

LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

for

Odra-Vistula Flood Management Project
co-financed by:

The World Bank (Loan Agreement no. 8524 PL)
Council of Europe Development Bank (CEB) (Framework Loan Agreement no. LD
1866)
EU - Cohesion Fund (Contract 3D.1 not applicable)
and State Budget

**WORKS CONTRACT 3D.1 San Programme.
Passive Protection in San basin.
„San III – extension of the left embankment of the San
River at km 0+000 – 4+445, Gorzyce Commune,
Podkarpackie Province”**

DRAFT

Issue	Date	Prepared by	Signature	Approved by PIU
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ODRA-VISTULA FLOOD MANAGEMENT PROJECT

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„San III – extension of the left embankment of the San River at km 0+000 – 4+445,
Gorzyce Commune, Podkarpackie Province”

Project Implementation Unit:

State Water Holding Polish Waters

Regional Water Management Authority in Rzeszów

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Rzeszów – September 2018.

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1. LIST OF ABBREVIATIONS APPLIED IN THIS DOCUMENT

3D.1	Contract / Task – San Programme. Passive Protection in San basin. „San III – extension of the left embankment of the San River at km 0+000 – 4+445, Gorzyce Commune, Podkarpackie Province”
ARiMR	Agency for Restructuring and Modernization of Agriculture
World Bank (WB)	International Bank for Reconstruction and Development (IBRD)
PCU	Odra-Vistula Flood Management Project Coordination Unit
CEB	Council of Europe Development Bank
RLB	Records of Land and Buildings - records containing data, among others forming the basis for economic planning, spatial planning, tax and benefits assessment, property labeling in land and mortgage registers, farm records.
GIS	Geographic Information System
SP	Statistics Poland
PIO	Project Implementation Office – a separate organizational unit created within PIU responsible for the implementation of the Project
PIU / Investor	State Water Holding Polish Waters Regional Water Management Authority in Rzeszów 9. Hetmańska Street, 35-959 Rzeszów
Consultant	A legal person or other organizational unit that PIU has entrusted with the provision of services, inter alia, in the scope of the development and implementation of LARAP and provision of other services detailed in the binding contracting party AECOM Polska Sp. z o. o. Office „Odra-Vistula Flood Management Project”, SkyRes building, 18. Warszawska Street, 35-205 Rzeszów
Contract / Task / Investment	WORKS CONTRACT 3D.1 San Programme. Passive Protection in San basin „San III – extension of the left embankment of the San River at km 0+000 – 4+445, Gorzyce Commune, Podkarpackie Province”
Constitution	Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws of 1997, no. 78, item 483, of 2001, no. 28, item 319, of 2006, no. 200, item 1471, of 2009, no. 114, item 946)

Civil Code	Law of 23 April 1964 Civil Code (consolidated text, Journal of Laws of 2016, item 1025, as amended)
LARPF	Land Acquisition and Resettlement Policy Framework
LARAP lub PPNiP	Land Acquisition & Resettlement Action Plan (<i>Plan Pozyskania Nieruchomości i Przesiedleń</i>)
OP 4.12	Designation of a document containing the rules of forced resettlement required for co-financing the Task from the World Bank loan - Operational Policy 4.12 - Forced Resettlement
Object	The construction object within the meaning of Article 3 point 1 of the Act of 7 July 1994 - Building Law (consolidated text: Journal of Laws of 2018, item 1202)
PAP	Project Affected Person(s)
IPIP	Investment project implementation permit
Water Law	The Act of 20 July 2017 on Water Law (consolidated text, Journal of Laws of z 2017, item 1566 as amended)
Project / OVFMP	Odra-Vistula Flood Management Project
SWH PW RZGW in Rzeszów	State Water Holding Polish Waters Regional Water Management Authority in Rzeszów
Regulation on evaluation	Regulation of the Council of Ministers of 14 July 2011 amending the regulation on the evaluation of properties and preparing an appraisal (consolidated text, Journal of Laws of 2011, item 985)
Special Decision	Investment project implementation permit (IPIP) issued under the Special Flood Act
Special Flood Act (SFA)	Law of 8 July 2010 on particular conditions for preparing flood management projects for implementation (consolidated text, Journal of Laws of 2018, item 433)
LMA	Law of 21 August 1997 on the real property management (consolidated text, Journal of Laws of 2016, item 2147, 2260, of 2017, item 624, 820)
Contractor	Company/legal person executing Works Contract

2. KEY DEFINITIONS

The following key definitions are used herein:

Property price – an amount negotiated with the property owner to its benefit for a respective property or any part thereof, based on the value of the said property estimated by an authorised property appraiser.

Cut-off-date – date of completion of the survey of the property and of persons affected by the project. Persons who will occupy the area where the Project is implemented after the cut-off date are not entitled to compensation or any other form of resettlement assistance. Similarly, there will be no compensation for fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the survey or after mutually agreed on a date.

Economic displacement – loss of over 20% of agricultural land where PAP income is largely based on agriculture.

Physical displacement – loss of home or commercial structures, such as shops or workshops, or structures needed for income-earning.

Groups requiring the provision of special assistance – people who due to their: sex, ethnic membership, age, mental or physical disability, difficult material situation or social position are more exposed to adverse resettlement effects than other groups and who may have a limited possibility of submitting their complaints or using assistance in resettlement or participating in the benefits connected with the project.

Resettlement cost – the extent of compensation for lost goods/properties covering a replacement value of such goods/properties as well as the cost of resettlement.

Social impact – in view of OP 4.12 social impact related to the resettlement is any direct loss, economic or social, resulting from expropriation, permanent constraints in use of the property or access to the property.

Compensation – paid in money or in the form of a property which is a substitute for the properties acquired or affected by the Project. Such compensation is paid out at the time when the respective property must be released by the owner to the Podkarpacki Board of Amelioration and Hydraulic Structures in Rzeszów. Pursuant to Polish law, compensation can be paid out from the time when expropriation decision (here: IPIP), as a rule, becomes final and in all the cases – prior to the acquisition of such property or its occupation for construction purpose.

OP 4.12 Involuntary resettlement – Operational Policy outlining main principles and procedures, forming a basis of IBRD approach to involuntary resettlements connected with projects.

Project affected person (PAP) – every person who, as a result of the project implementation is deprived of the right of ownership or loses other benefits connected with the property (residential, agricultural or breeding), loss of annual or multiannual harvests and crops or other related or moveable assets, in whole or in part, permanently or periodically.

Private person – in jurisprudence, a natural person is a human being, from birth until death.

Legal person - legal persons are the State Treasury and organizational units, that the specific provisions grant legal personality to.

Income – property increment obtained as a result of business activities or agricultural activities from the real estate, including the sale of such real estate.

Involuntary resettlement – a resettlement is involuntary when it is carried out without the consent of a person being resettled (against its will) or as a result of expressing such consent involuntarily (without a possibility of expressing its objections towards resettlement), e.g. through expropriation.

Replacement value - 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). This valuation does not discount depreciation.

Expropriation – depriving of or restricting an ownership right to a specific property of a person under an individual legal act.

Purchase / voluntary sales – acquisition of the rights to the property from its owner / possessor for a mutually agreed price in a situation where such an owner has the right to refuse such a transaction. In the event of an expropriation, such a purchase is not deemed voluntary (i.e. willing purchaser / willing seller).

Real estate assets (according to the LMA) - public property was sanctioned by the legislator in Article 20 of the LMA. Assets have been divided according to the ownership. State Treasury property (Art. 21 and 21a of the LMA) and assets of different types of local government units - Commune (Art. 24 of the LMA), District (Art. 25a of LMA) and Province (Art. 25c of the LMA) have been distinguished. The provision of Art. 20 of the LMA does not apply to real estate assets of the owners other than those mentioned herewith.

The terms which are used in LARAP: **property - real estate – plot - land**, are used interchangeably depending on the context. Terms are used in accordance with the following legal acts:

- KC – property, real estate;
- LMA – real estate, land plot;
- the Regulation on land register – property, cadastral plot (abbreviated in LARAP – plot) and
- OP 4.12 - land.

3. INTRODUCTION

This document presents the Land Acquisition and Resettlement Action Plan (LARAP) for Task implemented as part of the Odra-Vistula Flood Management Project (OVFMP) co-financed by International Bank for Reconstruction and Development (World Bank) (Loan Agreement no. 8524 PL made on 10 September 2015), Council of Europe Development Bank (CEB) (Framework Loan Agreement No. LD 1866 made on 24 May 2016), European Union and the State Budget. It must be underlined that this document is dedicated only to Works Contract 3D.1 and not the entire OVFMP.

The primary purpose of the OVFM Project is to protect the population on the floodplains within the selected parts of the river basins of the two largest Polish rivers Vistula and Odra against risk caused by extreme floods. The Project has been divided into five main Investment's components that cover:

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

The components are divided into Subcomponents. Under Component 3, the following Subcomponents have been identified:

- 3.A - Protection for Upper Vistula Towns and Cracow,
- 3.B – Protection of Sandomierz and Tarnobrzeg,
- 3.C – Passive and Active Protection in Raba Sub-basin,
- 3.D – Passive and Active Protection in San basin.

It should be pointed out, that here that naming of components and subcomponents was indicated in accordance with the document Project Operational Manual: "Odra-Vistula Flood Management Project" (p. 108), which is published at:

http://www.odrapcu.pl/doc/POM_EN.pdf

The Works Contract 3D.1 is comprised by Subcomponent 3D and implemented by the State Water Holding Polish Waters Regional Water Management Authority in Rzeszów. The construction works will be conducted within two in Communes: Gorzyce (Tarnobrzeg District) and Zaleszyny (Stalowa Wola District), Podkarpackie Province.

The Task assumes extension of the left embankment of the San River at km 0+000 – 4+445, together with objects related to its functionality (detailed description of the planned works is presented in chapter 3.2). The Contract's objective is to increase the degree of flood protection, the left-hand valley of the San River.

The Task's implementation will require the acquisition of land, but it will not result in the physical resettlement of households and only in some minimal economic displacement of sections of agricultural land (arable land and meadows).

Under the Works Contract 3D.1, 252 real estates or their parts with the total area of 7,6764ha (according to the property division designs) will be expropriated.

One Investment project implementation permit is intended to be obtained by the SWH PW RZGW in Rzeszów for permission for the in the field of flood protection structures for the entire Task.

Until the end of the elaboration of this LARAP, the IPIP decision for the Task has not yet been issued. The State Water Holding Polish Waters with headquarters in Warsaw represented by Ms. Małgorzata Wajda - Director of the Regional Water Management Authority in Rzeszów, applied to the competent authority for a decision on the permission for the implementation of contracts in the field of flood protection structures on 24 March 2018. The Province Governor of Podkarpackie leads the procedure for issuing the Special Decision. The proceedings are in progress.

Two categories of PAP eligible to obtain compensation were identified: owners (including co-owners) and entities with limited property rights in the form of: use, easement, a life sentence with Art. 908 of the Civil Code and mortgage.

The purpose of this LARAP is to document that the process of acquiring real estate for the purposes of the Task will be carried out in accordance with the requirements specified in OP 4.12, but also to ensure retroactive use of OP 4.12.

3.1 TASK DESCRIPTION

The task covered by this LARAP will be implemented as part of the "Odra-Vistula Flood Protection Project". It is included in the Component 3 - Flood protection of the Upper Vistula. The Project Implementation Unit for the Works Contract 3D.1 is the SWH PW RZGW in Rzeszów, for which, according to Article 240 Clause 3 Points 6 and 8 of the Water Law belong:

- participation in ensuring the protection of people and property against floods and counteracting the effects of drought, at the level of water regions;
- coordination of Contract implementation in water regions, excluding inland waterways of special transport importance.

