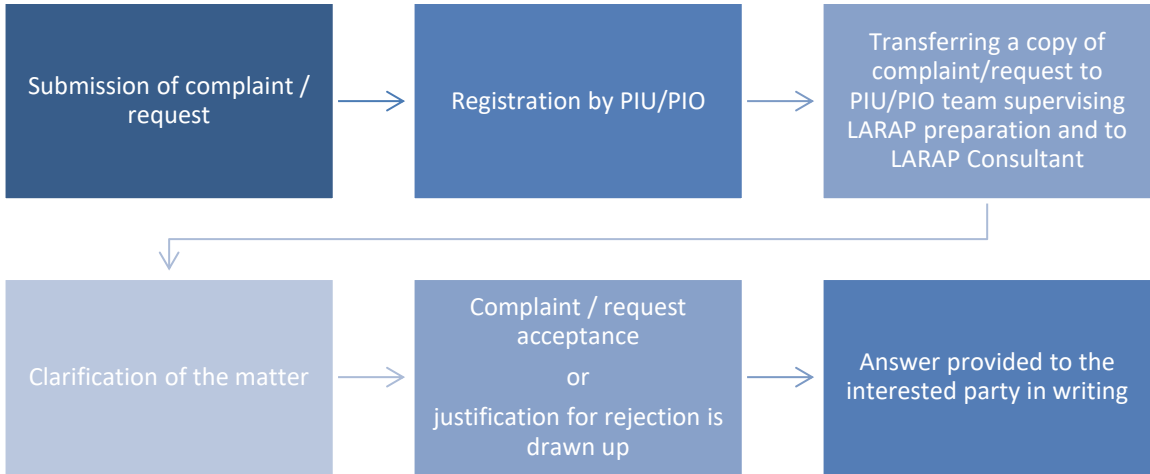
- Via the Internet:

website <http://www.wody.gov.pl>;

e-mail: [jrp.krakow@wody.gov.pl](mailto:jrp.krakow@wody.gov.pl)

The scheme of the general grievance redress mechanism is shown below:

Figure 3 - General grievance redress mechanism



The grievance redress mechanism was detailed in the LARAP and its objectives have been met. There were no deviations or gaps in the implementation of the GRM throughout the preparation and implementation period of Contract 3A.3.

### 4.2 SUMMARY OF COMPLAINTS AND REQUESTS

No complaints or requests for changes or modifications to the project were received during the execution of the Contract.

### 4.3 CONCLUSIONS – SUMMARY OF THE EFFECTIVENESS OF THE GRM

It should be highlighted that the planned grievance redress mechanism was implemented and operated throughout the entire period of Contract performance. The actions required in the LARAP have been implemented.

## 5. MONITORING OF LARAP IMPLEMENTATION

### 5.1 DESCRIPTION OF METHODOLOGY

A description of the monitoring and evaluation of LARAP implementation is included in chapter 13 of the LARAP. In line with the assumptions made, monitoring was conducted for the entire implementation period of Contract 3A.3, and the methodology was based on a standardised approach to properties acquisition to address emerging issues. Tools were used for monitoring the implementation of the Contract for the purpose of monitoring of LARAP implementation, i.e.:

- roadmap updated on a monthly basis;
- monthly and quarterly reports from the Works Contractors and the Engineer – Consultant;
- Consultant’s action plan and schedules
- Special and ad hoc reports;
- Project meetings
- Procedures, records and continuous reporting on acquisition of properties and payments of compensations.

It is crucial for LARAP implementation monitoring that the Consultant and the PIU registered events and facts, in particular via a correspondence register, a register of progress in obtaining titles to use properties for construction purposes and a compensation payment progress register. The data contained in those registers were used for preparing a set of data on the number of acquired properties and the amount and type of compensations disbursed.

All changes were recorded in the registers. The following parameters were monitored based on the aforementioned registers:

- a) number of properties for expropriation and expropriated,
- b) number of people requiring resettlement and already resettled (there were no such cases for Works Contract 3A.3),
- c) quantity of properties for temporary occupation (planned and actual),
- d) amount of all expenses for the implementation of LARAP process (planned and actual),
- e) compensations disbursed for loss of legal title to properties,
- f) compensations disbursed for loss of income sources,
- g) acquired and granted replacement properties,
- h) implementation degree and status of protective actions,
- i) number of complaints,

j) number of considered complaints.

The so created monitoring system of LARAP implementation allows for quick reactions in case of problems and for efficient reporting within the existing Contract management systems to funding agencies and to provide regular information on the problems, fortuitous events and irregularities.

The data collected continuously during implementation was also the basis for preparing the Final Report on the implementation of the LARAP.