Task includes:

- Extension of the embankment in form of earth-fill embankment on the stretch km 0+000÷2+960 and 3+440÷4+445 (at km 2+955÷2+960 and 3+435-3+445 earth-fill embankment with retaining wall), elevation of the embankment's crest will be – at 0+000 – 3+150 – average 1 m, and at 3+150-4+445 – average 0,5 m; width of the embankment's crest will be – 3,0m, waterside and landside slope grade – 1:2.5;
- construction of a retaining wall together form the riverside, with earth-fill embankment for the side beyond the embankment on the stretch km 2+960÷3+130 (at km 2+955÷2+960 earth-fill embankment overlap the retaining wall);

- Construction of retaining wall on the stretch km 3+130÷3+180 and 3+212-3+440 (at km 3+440÷3+445 retaining wall overlap the flood embankment);
- Providing mobile flood protection system in form of pile of bags with sand (width of the embankment's crest 1,5m, slope grade 1:1) during flood surge;
- Realization of anti-filtration protection – vertical anti-filtration membrane with variable depth at km 0+000-2+960 (depth of the membrane will be 12-14m), at km 3+440-4+435 (depth of the membrane will be 8m).

In addition, the task includes protection against digging animals, reconstruction of the embankments, building a paved road with hard shoulders along the embankment on the side beyond the embankment, reconstruction of the surface of the provincial road on the embankment's crest with the construction of hard shoulders and road barriers, provision of drainage system along the provincial road with outflows, provision of landscape stripes along the embankment on both the riverside and beyond the embankment, the construction of the slope stairs, as well as the assembly of crossing barriers and mileposts and other accompanying facilities.

It will be necessary to reconstruct the colliding utilities or secure them during extension of the embankment.

3.2 PLANNED WORKS

As mentioned above, the subject of the contract is the extension of the left embankment of the San River at km 0 + 000-4 + 445 located in the Gorzyce Commune, Tarnobrzeg District, Podkarpackie Province, within Wrzawa and in the final section in the Zaleszany Commune, Stalowowolski District, Podkarpackie Province within the Skowierzyn cadastral area. It is planned to carry out construction works consisting of the extension of the flood embankment together with accompanying facilities. The San III Contract is a section of the embankment connected with the Vistula River's embankment and the further course of the San River's embankment:

- beginning (km at 0+000) – connection to the right embankment of the Vistula River (design stage – title of the Task “Vistula River stage 2 - extension of the right embankment of the Vistula River over a length of 13.959 km, the right embankment of the San River over a length of 2.193 km and the left embankment of the Łęg River over a length of 0.112 km, within the communes of Gorzyce and Radomyśl nad Sanem, the Podkarpackie Province”);
- the end of the embankment (km 4+445) – connection to already extended in 2015 left embankment of San River (contract completed, the title of the Task “San II – extension and anti-filtration protection of the left embankment of the San River at km 4+438-9+390, over a length 4,952 km, Zaleszyny Commune”).

EARTH-FILL EMBANKMENT

The earth-fill embankment and earth bank at the designed retaining wall will be made of soil thickened with layers. After assembling the earth-fill embankment, the embankment's crest will be shaped. After works completions, the embankment will be sown with grass mixtures. For

better connection of the existing embankment with the new earth-fill embankment, slope stairs will be shaped. The extension of the existing embankment through the construction of the earth-fill embankment was designed:

- from the side beyond the embankment at km 0+000-2+960,
- from the riverside's area at km 3+440-4+445.

At km 2 + 960-3 + 130, an earth-fill embankment was designed on the side beyond the embankment as part of the retaining wall. At km 2 + 955-2 + 960 and 3 + 435-3 + 445, the connection of the retaining wall with the earth-fill embankment (overlap) was designed. The length of the earth-fill embankment will be $l = 3,965$ m.

RETAINING WALL WITH EARTH-FILL EMBANKMENT

The construction of the protection using the retaining wall with the earth-fill embankment will consist in the execution of a wall made of steel sheet wall with reinforced concrete slabs along with a barrier from the waterside and earth-fill embankment form landside (0.4 m below the top of the retaining wall).

The length of the retaining wall with the earth-fill embankment from the side beyond the embankment will be $l = 170$ m. The retaining wall will be equipped with a steel barrier fixed to the steel wall.

RETAINING WALL

Retaining wall (a wall made of steel sheet wall with reinforced concrete slabs) was designed along the existing district and provincial road on the embankment's crest. The retaining wall was located min. 2 m away from the edge of the road embankment. Between the retaining wall and the road embankment, linear drainage system with drainage of water to the riverside. The construction of the retaining wall will consist construction of steel sheet wall with reinforced concrete slabs with a guardrail from the waterside.

The retaining wall will be equipped with a steel barrier fixed to the steel wall.

MOBILE FLOOD PROTECTION SYSTEM

The mobile flood protection system was designed at the intersection of the flood protection with the provincial road No. 854 (km 3 + 180-3 + 212). The mobile flood protection system will consist of piles made of sand bags during flood surge. The length of mobile flood protection system will be $l = 32$ m.

There is also a space for filling and storing bags – paved square with dimensions of 10 x 5,5 m hardened with reinforced concrete road plates.

ANTI-FILTRATION PROTECTION

Two anti-filtration protections thought embankment and its subbase were designed:

- the vertical anti-filtration membrane in embankment's axis at km 0+000-2+960 (at km 0+000 joining vertical anti-filtration membrane in embankment's foot constructed under Task Vistula River –stage 2),
- a membrane on the embankment's slope from riverside joined with a vertical membrane located in embankment's food at km 3+440-4+435 (at km 4+435 joined with existing anti-filtration protection constructed under Task San II),
- retaining wall (steel sheet wall with reinforced concrete slabs), that also provides, except flood protection, anti-filtration protection at km: 2+955-3+180 and km 3+212-3+445.

The optimal depth of the vertical membrane was determined on the basis of the calculation of the filtration through the embankment's body and its subbase, information received from embankments' administrator and the results from site visits.

Designed vertical anti-filtration membrane with variable depth, min. 0.4 m will be made using deep soil mixing technology. The design allows an alternative technology for the implementation of this membrane. The execution of works and the technology must comply with the Polish Standard for deep soil mixing PN-EN 14679: 2005.

For riverside at the embankment's length 3 + 440-4 + 435, a membrane on the embankment's slope was designed in the form of a double-sided PVC foil with a thickness of 2 mm. The slope of the designed seal will be 1: 2. The upper edge of the film will be anchored in an L-shaped anchor ditch filled with compacted soil. The bottom edge of the planned drainage seal will be anchored in the ground, the thickness of the cover layer will be min. 1.0 m. The length of the sealed section will be 995 m, and the area 9 858,8 m².

PROTECTION AGAINST DIGGING ANIMALS

The burrows within the embankment constitute the privilege filtration routes for water during floods. On the section of the embankment at km 3 + 440-4 + 445, where the embankment will be extended towards riverside, with surfaced anti-filtration protection (foil) and vertical (in the embankment's food) protection against the digging animals was designed, in the form of a galvanized steel mesh, from embankments' s foot to the level of control water flow. The use of a galvanized steel mesh 3 mm thick in PVC sheath with mesh dimensions 5x5 cm nailed with metal pins (1 pin per 1 m²). The net should be covered with a 20cm thick layer of humus. The surface of the net against animals digging the burrow will be 9 174 m².

CONSTRUCTIONS

• Embankment crossings

In order to ensure communication between riverside and the area beyond the embankment, the reconstruction of existing embankment crossings has been designed. The ramps will be made with a gradient of 1: 10-1: 12 with a 4.0 m width and will be paved with 3,3 m wide gravel. Demolition of existing 4 ramps at km 3+432, 4+085, 4+172 i 4+406.

• Crossing barriers

Eleven single crossing barriers will be installed over the entire section of the designed embankment. Crossing barriers are designed to be located on the embankment's crest at a distance of 20 m from the driveways (10 items) and next to the storage square where the mobile flood protection system was stored (1 item).

- **Mileposts**

46 nos of milepost will be located along the whole section of the embankment.

- **Slope stairs type Sch - 2**

The dismantling of existing and provision of new 6 m long slope stairs was designed at km 4+135 (Landside slope in the vicinity of plot no. 2261/1).

COMMUNICATION SYSTEM

The road along the embankment („flood road”) and road on the existing embankment's crest

A "flood road" (access road) with a crown width of 5.0 m in the embankment's bank and slope grade 1: 3 was designed, at the embankment's waterside foot, to enable conducting flood actions and maintenance of facilities, as well as to enable access to private properties. It was designed to harden the road with a width of 3.5 m with a bituminous mixture in the edge of the curb (rocking gravel surface with a width of 2 x 0.75 m).

At km 3 + 440-4 + 438 the reconstruction of the existing road on the embankment's crest (l = 1,002 m) has been designed for bituminous pavement in the curb edges along with the road surface of the breakstone and energy-absorbing barriers from the side beyond the embankment ("interrupted" at the level of exits) to the property and stairs on the slope). Existing off-slips to the properties at km 3 + 610, 3 + 894, 4 + 095, 4 + 150, 4 + 176, 4 + 310, 4 + 414 will be paved with breakstone (5 m long) and an energy-intensive barrier will be made on them (on both sides, 5 m from the edge of a bituminous road). Hardening of the flood road located on the embankment and roads on the embankment's crown - bituminous pavement in flush curbs.

A drainage system was designed for all road sections on the embankment's crest in order to take over rainwater and discharge it to the riverside. In order to enable drainage of roads along the walls, a 0.5 m wide trough canopy was designed. In the course of drainage, outflows completed with a non-return valve will be made. On the section of the provincial road no. 854 in km 3 + 215-3 + 435, the drainage from the drainage will be carried out by the inlet well. Below the outlets, on the existing road from the side beyond the embankment will be made a muld road channel enabling the outflow of water on the slop.

Landscape stripes along the embankment on both the riverside and beyond the embankment

Access to flood control structures for their maintenance will be ensured through flood roads (access roads) and landscape stripes (designed in the riverside and beyond the embankment). Strips width - min. 4.0 m (if with the slope resulting from the lowering of the area - 5 m).

3.3 DESCRIPTION OF THE AREA OF IMPLEMENTATION OF WORKS CONTRACT

The Task will be implemented at Gorzyce Commune area (Tarnobrzeg District, Podkarpackie Province) within Wrzawy (0006) cadastral area and the end section within Skowierzyn (0008) cadastral area at Zaleszany Commune (Stalowa Wola District, Podkarpackie Province).

As it results from the list of land changes, the Task comprises 329 properties, of which 327 plots are located in the Tarnobrzeg District in Gorzyce Commune, cadastral area 0006 Wrzawy; and only two in the Stalowa Wola District in Zaleszany Commune, cadastral area 0008 Skowierzyn. Due to the fact that these 2 properties located in Zaleszany Commune are located in the State Treasury resources and will not concern them with the transfer of the right to the said resource, the remainder of the study focuses only on the area of Gorzyce Commune and Wrzawa.

Location of the aforementioned properties is shown below.

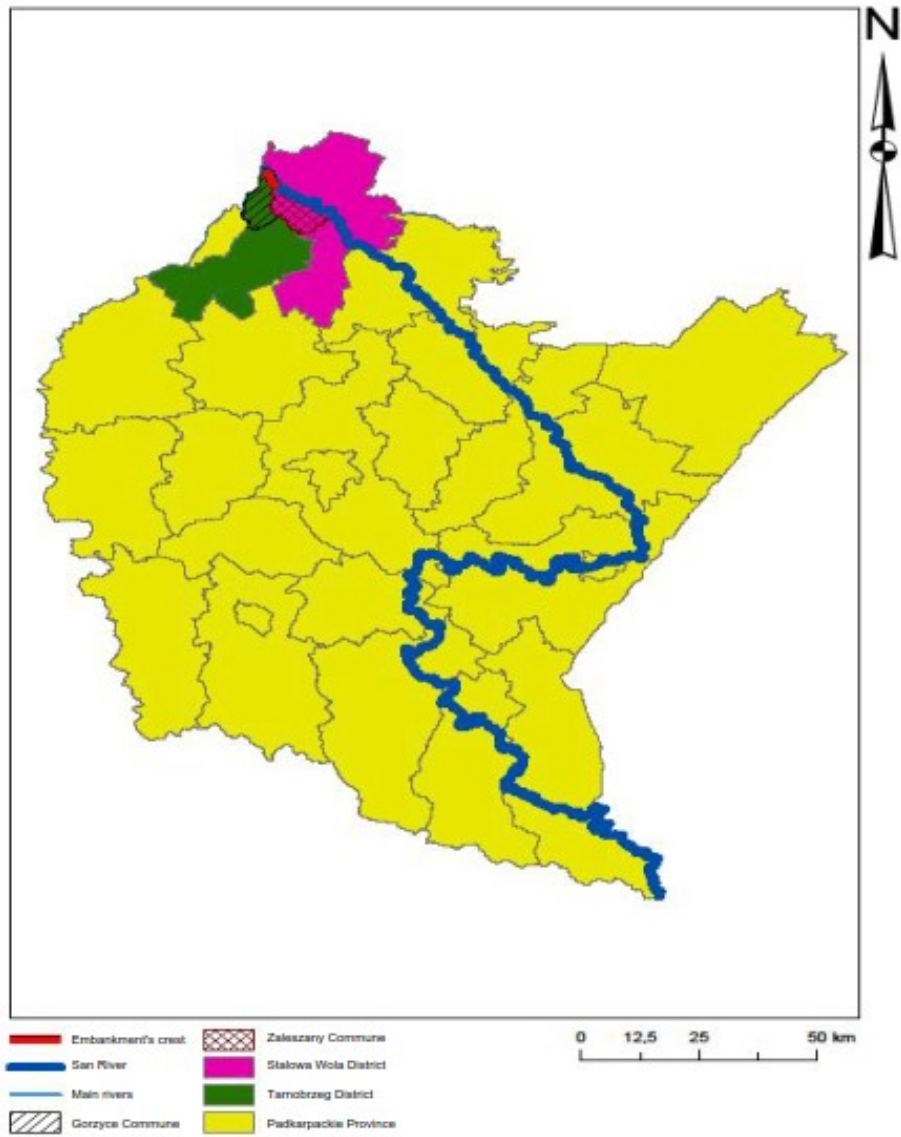


Fig. 1. Location of the Contract with reference to communes, district and province location.

The area where the Contract will be implemented is not covered by the Spatial Development Plan, for this area, the Study of conditions and directions for spatial development of the Gorzyce Commune, change III from September 2010 applies.

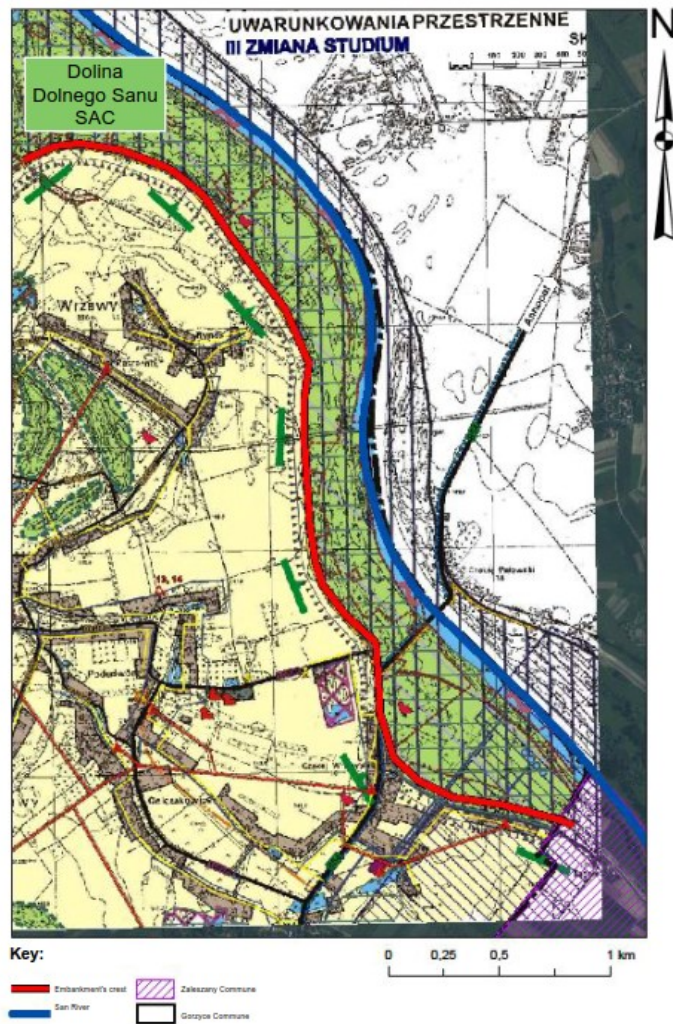


Fig. 2. Location of the Contract with reference to the background of the Study of the conditions and spatial development of the Gorzyce Commune.

The area intended for the expansion of the left embankment of the San River at km 0 + 000-4 + 445 with objects related to its functionality, is diverse in terms of ownership structure. The chart below presents the percentage of individual categories of parcel owners covered by the analysis.

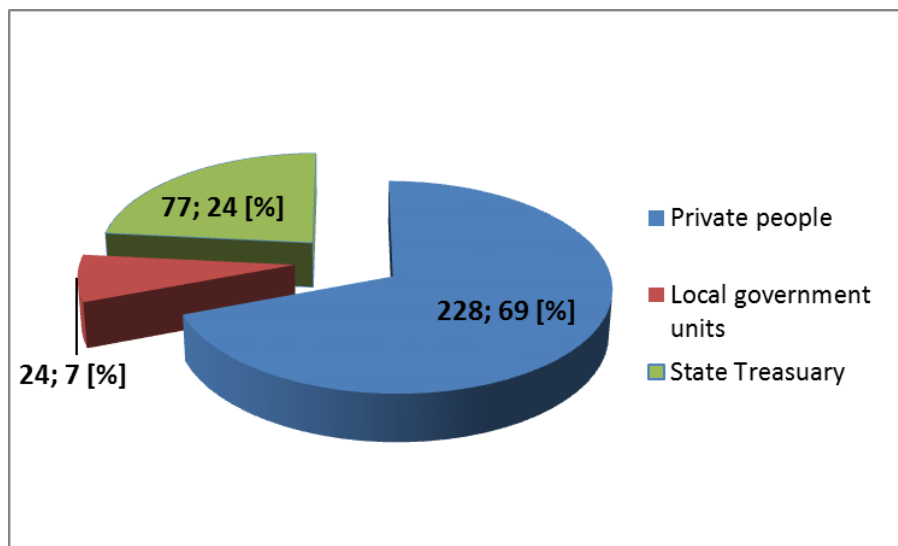


Chart 1. Structure of the number and share [%] of plots covered by the analysis by owner.

69% of plots included in the Contract belong to private persons, and only 31% are in the local government units (Gorzyce Commune, Podkarpackie Province - Podkarpacki Road Administration and Tarnobrzeg District – Road Authority District) and the State Treasury, i.e. 24 parcels - 7%, and 77 plots - 24%.

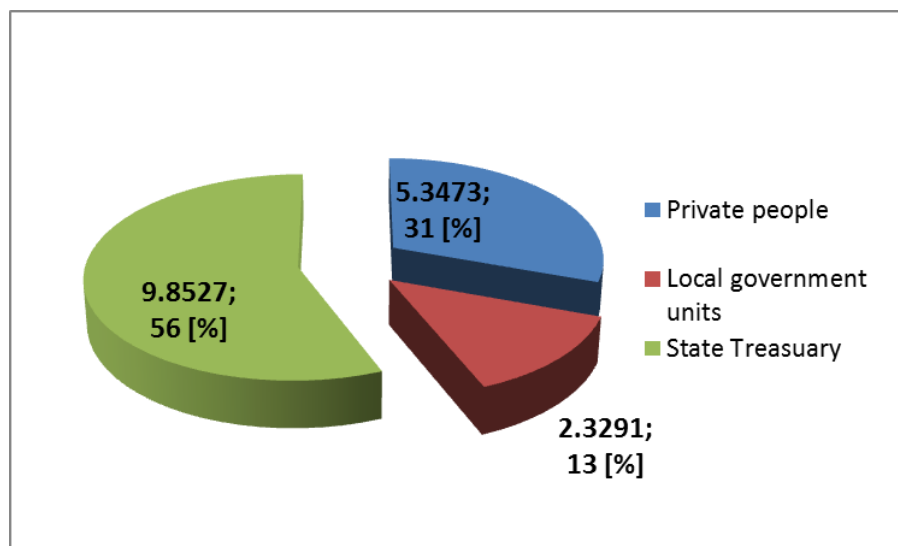


Chart 2. Structure of the plots' area (in ha and share [%]) covered by the analysis, by owners

When analyzing the share of plots, which overall or in part will be subject to the takeover by law for the benefit of the State Treasury, land owned by private people constitutes 31% - 5.3473 ha. The share of plots owned by the State Treasury is 56% - 9.8527 ha, while local government units - 13% - 2.3291 ha.

Further analyzes related to the identification of the significance of the Contract's impact will only apply to real estate owned by private persons. Detailed data resulting from socio-economic studies are included in Appendix no. 5.

4. OBJECTIVES AND RULES FOR LARAP IMPLEMENTATION

A key **objective** of this Land Acquisition and Resettlement Action Plan is to acquire properties required for the implementation of the Works Contract in compliance with Polish legislature and the World Bank Policy OP 4.12, in such a way as to minimise negative impact on the Project Affected Persons and improve or at least reinstate their life conditions or ensure the long-term and sustainable use of natural resources within this area

The **objective** of LARAP is also to collect basic social and economic data concerning Project Affected Persons, to identify impacts, to determine mitigating measures and compensating measures for prospective negative impacts, to assess whether the conditions within the scope of further management of properties covered by the Project have been reinstated (it applies both to properties owned by private persons and public entities i.e. the State Treasury and the Gorzyce Communes, as well as Podkarpace Province). LARAP contains also the procedures, budget, and deadlines for achieving the above objectives.