## 5.2 IMPACT OF THE PROJECT ON PAPs AND LOCAL COMMUNITY

The land acquired from natural persons accounts for only 9.6081 ha of the 14.6267 ha covered by permanent occupation in connection with the implementation of Works Contract 3A.3 (i.e. 66% of the total area occupied for the investment). The land was not used for agriculture or operated as wasteland. At the time of commencement of investment implementation, two plots were developed with new single-family houses, and construction had started on another plot. Partial acquisition of small areas of plots for investment purposes, given the area and layout, did not affect the ability to use the remaining part of the properties, nor did it change the households' sources of income.

As already pinpointed in this Report, we have a situation in this Contract where the current generation, who is of working age, in a large part is employed outside the farm, and farming in families is a legacy of the older generation which earned their living in this way. The loss of pieces of land, plantings and building elements was compensated by disbursing monetary compensations (one case was identified where a section of a fence is dismantled). Anyone interested in buying back the lost piece of land was able to do so through the payment of compensation at the replacement value, which were traded in the area. The process of payment of compensations took place well in advance of the occupation of properties, allowing PAPs to complete farming on these parts of plots taken over for the investment, to collect crops if the land plot was in agricultural use and buy back the corresponding acreage if PAP was still interested in using the land.

The social aspect of the investment implementation should be emphasised, consisting in ensuring the sense of security for the local community living in the area covered by the investment, as well as the socio-economic expectations of the local population. The plots located in areas exposed to flood are less attractive, which determines their low value on the property market. This situation also represents a serious barrier and an unfavourable environment for the development of local entrepreneurship and potential investors, which translates directly into a limitation of business development. All these public concerns and barriers to development following the implementation of Works Contract 3A.3 have been eliminated. Positive social impacts, i.e. benefits for the local community, which are directly related to the investment objectives, should also be highlighted. The long-term benefits encompass:

- reducing/eliminating the risk of flood;
- protection of land and private and public assets, including real estates and arable land;
- psychological comfort of the local community during prolonged heavy rainfall or during the spring melt season;

- as a result of the tidying up, the landscape has gained new qualities – new recreational areas have appeared (possibility to walk or cycle on the embankment crest - this path allows the inhabitants of Krakow to reach the oldest monastery in Poland, still inhabited by monks, i.e. the Benedictine Abbey in Tyniec, so it was much awaited by the inhabitants);
- protection of jobs both in agriculture and in manufacturing plants that have been secured from flood;
- increased attractiveness of the flood-protected area for new economic/investment projects in the area.

The above conclusions were also confirmed by the local leaders (i.e. the representative of the Municipality who participated in the survey studies after the end of Contract implementation).

### 5.3 DESCRIPTION OF CASE STUDIES

In the case of Works Contract 3A.3, there were no specific events or cases of people influenced by the Project's impact that would trigger special procedures and actions to mitigate and compensate for impacts.

### 5.4 EVALUATION OF ACTIONS TAKEN AND OF ACHIEVING THE OBJECTIVE DEFINED IN THE LARAP – RECOMMENDATIONS

The assumptions of the Land Acquisition and Resettlement Action Plan were put into life in line with the planned activities and procedures adopted for the Contract. The key aim of the Land Acquisition and Resettlement Action Plan was achieved, the properties necessary to implement the Contract were acquired in accordance with the Polish law and with the World Bank's policy OP 4.12 in a way which minimised adverse impact on project affected persons, and did not result in the physical or economical resettlement of households.

There were no significant impacts on PAPs during the execution of Works. By introducing the actions indicated in the LARAP, life conditions of PAPs have improved and the long-term and sustainable use of natural resources within this area was ensured. No vulnerable groups were identified in the 3A.3 Contract area, and the impact of the Contract itself did not adversely affect the enterprises or the operation of agricultural activities. No impacts occurred in any case, inter alia, loss of sources of income, jobs, accessibility to infrastructure, loss of farming opportunities, loss of enjoyment of natural assets/access to parks, reserves, access to educational institutions, cultural facilities, etc.

It is recommended that the principle of paying compensation as early as possible, well in advance of the physical occupation of properties and the commencement of works, be adopted for subsequent Contracts carried out in the future.

## 6. CONCLUSIONS AND SUMMARY

The main, measurable effect of implementing the Works Contract 3A.3 *Section 4 – The right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko Barrage* is to ensure flood protection of areas covering approx. 336.1 ha, inhabited by approx. 3 thousand people. This has eliminated the need for incurring gigantic financial outlays for removal of flood losses. Given the climate change currently taking place, the frequency and intensity of flood events is expected to increase. A one-off investment for the implementation of the said project has therefore enabled to avoid the need to secure financial outlays in the coming years to remove the losses.

In addition to the economic aspect, the immeasurable social aspect of implementing the investment is equally important, consisting of ensuring the sense of security for the local community living in the area covered by the investment, as well as the socio-economic expectations of the local population. Hygienic and sanitary conditions in the flooded area deteriorate drastically every time as a result of flood. It is necessary to evacuate people to safe areas if very high water levels and the threat of damaging the embankments occur. The plots located in areas exposed to flood are less attractive, which determines their low value on the property market. This situation also represents a serious barrier and an unfavourable environment for the development of local entrepreneurship and potential investors, which translates directly into a limitation of business development. All these public concerns and barriers to development have been eliminated following the implementation of Works Contract 3A.3. Positive social impacts, i.e. benefits for the local community, directly linked to the investment's objectives, should also be highlighted. The long-term benefits encompass flood protection and the related development prospects for this area, as well as the acquisition of new recreational areas and the development of bicycle transport (tourist aspects), which are described in detail in chapter 5.2.