In line with the OP4.12 World Bank's operational policy, unless mitigation measures preventing measures are planned and implemented, real estate activities may create and strengthen inequalities, cause social exclusion and result in permanent environmental damage. Therefore, in the process of designing and implementing the process of acquiring real estate and resettlements, also in the development of this LARAP, the following **rules** were followed:

1. Permanent occupation shall be minimised, and avoid, if possible. Where resettlement is unavoidable, the procedures and requirements outlined in the LARAP will be followed to prepare site-specific Land Acquisition and Resettlement Policy Framework (LARPF) to mitigate adverse impacts of expropriation (see http://www.odrapcu.pl/doc/OVFMP/Resettlement_Policy_Framework.pdf).
2. The land acquisition procedures will ensure that the livelihood and living conditions of project affected persons are improved, or at least restored, to pre-task level.
3. All project affected persons (PAPs) will be meaningfully consulted and be active participants in the negotiated settlements and will have access to adequate and accessible grievance redress mechanisms. Consultations will consider all social issues (also gender) and take into account the needs of stakeholders who may be considered vulnerable.
4. Implementation of effective grievance redress procedures for PAPs and provision of access to legal, fair and accessible proceedings of their appeal to independent authority or court without intentional delay shall be ensured.
5. All cases of land acquisitions and resettlement, either permanent or temporary, will undergo procedures based on local regulations and WB OP 4.12 as per this LARPF and to be detailed for each site in the respective LARAP. The LARAPs must be consistent with the LARPF.
6. It also concerns cases of permanent or temporary restriction of access to the property resulting in the loss of business revenues (permanent or temporary) or worse standards of living.

7. The process of social participation, protective and mitigation measures will be carried out in accordance with fair treatment regardless of age, sex or disability of affected people. Particular attention will be paid to the households of vulnerable groups.
8. Each LAPAP are designed and completed within the Project. All costs connected with the implementation of compensation actions will be included in the budget as well as the advantage of the project.
9. Compensation for land acquisition /loss of business income should be paid prior to the commencement of construction works on expropriation that affected land.
10. A priority is given to the compensation in the form of allocation of the alternative land of equivalent productive potential. Cash compensation will be used in the cases where land acquisition has no impact on the use of land for its former purposes as well as in cases where an affected person expresses their will in cash compensation.
11. Temporal occupation of the property for the purpose of Task implementation is possible only upon voluntary consent of the property owner and under terms and conditions specified in a consent declaration.
12. In case of temporal occupation of the assets, on completion of the works they will be returned in the same condition as beforehand to enable the owners or users the business activities on the same level as before the Project implementation.
13. All PAPs, without regard to the legal status of the property, will receive the support of various kinds, as per the principles set out in the Entitlement Matrix include in LARPF. Lack of legal title should not be a barrier to compensation and/or rehabilitation. Detailed procedures of land acquisition, social participation and protective, preventive, compensatory and mitigation measures are established in this LARAP

LARAP document will be continuously monitored, on the basis of established indicators, as well as periodically updated by a team of Engineer - Consultant and by the PIO, as the works progress and new factual and legal circumstances emerge which affect the implementation of its provisions. It will allow, among others, to provide relevant information to people affected by the Project, early risk identification and implementing the methods that allow for the risk minimization or elimination. Monitoring results will be presented in the monthly and quarterly reports.

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

5. MINIMISING THE IMPACT

5.1 SOCIAL IMPACT

In the light of OP 4.12 all direct losses, economic and social ones resulting from expropriation of properties, permanent limitation of current use or access to the property is considered to be social impact related to expropriation. Therefore, in order to assess social impact, the percentage ratio of the whole property and its expropriated part is considered to be a basic criterion. The data obtained during the social and economic research shall also be taken into account.

In order to assess the social impacts on the needs of this LARAP, the following parameters were adopted, according to OP 4.12:

- negligible impacts – less than 10% of the land area of the farm and assets is subject to a loss, and no physical relocation and economical. In the case of other properties, negligible impact shall be considered when loss of land includes less than 20% of the production area of the farm and assets and no physical relocation. Additionally, as cases of negligible impact, cases where the acquisition for the benefit of State Treasury, but a small plot area (from a dozen or so m² to, in one case, approx. 0.1 ha), which were already separated several years ago and where a service road for embankment maintenance has been installed. These areas cannot be considered as generating any income that is an opportunity to ensure the existence of a household. Thanks to the implementation of the Contract, the past and PAP will be paid for appropriate compensation for these fragments.
- severe impacts – more than 10 % of the land area of the farm and assets is subject to a loss, property dividing line runs in such way, that the farming/orchard activities on the property are not possible. In the case of wastelands and other than agricultural property, significant losses of more than 20% of the farm's production area should be considered as significant impacts.

When assessing the impacts and their classification as significant and irrelevant, reference was made to the total area of the farm, not only to the plots affected by the Contract but also the actual use of real estate together with the identification of the source of household income.

5.2 SOCIAL IMPACT OCCURRENCE

In the case of areas owned by the Gorzyce Commune, the impact was considered negligible, as the acquisition of real estate does not have a significant impact on its situation and functioning.

There are no impacts related to the necessity of physical relocation of households or farmlands for the planned Task.

There are also no economic resettlements caused by, for example, a change in the way the property is used for the planned Task.

This is due to the fact that flood embankments are already in the area, which, as part of the planned construction works, will only be extended and sealed. The necessity of additional occupation of the area results from the extension of the embankment and the construction of objects functionally connected with it are not so large that they collide with the existing buildings or require large areas for expropriation.

In the immediate vicinity of the Contract's area, only two built-up properties have been identified, which will be partially expropriated. These properties are abandoned farm and residential buildings. Historically, these buildings were located on the plot no. 582. Then the property was divided into 2 plots with the numbers 582/2 and 582/3, but none of the owners lives in the area of the real estate. Buildings stand abandoned and deteriorate



Photograph. 4-7. Buildings located on the plot no. 582/3 in Wrzawy (source: own resources)

In connection with the above, there will be no situation, where owners of the properties in question, will be the ones who will experience the nuisance of construction works, noise, and other related factors, but certainly in the future will be beneficiaries of improving flood safety in this area.

As of the result, that the owners of the real properties in question will not experience construction works disadvantage, noise and other related factors, but certainly in the future will be beneficiaries of improving flood safety in this area.

5.3 MITIGATION MEASURES

Minimizing the impact of the Task on the Project Affected Persons will be done by informing them at each stage of the Contract of their powers, the date of commencement of the works, the opening of the information desk, the possibility of filing complaints and submitting applications, meetings, etc. Details of these activities as well as the mitigation measures already implemented are described below.

1. All design works were conducted in a manner minimizing the area of land necessary for acquisition.
2. Amounts of compensations for the lost properties will be determined on the basis of the estimate calculations made by independent experts. The price estimation for calculations of the compensation amount will be honest, objective and independent in such way that the existing owner will receive compensation for property reflecting the real loss and therefore, the negative influence of the loss of real property on their financial situation shall be minimised.
3. As part of compensation measures, after social and economic study, priority was given to payment of compensation in cash, in fact, in the majority of real estates, their entire occupation or in part does not affect the economic situation of households, and even the interested parties expect payment of compensation in cash.
4. All costs related to the mitigation measures will be included in the compensation packet. At the current stage, no cases of PAP were identified, and it would be necessary to prepare dedicated compensation packages, however, in the LARAP document, such possibilities will be activated, if necessary.
5. Property release shall take place after harvesting of crops, for plots where agricultural activity is carried out. If due to technological reasons, works will have to start earlier and the crops will not be harvested, a cash equivalent in cash shall be paid out.
6. Each person under expropriation will be entitled to free of charge use of the land for current purpose until the payment of the compensation or (in case, when the agreement regarding the value of the compensation will not be reached) its undisputed part.
7. PAP will be informed by the Consultant about the commencement of the works within the time period that will allow to cease all activities performed on the property, but not less than 90 days
8. During the performance of construction works, a required distance from overhead power lines will be maintained. It ensures the minimisation of population impacts arising from the Task influence on the power infrastructure (interruptions in power supply).
9. Near the existing underground infrastructure development, all the works will be carried out manually in order to avoid any damage. It will ensure the minimisation of population impacts arising from damaging the underground utilities.

10. For the time of conducting works, the owner supervision of infrastructure network will be ensured. The owners of such networks will be notified in advance of the date of commencing the works.
11. Prior to the commencement of works, the Consultant on behalf of the Investor will conduct a wide-spread information campaign concerning the planned implementation of the Task and to open an information center for Project Affected Persons, where they will be able to file their motions and comments to the conducted construction works and planned occupations. An information brochure will be prepared and sent to all PAPs, advising on a possibility of submitting complaints (in accordance with the provisions of LARAP) and providing contact details.
12. As part of the information campaign, PAPs will be informed on a possibility of submitting an application for purchasing the remaining parts of the property so called remnants, if after property subdivision and occupation of its part for the Task, there is a part left which is not suitable for further usage for current purpose (according to Article 23 Clause 2 of the Special Flood Act).
13. Additionally, among the information presented in the information brochure, the Consultant will describe the rules on which PAP collecting EU subsidies will be required to report to ARMR the fact of reducing the area on which they manage.
14. The information brochure will be accompanied by a model statement, by means of which PAP will be able to effectively hand over the property to the Investor. If the current owner or perpetual user of the real estate subject to Special Decision hand over the real estate immediately, but not later than within 30 days from the date of delivery of the notification of the permit for the Contract, the amount of compensation will be increased by 5% of the value of the property or right of perpetual usufruct (in accordance with Article 21 Clause 7 point 1 of the Special Flood Act).
15. The Contractor will obtain the area for temporal occupation by his own efforts, and by negotiating the conditions of temporal occupation of the real estate, he will be guided by the principles set out in this LARAP (this process will take place on a voluntary basis and under the terms of the consent statement (agreement)).
16. The Contractor will provide the Investor with information about the contracts concluded for temporal occupation, and before the plot is taken up, an inventory of its condition will be carried out along with the preparation of photographic documentation.
17. After the completion of the works, the real estates will be recultivated and returned in good condition.
18. The description of mitigation measures - minimising negative impacts, in particular in relation to valuable natural resources, is included in the document entitled "Environmental Management Plan", which was also prepared for the Task in accordance with the operational policy of the World Bank 4.01.

5.3.1. PAP entitlements resulting for the Special Flood Act.

1. If the current owner or perpetual user of the real estate subject to Special Decision hand over the real estate immediately, but not later than within 30 days from the date of

delivery of the notification of the permit for the Contract, the amount of compensation will be increased by 5% of the value of the property or right of perpetual usufruct (in accordance with Article 21 Clause 7 point 1 of the Special Flood Act).

2. Filing an appeal against the Province Governor's decision fixing the amount of compensation does not preclude the payment of compensation to entitled persons - in accordance with Article 21 Clause 11 of the Special Flood Act, the party submitting the appeal may submit an application for payment of compensation specified in the compensation decision, and the State Treasury is obliged to pay this amount despite the appeal. Payment of the amount of compensation does not affect the appeal proceedings.

3. In the case of permanent limitation on the manner in which they are used, the owner or perpetual user of these properties may request that the real estate be bought by the State Treasury on the basis of an application submitted within 90 days of receipt of the notice of initiation of the decision on the permit for implementation investment (in accordance with Article 22 Clause 2 of the Special Flood Act). As part of minimizing impacts, PAP will be additionally informed about the abovementioned authorizations during the implementation of LARAP (social consultations, brochures, information point, etc.). Additionally, in the case of the right to obtain compensation increased by 5%, the Investor will prepare ready forms of the real property transfer protocol and will help them to complete the PAP.

5.3.2. The rights for the purchasing ‘the remnants’

As part of the information campaign described in chapter 5.3 above, people affected by the Project (PAP) will be also informed about the possibility of applying for the purchase of the remaining part of the property (called "remnants"), if after the division of the property and taking part of it for Contract, 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).

If the condition of Article 23 Clause 2 of the Special Flood Act (namely that if the part of real property was acquired and the remaining part is not possible to be used for recent purposes) the property shall be acquired by the State Treasury. According to the World Bank's politics OP 4.12, if the remaining area is not viable for residential or economic use, it should be compensated by the Project.

5.3.3. Measures aimed to prevent the reimbursement of EU subsidies

The scheme of subsidies / financial assistance for farmers is an relevant issue in the context of investments carried out on the World Bank principles. As part of the Works Contract 3B.2, there will be some properties expropriated which are owned / hold by farmers who receive EU direct payments or receive subsidies through their participation in various activities covered under the 2014-2020 Rural Development Program (RDP 2014-2020).

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

In order to make farmers appropriately fulfil their contractual obligations and not put them at risk of harm due to that, a variety of mitigation and compensation measures are necessary to be implemented.

At the stage of elaboration of the construction design, there were some properties identified which will be subject to the expropriation for the State Treasury. Due to the fact that a significant part of these properties are lands projected for agricultural purposes, there was a brochure outlining steps to be taken to avoid such reimbursement was prepared and distributed to the Project Affected Persons. Moreover, as part of the Resettlement Action Plan (one of its essential parts covers socio-economic research aimed to identify the socio-economic standing of the project affected persons), a questionnaire was prepared with questions on subsidies and financial assistance to which the expropriated properties are qualified.

ATTENTION:

The reimbursement of all subsidies received may be prevented thanks to the regulation introduced at the EU level which classifies property expropriation in the catalogue of "force majeure" events. Agricultural producers / farmers - in order not to reimburse any subsidies received earlier - are required to report such occurrence of force majeure (i.e. expropriation and / or permanent limitation of land use of a given property) to the District Office Manager of the Agency for Restructuring and Modernisation of Agriculture (ARMR) in writing together with appropriate evidence (a copy of Decision for Investment project implementation permit will do in the analysed case) within 15 working days from the date from which they or any person authorised by them are not able to perform such activities. To get acquainted with the issue of force majeure, please refer to:

http://www.arimr.gov.pl/fileadmin/pliki/PB_2015/WPRN/02_07_2015/Sila_wyzsza_22_07_2015.pdf

The mitigation measures which may be applied and make farmers avoid the reimbursement of subsidies received by them:

- Carrying out a wide-range information campaign (among all the Project Affected Persons) on steps to be taken to avoid the reimbursement of subsidies received.
- Carrying out an additional information campaign addressed to a group of farmers (providing with brochures) who in their questionnaires reported to receive subsidies at the stage of the administrative procedure conducted by the Province Governor to IPIP. This action will be aimed to remind the need to report expropriation of properties to the ARMR. This information will also be provided to the PAP during LARAP public consultations stage.
- Compensation in cash - a farmer will receive compensation for any expropriated property and may - for such means (money) - purchase (or lease) any other property with similar-level production capacities and submit it for subsidy / assistance (if possible under this measure.
- The amount of compensation (compensation in cash) for any expropriated property will be determined by an independent property appraiser. This property valuation will include, among others, the characteristics and values of a given expropriated property and specified obtaining (or not) any potential subsidy/ support.

6. BINDING LAW REGULATIONS AND EVALUATION METHODOLOGY

This LARAP is based on Polish law regulations, as well as, due to co-financing from the funds of the World Bank, has to comply with the OP 4.12 Involuntary Resettlements criteria.

The Loan Agreement concluded between Poland and the World Bank is an international law act and by signing it Poland is obliged to comply with the World Bank policies.

In case of discrepancy between Polish regulations and policy of the World Bank, the regulations which are more favourable to the affected people will apply.

6.1 BINDING POLISH LEGISLATION

The most significant normative acts related to acquiring rights to properties necessary for the implementation of the Project include:

- Constitution of the Republic of Poland of 2 April 1997,
- Law of 21 August 1997 on the real property management,
- Law of 23 April 1964 Civil Code,
- Law of 8 July 2010 on particular conditions for preparing flood management projects for implementation,
- Regulation of the Council of Ministers of 14 July 2011 amended the regulation on the evaluation of properties and preparing an appraisal.

Aforementioned legal acts publishing numbers are indicated in the table on pages 5 and 6 of this LARAP.

6.2 OBLIGATION ARISING FROM OP4.12¹

OP 4.12 is applied whenever the implementation of the Investment requires:

- a) involuntary occupation of land resulting in:
 - (a) relocation or loss of shelter,
 - (b) loss of assets or access to assets
 - (c) loss of revenue sources or standard of living,
- b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

To decrease the impacts of these activities, the borrower is obliged to prepare a Land Acquisition and Resettlement Policy Framework or a Land Acquisition and Resettlement Action Plan depending on the fact whether the specific interventions and related impacts have been identified or not.

¹ The chapter is compatible with LARPF

This detailed LARAP contains obligations specific for the Works Contract 3B.2 and corresponding to the advancement of the process of preparing the Contract for implementation.

6.3 PROPERTY ACQUISITION – RULES AND PROCEDURES WITHIN THE MEANING OF THE PROVISIONS OF THE ACT OF 8 JULY 2010 ON SPECIFIC RULES FOR PREPARING PROJECTS RELATED TO FLOOD PROTECTION, HEREINAFTER REFERRED TO AS THE “SPECIAL FLOOD ACT”

Resolution of the „Special Flood Act”

On 8 July 2010 the Parliament of the Republic of Poland passed the Special Flood Act aimed at simplifying and accelerating procedures related to the implementation of flood protection projects. The provisions of this act apply to, i.e., issues related to acquisition of properties to the benefit of the State Treasury, Provinces and communes. This act was amended three times in the year 2014, 2015, 2016, 2017 and then in the year 2018.

The substantiation for the Act provides for the aim which is the effective fulfilment of tasks within the scope of flood protection structures with the use of the EU's and international organisations' funds. Before the Special Flood Act became effective, the implementation of flood protection projects required multi-staged proceedings, the necessity for obtaining a range of administrative decisions (e.g. decision on the public purpose project's location, decision on subdivision, construction permit decisions) and conducting proceedings aimed at obtaining permanent or temporal occupations of properties (as part of negotiations with owners or obtaining expropriation decisions). According to the provisions of the Special Flood Act a competent administrative body issues one integrated decision concerning the entire flood management Project, known as project implementation permit. Restrictions within ownership rights, which result from the issue of the aforementioned decision, are compensated through granting compensation to the owners or holders of the properties.

Administration procedures

The Province Governor notifies all parties in accordance with Article 7 of the Special Flood Act.

IPIP issues the decision of the IPIP within 90 days from the date of submitting the application, however, the time limits set out in the legal provisions for specific activities, periods of suspension of proceedings and periods of delay caused by the Applicant's fault or for reasons beyond the authority's control are not included in this period.

After recognizing the application submitted by SWH PW RZGW, the Province Governor will issue a decision on the permission for the implementation of the investment, the subject of which is a number of matters regulated so far by separate administrative decisions. Obtaining the Special Decision is tantamount to obtaining a decision on building conditions or a decision on determining the location of a public purpose investment. In addition, this decision will include, among others determination of lines delimiting the area and approval of the division of real estate and approval of the construction project.

In relation to the properties indicated by SWH PW RZGW in the application, and then marked in the decision on the permit for the implementation of the investment, this decision on the day of obtaining the value of finality triggered effects, i.e.:

a) real estate or its parts, being part of the Contract, necessary for its implementation will become the property of the State Treasury,

b) real estate or its parts, being part of the investment, necessary for its functioning, which will not become the property of the State Treasury, but for which the method of use will be permanently limited (in the case of the said Task the Investor did not indicate such properties in the PNR application),

c) real estate or its parts intended for flood protection purposes, which pursuant to Article 9 Point 8 letter f of the Special Flood Act will be limited by the Province Governor in the manner of using, if required by the authority, including areas of direct flood hazard and areas of potential flood hazard, or a special flood threat, if they have been designated (in the case of the Investor's task in question) did not indicate such properties in the IPIP application).

This decision will be the basis for making entries in the Land and Mortgage Register and real estate cadaster.

In the case of permanent limitation on the manner in which they are used, the owner or perpetual user of these properties may request that the real estate be bought by the State Treasury on the basis of an application submitted within 90 days of receipt of the notice of initiation of the decision on the permit for implementation investment. The right provided for in Article 22 Clause 2 of the Special Flood Act (regarding the purchase of real estate against which the use is permanently limited) is not available to the owner of the property on which public roads are located.

In the case of the establishment of restrictions on the use of real estate on the basis of Article 9 Point 8 letter f of the Special Flood Act, the owner or perpetual user of these properties will be entitled to, among other things, compensation, in accordance with Article 30 the Special Flood Act in connection with Article 124 Paragraph 4 and Article 128 Paragraph 4 of the Act on Real Estate Management, granted by administrative law. In practice, the nature of the abovementioned compensation and the manner of its investigation - i.e. whether it is to be determined by the competent public administration authority (Province Governor) by an administrative decision or before a civil court (i.e. on a civil law basis).

If the property acquired by virtue of law is part of the real estate, and the remaining part is not suitable for the current purposes, SWH PW RZGW is obliged to purchase, at the request of the owner or perpetual user, on behalf of and for the benefit of the State Treasury, this remaining part of the property. This regulation solves the problem of so-called "Residuals" that remain after the transfer of the separated parts of the property to the State Treasury. In such a case, the owner (perpetual user) of the real estate is entitled to claim for the remaining part of the real estate to be bought by SWH PW RZGW.

Compensation

As regards transferring the ownership of the property or its part to the State Treasury or a local government entity, the owner or the holder of usufruct rights (i.e. the legal right of using and enjoying the fruits or profits of state land) is entitled to financial or land-for-land

compensation. The Special Flood Act does not indicate any preference for the land-for-land compensation; financial compensation allowing for purchasing the similar property at a market price is rather assumed.

The amount of compensation is determined separately for each property by individual negotiations of the Employer with present owner or holder of perpetual usufruct rights. The negotiations are based on the independent and objective valuation prepared by an appraiser with relevant qualifications.

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

In case the Investor and the expropriated party reach an agreement as regards the amount of compensation, a written agreement is concluded, determining the amount of compensation, and time and manner of payment.

However, if the agreement is not reached within 2 months from the date of issuing final IPIP, the amount of the compensation is determined by the Province Governor (regional authority). Before issuing a decision on the amount of compensation, the Province Governor may appoint their own, independent property appraiser. Also, the affected party is entitled to present an opinion of an appraiser. 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.

The decision issued by the Province Governor may be appealed by the party.

Appeals

In case of challenging by the expropriated person the decision determining the amount of compensation, the person may lodge a motion for the payment of the compensation in the amount established in the challenged decision. In such a case the compensation is paid in the amount specified in the decision, which does not have an impact on the pending challenge procedure

The decision issued in the challenge procedure may be challenged to the Province Administrative Court within 30 days from the moment of serving the decision to the challenging party. The party enjoys again the right to lodge a cassation appeal to the Supreme Administrative Court against the decision of the administrative court, within thirty days from the moment of serving the extract of the decision with its grounds, to the challenging party.

This procedure is described in detail in chapter 12.2.

Compensation due to the current owner or perpetual user is reduced by the number of limited property rights established on real property (e.g. use, easement, pledge, cooperative ownership right to a flat or a mortgage). This amount is estimated by an independent property appraiser in accordance with the rules set out in the regulation of the Council of Ministers on the valuation of real estate and the preparation of an appraisal report.

Additional benefits

The Special Flood Act provides for detailed regulations according to which owners or perpetual holders of properties which become the ownership of the State Treasury are entitled to payment of additional benefits.

In addition, for the immediate release of property, it will be possible to increase compensation with the amount of 5% of the value the property according to the rules specified in the Special Flood Act.

Current owners or perpetual holders of properties or their parts which became the ownership of the State Treasury may use properties free of charge until the expiry of the time specified in the decision under the Special Flood Act.