It should be pointed out for the direct impact of the Project that:

- 153 properties were subject to permanent occupation, of which 103 properties belonged to natural persons and 7 were in the public (commune) resources, and 29 were already owned by the State Treasury, 14 are properties with unregulated legal status. As per the assumptions of the LARAP, the properties were not occupied and no works started on them until all compensation activities were completed.

**Works Contract 3A.3 has not resulted in any physical or economic resettlement.** No vulnerable groups were identified in the implementation area of Contract 3A.3, and the impact of the Contract itself did not adversely affect the enterprises or the operation of agricultural activities. **No impacts occurred** in scope of, inter alia, loss of sources of income, jobs, accessibility to infrastructure, loss of farming opportunities, loss of enjoyment of natural assets/access to parks, reserves, access to educational institutions, cultural facilities, etc.

To summarize the information presented above in the Final Report on the implementation of LARAP for Works Contract 3A.3:

- Due to the seizure of small fragments of real estate, compensation was paid in cash, and the amount of compensation was equivalent to their replacement value in accordance with the World Bank's operational policy OP 4.12.

- Compensations were paid before the works began.
- Compensations were paid to all land owners who demonstrated their right to the properties acquired for the benefit of the State Treasury;
- In the absence of eligible persons (the owner has died and the heirs have not yet carried out inheritance proceedings, documents are missing clearly showing who the plot owner is), the amount was paid to the court deposit. This situation applies to 42 cases. The PIO's strategy for assistance in payment of compensation from the deposit to those eligible is described in chapter 3.5.3.

Detailed information on the payment of compensations is provided in chapter 3.5 and in **Appendix 4** to this report.

- 2 applications to purchase the so-called "remnants", each covering 2 plots, were received by the Investor. A committee, specially appointed for this purpose, analysed the situation for each plot and qualified 2 of the 4 properties for purchase. Notary deeds were financed by the Investor, the plots were purchased and the amount due was paid into PAP's bank accounts.
- 3 information points where complaints and requests could be submitted in respect of Contract implementation operated for the entire implementation period of Works Contract 3A.3.

Detailed information is described in chapter 4.

- When the Contract was being prepared for implementation (when individual decisions were applied for), and after preparing the Draft LARAP, public consultations were conducted - this process was held in accordance with World Bank standards and Polish legislation.

Detailed information on public consultation is described in chapter 3.2.

The rules arising from Polish legislation, World Bank's policy OP 4.12, LARFP and the LARAP were complied with during the execution of works. This applied to the acquisition of properties necessary to implement the Contract and the manner of executing the works, which minimised adverse impacts on project affected persons. The guiding principle of the activities was to achieve the effect of improving or at least restoring PAPs' living conditions, and assuring long-time balanced use of environmental resources within that area.

This objective has been achieved and, in the case of Works Contract 3A.3, there are no longer any elements/cases that have not been completed and would be envisaged under LARAP.

**After the implementation of Works Contract 3A.3, PAPs' standard of living has been restored or improved, as appropriate compensation was paid (compensating for the expropriation and enabling to acquire another property) and everyone in the area where the embankments had been rebuilt**



were protected from flooding that could threaten not only their assets but also their lives (see Appendix no. 6 for photographic documentation of the state before, during and after the end of investment execution).

The key aim of the Land Acquisition and Resettlement Action Plan was also achieved, the properties necessary to implement the Contract were acquired in accordance with the Polish law and with the World Bank's policy OP 4.12 in a way which minimised adverse impacts on project affected persons, and did not result in the physical or economical resettlement of households. There were no significant impacts on PAPs during the execution of the Works. By introducing the actions indicated in the LARAP, life conditions of PAPs have improved and the long-term and sustainable use of natural resources within this area was ensured.

## 7. APPENDICES

Appendix no. 1 – Contract Location.

Appendix no. 2 – Screenshots of websites.

Appendix no. 3 – Documentation of public consultations.

Appendix no. 4 – List of properties – permanent occupation and temporary restriction<sup>6</sup>.

Appendix no. 5 – List of properties – temporary occupation.

Appendix no. 6 – Photographic documentation – pre-contract and pending contract status.

Appendix no. 7 – Sample survey addressed to the PAPs after the completion of Contract 3A.3.

Appendix no. 8 – List of cases where compensation was paid to the court deposit.

Appendix no. 9 - Application for a court deposit payout – template.

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<sup>6</sup> The financial data presented in the document was prepared on the basis of accounting and other financial documents made available to the authors of the Final Report