The order of immediate enforceability

At the request of the SWH PW RZGW, justified by a social or economic interest, the Province Governor issues a decision under the Special Flood Act under pain of immediate enforcement, which means that current owners are obliged to release properties within 90 days of the date of issue a special decision (under the Special Flood Act) and that the SWH PW RZGW is authorised to take over a property and commence construction works (if, in accordance with OP 4.12 PAPs were paid compensations).

6.4 ANALYSIS OF INCONSISTENCIES AND CORRECTIVE MEASURES²

Given that there are inconsistencies between Polish law and the World Bank's OP 4.12 the corrective actions described below will apply to this Project and its components.

OP 4.12	Polish Laws	Corrective action
Lack of legal title to the land should not bar compensation. People without legal title are eligible for compensation.	Polish legal system does not account for the right to compensation of the occupants/users of the land that do not hold legal title to it (except for the people whose legal title to the real estate was lost or who acquired the title by usucaption (by which ownership of property (i.e. title to the property) can be gained by possession of it beyond the lapse of a certain period of time according to KC).	In case a project affected a person without legal title or legal rights over the land is affected by project-related land acquisition the case will be analyzed individually for the possibility of applying general mechanisms from the Civil Code to achieve the objectives of OP 4.12. As per OP 4.12 affected people without legal titles will be not eligible to receive compensations for the land. However, they will be eligible for compensation for any structures, crops or improvements to the land that were done before the cut-off date and to receive adequate solutions in cases where

² The content of the chapter is in accordance with the LARPF

OP 4.12	Polish Laws	Corrective action
		they have to be physically or economically displaced. In this cases, additional nonfinancial mitigation measures can be applied.
<p>WB Policy requires compensation for the loss of income³ resulting from taking of land that generates the displacement of economic activities (e.g. business, agriculture, etc).</p>	<p>Provisions of polish law do not provide compensation for the loss of income resulting from land take required for a task.</p>	<p>Persons who lost income or employment will receive support (health insurance, professional training etc.) from the employment offices.</p> <p>In the case of entrepreneurs or agricultural activities, it is possible to apply general mechanisms from the Civil Code (covering loss suffered (damnum emergens) and the expected profits which are lost (lucrum cessans).</p>
<p>Particular attention should be paid to vulnerable social groups, such as the poor, the elderly, single mother headed household, children, 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 for 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 accordance with Article 21 Clause 8 of the Special Flood Act)</p> <p>If the IPIP decision concerns a real estate built-up with a residential building or a building where the dwelling has been separated, the amount of compensation to the current owner or perpetual user living in this building or premises is increased by PLN 10,000 with respect to this property.</p>	<p>In order to cover the 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</p>	<p>The flood act allows for occupying the land and commencing works</p>	<p>In all cases, no work will begin until there is documented evidence that the project-affected person has</p>

³ In the conditions of the Polish economy understood as revenue.

OP 4.12	Polish Laws	Corrective action
<p>the land for the purposes of implementation of the task.</p>	<p>before the compensation is paid.</p> <p>In Poland, the payment of compensation for the property taken over is separate from the possibility of commencement of works.</p>	<p>been informed well in advance, compensation has been paid and it has granted permission to enter the land.</p> <p>The only exceptions are cases where the process is taken to the courts because negotiations fail or other reason or cases were absentee owners cannot be found. In these cases, as per Polish regulations, the compensation amount will be put into an escrow account and the money will be available to affected people once the court makes a decision or the owner is located.</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 the similar real estate on the local market.</p>	<p>The valuation of the real estate will be conducted by an independent and experienced property appraiser. Property appraiser opinion should be verified by PIO. The expropriated party should be granted the proper amount of time to get familiar with the property appraiser's extract from the appraisal report. Should there be any doubts regarding the sufficiency of the due amount of compensation, the value of the real estate should be estimated by an independent property appraiser in the proceeding with the Province Governor.</p> <p>In all cases, effective replacement value will be achieved.</p>
<p>Requires to prepare a socio-economic baseline, Resettlement Action Plan 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 the obligation to gather a socio-economic baseline and prepare a Resettlement Action Plan as such and there is no obligation of monitoring or evaluation of their effectiveness.</p>	<p>Socio-economic baselines and Resettlement Action Plans will be prepared based on the RPF, monitored and evaluated in line with OP 4.12 and good practices.</p>

6.5 VALUATION METHODS⁴

The current owner, holder of perpetual usufruct right to land or a part of the land which is necessary for Contract's implementation is entitled to compensation for the transfer of ownership of the property to the State Treasury.

In all cases, compensation must meet the principle of a **replacement value** which means the market value of the land and related assets (e.g. crops or others elements) increased by a transaction cost required to replace it, such as taxes and other fees. Compensation is determined on the basis of a valuation by property appraiser and another team of property appraisers (e.g. agricultural property appraiser) as required.

According to the OP 4.12, with regard to land and structures, a "replacement value" 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 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 the cost of 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 value of the materials to build a new houses and objects replacing houses and object affected by the results of the task implementation, in the quantity and quality similar to or better than those uses in the expropriated houses and objects or partially affected by the results of the task implementation jointly with the cost of transporting building materials to the construction site, the cost of any labour as well as transaction costs, fees and taxes related with the implementation of new objects.

With respect to real estate expropriated for the purposes of performing the Task, the principles set out in point an above shall apply.

In determining the replacement cost depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Unless Polish law meets the standard of compensation at full replacement cost, compensation under Polish law is supplemented by additional measures so as to meet the replacement cost standard, such as support after displacement for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living (including sources of income), etc.

The amount of compensation paid by the State Treasury is agreed between the SWH PW RZGW and the current owner, holder of the perpetual user or another legal holder through negotiations. In all cases, the compensation should, at least, be consistent with a replacement value.

⁴ The content of the chapter is in accordance with the LARPF

The amount of compensation determined on the day of issuing the IPIP is subject to indexation on the payday, according to the principles applicable in the case of return of expropriated property.

NOTE:

Valuation methods are defined by the Regulation on valuation, which contains details on methods and techniques for estimating the value of compensation.

6.5.1 Property valuation⁵

The amount of compensation is based on the market value of a property. While establishing the market value of a property, the following factors, in particular, are taken into consideration: its type, location, use and assignment in the local spatial development plan, existing technical infrastructure, overall condition, and current market prices. Should the change of zoning and land use for the purpose of the Project decrease the property's value, its market value will be ascertained according to pre-rezoning and pre-project use. If the data from the local or regional property market allows an appraiser to ascertain the market value of the property, they should apply one of the approaches, i.e. the sales comparison approach, the income capitalisation approach or the combined approach. Should the zoning in accordance with the purpose of the Project increase the 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 property market does not allow an appraiser to ascertain the market value of the property, they should ascertain the replacement value of the property on the basis of the cost approach.

If a current owner or perpetual user of a property subject to a decision on the Project implementation permit releases such a property, or releases such a property and empties premises and other rooms not later than within 30 days of the date of delivering a notification of issuing an Investment project implementation permit with immediate effect, compensation amount shall be increased by 5% of the property value or the value of perpetual usufruct law.

6.5.2 Valuation of plants and crops⁶

The valuation of a tree stand or tree cover, if the tree stand includes usable assets, will involve the valuation of timber in the tree stand. If the tree stand includes no usable assets 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.

The valuation of fields of perennial plants involves the valuation of the costs of determining 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

⁵ The content of the chapter is in accordance with the LARPF

⁶ The content of the chapter is in accordance with the LARPF

value of lost profits are reduced by the sum of the yearly depreciation charge resulting from the period of using the field from the first year of yield until the day of expropriation.

The valuation of crops, cultivation and other yields of annual plants involve the valuation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the harvest of the crops.

6.5.3 Valuation method for structures⁷

In order to estimate a value of structures which constitute an object of ownership separate from the land, a cost approach could be applied, as well as a cost replacement method and an indicator technique.

A cost approach consists in determining a value of a property assuming that such a value corresponds with the costs of its replacement.

A value of land constituents is assumed as an amount equivalent to the costs of their replacement or substitution.

A key of a cost approach is assuming that a property acquirer will not pay for such a property more than the costs of erecting such a property in the same technology or function in the same location.

A consequence of the above assumption is the specification of two types of costs:

- replacement cost,
- substitution cost.

In order to apply a replacement cost method, it is necessary to be in possession of technical data on the structures under valuation, data on the prices for materials and construction works.

A replacement cost means a cost of erecting an identical structure (exact copy) to a structure under valuation. While estimating a value of such a structure, a property appraiser takes into consideration the same design, equipment, quality of construction works and takes into account all defects, shortcomings as well as required elements of equipment or construction, or materials which are out of use. Replacement costs also include the costs of building additional installations strictly connected with the structure under valuation, preparation and ordering of the area and the costs of drawing-up design documentation and construction supervision. Therefore, while estimating structure replacement costs, it is necessary to provide the costs valid as of the day of valuation of building its copy. If materials which were used to build such a structure are no longer available on the market, while estimating a value, it is necessary to consider the prices for material as similar to the materials used as possible.

⁷ The content of the chapter is in accordance with the LARPF

6.6 SPECIAL PROCEDURES

6.6.1 Payment of compensation for permanent limitation

In accordance with the IPIP Special Flood Act, real estate or parts thereof that are necessary for its functioning are also indicated in the IPIP, but which do not become the property of the State Treasury, but for which the method of use is permanently limited (hereinafter: TO). Another category of TO restrictions under IPIP covers areas of direct flood hazard and areas of potential flood hazard or areas of particular risk of flooding, if they have been designated (Article 9 Point 8f of the Special Flood Act). Such real estate is not subject to a permanent change in the manner of development and can in principle be used by the owner (perpetual user) in the same way as before the investment, but after completing the investment task, always with some functional limitations.

These limitations and the inconveniences associated with them, limiting the economic and market potential of real estate (e.g. prohibition of the development, prohibition of tree planting, running agricultural activity, etc.) negatively affect the market value of the property and must be compensated by just compensation. In the extreme case of the loss of the usefulness of the property to the owner (perpetual user), he (Article 22 Clause 2 of the Special Flood Act) may demand civil redemption on the civilian way. If you do not use this route, there is an administrative route determining the appropriate compensation.

The Special Flood Act does not define the use manner permanent limitation (TO) and does not indicate an administrative body, competent in terms of the subject matter, to establish compensation in administrative proceedings. Such a state, i.e. lack of clear legal provision indicating content-related competence of a body is caused by an obvious legal loophole and it authorises to apply in the administrative proceedings an iuris analogy (Road Special Act - ZRID) referred to the Decision of the Supreme Administrative Court in Warsaw of 9 November 2012 (I OW 142/12). The Court, indicating a Province Governor as a competent body, unambiguously decides that [cited] *“A body competent for establishing compensation is a body which issued a Road Investment Project Implementation Permit... It is not possible to accept that a legislator distributed competences for establishing compensation for the effects of the same decision depending on the object of compensation.”*

In consequence, with reference to the determination of compensation towards TO, the competent body will be the Province Governor which issued IPIP and compensation will be determined under terms and conditions specified herein. However, it should be pointed out that under the Task, it is not anticipated TO and the Province Governor of Podkarpackie will not impose such restrictions.

The Contractor will be responsible for temporal occupation if considered, whose exact range cannot be defined at the current stage of the Task progress. The Contractor will enter with the owners into voluntary agreements where the rules of temporal occupation will be outlined for the needs of the Contract implementation. In each case, the PAP will be effectively informed on the planned Contract and the rights they are entitled to by the Contractor, in the manner agreed with SWH PW RZGW.

In any case, the owners or users of the property's estate or other parties who have a legal title to them will be effectively informed about the planned Contract and their entitlements.

6.6.2 Depositing funds in the court account if paying out of compensation is not possible

According to the Article 133 of the Act on property management, the Investor submits the amount of compensation to the court deposit in accordance with the decision of the Province Governor obliging the Investor to pay the compensation to the deposit, which is equivalent to fulfilling the obligation. The above can take place only in the following two cases: if an authorised person rejects accepting compensation or its payment is hindered significantly (lack of capacity of a creditor, its longer absence in the country, lack of appointing a proxy, natural disasters, marital law) and when compensation for expropriation applies to properties with an unregulated legal status (Decision of the Province Administrative Court in Lublin 2005-02-25, case ref. no II SA/Lu 884/04).

Depositing compensation in the court account entails the same effects as disbursing such a compensation, according to OP 4.12, a PAP does not incur any costs within this scope.

If the Court overrules such an application, such a fee shall not be subject to reimbursement and if a creditor (as a party to the proceedings) is represented by a legal counsel or attorney, the Court may impose the payment of the amount of PLN 120 for representation remuneration.

PROCEDURE:

STEPS	ACTIONS TO BE TAKEN	YES	NO	COMMENTS
Step 1	Issue by the Province Governor of a decision on establishing the compensation obliging to pay the compensation to the court deposit	Step 2	Not taking any actions	
Step 2	Filing a motion for placing the benefits object in the court deposit	Step 3 or Step 4	-	
Step 3	Accepting a motion by the Court	Step 5		
Step 4	Overruling a motion by the Court	Complaint		
Step 5	Paying the funds to the deposit account indicated by the Court			Due to the fact that the decision of the Province Governor is the basis to pay the compensation to the deposit - the payment of the funds to the account takes place at the moment of submitting the application to the court in accordance with the regulation of art. 6932 §2 and §3 of the Code of Civil Procedure

STEPS	ACTIONS TO BE TAKEN	YES	NO	COMMENTS
Step 6	Proceedings concerning releasing the deposit			
Step 7	Paying the funds to the deposit account indicated by the creditor			

7. SOCIAL-ECONOMIC STUDY

7.1 SOURCES AND METHODOLOGY

The social-economic study was conducted by a legal and social team belonging to the Consortium-Consultant structure, responsible for drawing-up this LARAP. Due to the preidentified relatively minor impact of the planned Task on PAP, the social-economic study was conducted on the basis of social profiling.

A basic information source concerning the development and use of occupied properties are the results of field surveys among representatives of households located within the area designated for investment and qualified for research due to the potential for significant impact. The study was carried out using the standardized questionnaire interview method, based on surveys prepared in accordance with the guidelines of the Land Acquisition and Resettlement Policy Framework for OVFMP as of April 2015 available at:

http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf.

As an additional source of information, the Land and Mortgage Registers, extracts from the Land Register and a map of the division of real estate for the Task and information from the Geoportal and the Internet were used. Their usage was twofold - firstly, they were used to identify households covered by the expropriation procedure, and secondly, they served as a source of information on the nature of plots and possible ways of using them, as well as verification of information collected during interviews. An important source of data was also the field survey carried out on 23.01.2018.

In the survey, among all property owners, those for whom the impact of the implemented investment could be significant were selected. So those property owners who have one or more real estate properties in the area of permanent occupations and takeover to the State Treasury are subject to more than 10% of its / their total, initial area. This criterion for the selection of holdings was adopted based on the criterion resulting from the policy of the World Bank OP 4.12.

From farms where the surveys were conducted, cases when the acquisition for the benefit of the State Treasury is subject to a small area of plots, plots that were already divided several years ago, and where a service road for embankment maintenance was provided, were removed. These areas cannot be considered as generating any income that is an opportunity to ensure the existence of a household. Thanks to the implementation of the Investment, the past and PAP will be paid for appropriate compensation for these fragments.

7.2 CONCLUSIONS

The analyses carried out demonstrated that there will be no physical and economic resettlements and social and economic costs of the Contract will not be significant. Therefore, it has been indicated that a sufficient compensation form will be in cash.

In the course of the survey, there were recurring issues, which were also important from the point of view of the investment process, which are discussed below.

The area covered by the investment is inhabited by families, which mostly run agricultural activity as one of the side-effects, less significant sources of income. Among 22 successfully conducted interviews, only 4 farms were identified as the basis for the existence of entire families. In all four cases, some of the properties taken over for the benefit of the State Treasury do not cause any effects that will have a negative impact on the economic situation of households. In each case, these people also declared their interest in paying compensation in cash, and not as an equivalent offsetting of the impact in the form of "land for land".

In the other cases, we are dealing with situations that agriculture is in the family legacy, which in this way earned a living and left the children the land by copying it with notarial acts. This group is already inactive professionally staying on a pension or retirement. Currently, the generation, which is of working age in a large part, is employed outside the farm. The main, largest employer in this area is the Federal-Mogul Gorzyce Sp. z o.o. Sometimes they are 2 or 3 people creating a household.

The above analyzes lead to confirmation of PAP's expectation that payment of compensation will take place in money, a large part of people want to completely give up running a farm, hence there were questions about remnants purchases during interviews. At the moment, only 2 respondents asked about this issue, but after sending out information brochures one can expect a larger number of applications that will be submitted after the decision on the development consent has been issued.

The relatively low socio-economic costs of the Contract are also a consequence of the fact that there are no public institutions such as schools, offices, workplaces or churches or seats of other religious associations on the designated area, which means that the expropriation procedure only in a small way it will affect people who are not property owners.

The full scope of information, i.e. socio-economic data for the Investment area and a detailed discussion of the results of the surveys, are included in Appendix 5 to this LARAP.

8. GENDER EQUALITY

In Poland there is a legal ban to discriminate and it is expressed in the Polish Constitution of 1997. The Article 32 says that nobody may be discriminated in political, social or economic life due to any reason. Women discrimination means any differentiation, exclusion or limitation due to gender and which causes or aims at diminishing or making it impossible for women, regardless of their marital status, granting, implementation or use, equally with men, human rights, basic freedoms in the scope of political, economic, social, cultural, citizen life and others (Art. 1 of the Convention on liquidating any forms of women discrimination of 1979).

When Poland wanted to be a member of the European Union, it had to adjust its legislation to the regulations binding in the EU, also in the scope of gender equality. It resulted mainly in the changes in the Labour Code but also in a change of attitude of politicians and public administration in this subject.

In accordance with the Human Development Index (HDI) of the United Nations Development Programme (UNDP) for 2012, Poland is among the countries with a very high social development index. It is ranked as 39th among 187 countries i.e. above the average of the countries from the region of EBOR's operations and on a similar level to the average for the countries of Middle Europe and the Baltic States. Human Development Index covers three elements: health, education, and standard of living. In terms of the Gender Inequality Index (GII) of UNDP Poland ranks even higher and is placed on 24th position in the world's ranking. Gender Inequality Index is a measurement that reflects the loss of development possibilities within the area of a given country caused by unequal treatment of genders and covers three elements subject to evaluation: reproduction health, an increase of entitlements and participation in the labour market.

As far as women's participation in public life is concerned, the participation of women in the composition of public bodies is little. Among others, the low percentage of women being Members of Parliament (Sejm) as well as Members of the Senate is indicated here. Similarly, negative trends characterise other elective bodies: commune councils, county councils or province councils (women constitute about 1/4 of all councillors). It is also worthwhile to emphasize a noticeably small percentage of women among heads of communes, mayors of towns and cities. Whereas the attention is drawn to the progressing demasculinization of the function of a village head (sołtys) which is one of the most significant function in the context of civil activity and building social capital. Experiences also show that women are equal participants of public consultations and frequently their local involvement and activity cause that they play a leading role in such consultations. Finally, it shall be indicated that in order to promote women and increase their representation in decision making bodies and management in business, numerous civil initiatives are initiated, declarations of political parties are made, the examples set by other countries are popularised, the European Commission undertakes their own initiatives ex officio etc. which shall translate into the improvement of gender equality of women and men in the fields of participation in the labour market or decision-making bodies. The analysis of the research results for the last 10 years anyway shows a gradual progress in this field.

9. ELIGIBILITY CRITERIA AND CATALOGS OF AUTHORIZED PEOPLE

Taking into account the size and extent of the Contract which is the extension of the existing embankment and rebuilding of accompanying flood management structures, the Contract implementation is not expected to cause any significant adverse social impact.

Nonetheless the above, a priority objective of all the institutions engaged into the extension and operation of the embankment is to reach an agreement with the public.

Achieving such an objective is possible through:

- conducting a policy of consultations and dialogue with the public,
- detailed identification and listing of all the problems which may occur during the extension and operation of the embankment.

On the basis of the analyses carried out, it is possible to indicate social groups and problems arising from the location of properties near the embankments.

PAPs identified within the area of execution of Works Contract 3D.1 eligible for compensation due to impacts arising from its implementation:

- legal land owners and co-owners of properties covered by the Contract;
- lessees, tenants, holders of perpetual usufruct right;
- an owner like possessors who without any legal land title cultivate the land and benefit from harvesting on such lands.

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

- compensation for the lost ownership title to the property under permanent occupation – it is anticipated to pay out a compensation in cash in the amount of replacement value of a respective property under expropriation. “Land for land” exchange is not anticipated due to the fact that permanent occupation on properties of private people do not affect the loss of "place of residence and livelihood", small parts of the real estate were expropriated, and during the PAP interviews they declared that they are interested in a cash payment, additionally, the Investor does not have adequate land in the area of Investment implementation. As of the day of elaboration of this LARAP, no perpetual real estate users were identified.
- compensation for the lost rights (e.g. lease, etc.) to the property under permanent occupation. PAPs who are not owners but who hold a legal title to a property (e.g. lessees, tenants) shall receive compensation in money corresponding to the value of expropriated rights.
- compensation for buildings and non-residential structures/constructions – PAPs will receive compensation in money for the permanent loss of such an infrastructure element.
- compensation for lost plants (plants, trees, etc.). The loss of plants shall be compensated in cash, considering the costs of starting and caring for plants as well as the value of lost benefits in the period from an expropriation day to the day of finishing of full yielding, in the event of trees – on the basis of estimating a value of timber which may be obtained. Persons holding a legal title to a property as well as owners like possessors who without any legal land

shall be entitled to receive compensation for plants. Such elements shall be estimated in appraisals, which will be prepared by the independent property appraisers.

- compensation for permanent limitation in use (if occur) the land will be paid on the basis of an appraisal report prepared by the property appraiser prior to the time of commencement of construction works;

- compensation towards temporal occupation shall be excluded from the SWH PW RZGW 's actions (it shall be implemented by the Contractor) in compliance with the provisions of LARAP, as indicated above. However, the SWH PW RZGW will be responsible for ensuring that the Contractor meets the provisions.

All the cases (properties) with a lack of legal title or legal status shall be submitted to Province Governor of Podkarpackie in order to determine due to compensation by the said Body.

No vulnerable groups were identified which would require specific support from SWH PW RZGW.

Additional rights, indicating a social group and providing minimising activities, as well as the assistance offered is indicated in Table below.

Table 1. Social groups, (PAP), impacts resulting from the implementation of Contract and compensations/assistance offered

Impacts / losses	PAP identification	Compensation
Permanent property lost	Owners, owner-like possessors	<ul style="list-style-type: none"> • compensation in money, • covering all transaction costs.
	Holders of properties	<ul style="list-style-type: none"> • compensation in money for the loss of the right to the property, • assistance in starting the usufruct of a similar property.
	Lessees, tenants	<ul style="list-style-type: none"> • compensation in money for the losses incurred in connection with the agreement expiration, • covering transaction costs.
	Illegal possessors of properties (if identified)	<ul style="list-style-type: none"> • lack of compensation for the property loss • support in obtaining adequate institutional support if the loss of property causes the loss of income (necessity of additional diagnosing and monitoring of such cases)
	Illegal possessors of servitude (if identified)	<ul style="list-style-type: none"> • for illegal possessors of servitude - support in finding a solution enabling the use of a given property.
Permanent	Owners	<ul style="list-style-type: none"> • Compensation in money for the loss of rights to property

Impacts / losses	PAP identification	Compensation
limitation in property use (if occur)		usufruct, <ul style="list-style-type: none"> covering transaction costs.
Non-residential facilities and structures (stables, fencing, technical infrastructure etc.)	Owners, owner-like possessors of facilities and structures	<ul style="list-style-type: none"> Compensation in money in the amount of the replacement value for the lost assets, Transfer or reconstruction of the assets lost.
	Holders	<ul style="list-style-type: none"> Compensation in money in the amount of the replacement value for the lost assets, Transfer or reconstruction of the assets lost.
	Illegal possessors of facilities and structures (if identified)	<ul style="list-style-type: none"> Compensation in money in the amount of the replacement value for the lost assets, Transfer or reconstruction of the assets lost.
Lost of plants	Owners, owner-like possessors	<ul style="list-style-type: none"> Compensation in money, including the costs of seeding and caring for the plants as well as the crops lost, Enabling harvesting.
	Holders	<ul style="list-style-type: none"> Compensation in money, including the costs of seeding and caring for the plants as well as the crops lost, Enabling harvesting.
	Tenants	<ul style="list-style-type: none"> Compensation in money, including the costs of seeding and caring for the plants as well as the crops lost, Enabling harvesting.
	Illegal possessors of properties (if identified)	<ul style="list-style-type: none"> Enabling harvesting
Lost of trees	Owners, owner-like possessors	<ul style="list-style-type: none"> Compensation in money, including the costs of seeding and caring for the tree stand as well as the trees and crops lost.
	Holders	<ul style="list-style-type: none"> Compensation in money, including the costs of seeding and caring for the tree stand as well as the trees and crops lost.
	Tenants	<ul style="list-style-type: none"> Compensation in money, including the costs of seeding and caring for the tree stand as well as the trees and crops lost.
	Illegal possessors of properties (if identified)	<ul style="list-style-type: none"> Enabling trees felling and collecting timber

Impacts / losses	PAP identification	Compensation
Impact on business and employment due to land acquisition	Sole traders (if identified)	<ul style="list-style-type: none"> • Cash compensation for lost income⁸ during the period of transition, • Institutional support for people liquidating their business activity. • Granting “land for land” compensation on the conditions enabling the continuation of agricultural/orchard activity or compensation in money, • Compensation in money enabling starting an agricultural/orchard activity on a new property.
	Non-government organisations (if applicable)	<ul style="list-style-type: none"> • Granting compensation in money, • Compensation in money enabling starting a business activity on a new property.
	Micro-entrepreneurs (employing to 10 workers) (if identified)	<ul style="list-style-type: none"> • Granting compensation in money • Compensation in money enabling starting a business activity on a new property.
		<ul style="list-style-type: none"> • compensation in money, • Institutional support for people liquidating their business activity.
		<ul style="list-style-type: none"> • granting indemnity in the form of compensation in money, • Compensation in money enabling starting an agricultural/orchard activity on a new property.
	M Small-entrepreneurs (employing to from 10 to 50 workers) (if identified)	<ul style="list-style-type: none"> • compensation in money.
	Workers on civil law contracts (if identified)	<ul style="list-style-type: none"> • Granting the entrepreneurs with compensation enabling the maintenance of as many job positions as possible, • Institutional and social support for the unemployed.
Employees on job contracts	<ul style="list-style-type: none"> • Granting the entrepreneurs with compensation enabling the maintenance of as many job positions as possible, • Institutional and social support for the unemployed. 	
Loss or limitation of	All PAP residing in the area affected by	<ul style="list-style-type: none"> • Reconstruction of social infrastructure on a different area, • If infrastructure reconstruction on a different area is

⁸ In the conditions of the Polish economy understood as revenue.

Impacts / losses	PAP identification	Compensation
access to social infrastructure	the Contract implementation	impossible or unfounded – providing access to the existing social infrastructure.
		<ul style="list-style-type: none"> • Temporary ensuring of recreation sites.
Commune property	Commune	<ul style="list-style-type: none"> • Reconstruction or replacement of destroyed facilities upon consultations with the commune.
Temporal property occupation (measures to be implemented by the Contractor)	Owners, owner-like possessors	<ul style="list-style-type: none"> • compensation in money or in another form agreed with the rightholder, • Recovering the property to its initial condition.
	Illegal possessor of a property (if identified)	<ul style="list-style-type: none"> • Recovering the property to its initial condition.
	Tenants, holders of properties	<ul style="list-style-type: none"> • compensation in money or in another form agreed with the rightholder, • Recovering the property to its initial condition.

Table 2. Listed monuments, cultural assets and archaeological sites – problems and preventive measures

Listed monuments and cultural assets / archaeological sites	Problems arising from the Contract implementation	Prospective effects of the Contract implementation	Mitigation measures
Monuments and cultural heritage ⁹	None	None	None
Identified archaeological site ¹⁰	None	None	None
Archaeological sites (discovering current unknown and unrecognised archaeological sites).	Risk of damage during construction and assembly works	Damage	If an archaeological site is discovered, it is necessary to conduct archaeological rescue excavations.

List of persons entitled to compensation is included in Attachment no. 2 to this LARAP (personal data has been anonymized).

⁹ Information from the Provincial Office for the Protection of Monuments in Przemyśl, Delegation in Tarnobrzeg (Leter UOZ-T-4.5153.19.2015 dated 30.04.2015).

¹⁰ Information from the Provincial Office for the Protection of Monuments in Przemyśl, Delegation in Tarnobrzeg (Leter UOZ-T-4.5153.19.2015 dated 30.04.2015).

10. PUBLIC CONSULTATION

When planning the participation of the society in connection with preparation and implementation of LARAP it is important, that the preparation of the Task is an activity spread in time, therefore, all needs and stakeholder situation, especially persons affected by the physical displacement, will not change during implementation of LARAP. For this reason, the process of consultation and participation of the society in the development and implementation of LARAP should be treated as continuous and spread in time process, whose correct implementation will let to minimize the negative impacts of the Project on the affected persons and to minimize all risks connected with the potential social conflict, especially all risks regarding the blocking of the Task implementation by PAP.

The PAP Tasks were informed about the plans to issue a decision on the environmental conditions and on the issue of a water permit for the Task, which were published by competent authorities to issue them in the manner provided for in the applicable regulations.

The local community was informed about the planned Contract at the stage of the administrative procedure related to issuing the decision on environmental conditions (**in the period 03.08.2015 – 02.01.2017**) by way of notices posted on the website of the authority conducting the proceedings (Regional Director for Environmental Protection in Rzeszów) and in the usual manner, on publicly available notice boards in places where the Contract will be implemented. No one appealed against this decision and it became final on 08.02.2017.

In addition, announcements were posted on websites and bulletin boards in the Podkarpackie Board of Land Amelioration and Hydraulic Structures in Rzeszów, the Gorzyce Commune Office and the Zaleszany Commune Office.

In the same way, the local community was informed at the stage of issuing the water permit. The proceedings took place in **the period April - July 2017**. The body conducting the proceedings was, in this case, the Marshal of the Świętokrzyskie Province. No one has appealed against this decision and it has obtained the value of last resort.

The local community of the planned Contract will also be informed by means of notices posted on the Province Office websites and in a customary manner on publicly available notice boards in the cities where the Task will be implemented during the proceedings conducted in the matter of issuing the IPIP decision. The Province Governor of Podkarpacki in accordance with Article 7 Paragraph 1 Point 2 of the Special Flood Act notified the owners of the real estate covered by the IPIP application to initiate the IPIP issue proceedings. Then the owners in accordance with Article 10 Paragraph 2 of the Special Flood Act will be notified by the Province Governor of Podkarpackie about the issue of IPIP.

During the process of the initial identification of the stakeholders participating in the Project development, the following entities were identified as having the influence on the preparation and implementation of LARAP:

Exterior stakeholder	Type of impact on LARAP
Ministry of Investment and Economic Development	<ol style="list-style-type: none"> 1. Consideration of appeal against IPIP 2. Consideration of appeal against the decision regarding the amount of the compensation
Province Governor of Podkarpackie	<ol style="list-style-type: none"> 1. Issuance of IPIP 2. Issuance of decision about the amount of the compensation
District Governor of Tarnobrzeg	<ol style="list-style-type: none"> 1. Assistance in recognizing the needs of the local population 2. Direct participation in public consultation
District Governor of Stalowa Wola	<ol style="list-style-type: none"> 1. Assistance in recognizing the needs of the local population 2. Direct participation in public consultation
Commune Head of Gorzyce	<ol style="list-style-type: none"> 1. Representation of Samborzec Commune as an entity under expropriation 2. Informing PAP on public consultations 3. Direct participation in public consultations
Commune Head of Zaleszany	<ol style="list-style-type: none"> 1. Informing PAP on public consultations 2. Direct participation in public consultations
Commune Council Gorzyce	<ol style="list-style-type: none"> 1. Informing PAP on public consultations 2. Direct participation in public consultations`
Village Head of Wrzawy	<ol style="list-style-type: none"> 1. Informing the local community about the Project 2. Help in solving potential conflicts between the Investor and PAP 3. Help in identifying the public and local community concerns 4. Representation of Wrzawy Commune during the implementation of LARAP stage 5. Direct participation in public consultations
Entities subject to expropriation	<ol style="list-style-type: none"> 1. Participation in stock-taking 2. Specification of needs and losses incurred in connection to the planned expropriation 3. Selection of damages and compensation 4. Direct participation in public consultations
Residents of Gorzyce and Wrzawy	Direct participation in public consultations

The plans for the implementation of the PAP Task were informed at a meeting organized by the Podkarpackie Board of Land Amelioration and Hydraulic Structures in Rzeszów, which took place on 16 March 2016 at the House of Culture in Wrzawy.

On 17 April 2018, at Remiza Strażacka in Wrzawy, another meeting was opened, open to all interested parties, at which information about the Task was presented and preliminary information about the draft Land Acquisition and Resettlement Plan being developed. The legal basis and procedure for the acquisition of real estate, the rules for determining and paying compensation for the acquisition of rights to real estate by the State Treasury in accordance with applicable law and the World Bank's policy have been presented. They were also informed about the appeal procedure provided for by law, from the decisions determining the amount of compensation as well as about the procedure for submitting complaints and applications. In particular, the attention was paid to the need to regulate the legal status of

real estate and update address data in all registers. Participants of the meeting had the opportunity to familiarize themselves with the maps on which plots were marked, which will be taken over to the State Treasury for the purposes of the Task. Some of the participants got acquainted with the subject map.

During the meeting, the participants were provided with a brochure containing information on the purpose of the Task, the scope of the works envisaged and the area necessary to perform the Task. The brochure also contains a description of the procedure for acquisition of real estate by the State Treasury and the rules for determining and paying compensation for the acquisition of rights to real estate in accordance with the applicable laws and the World Bank's policy. The brochure also contains information about the rules for determining and paying compensation, the rules and place for submitting complaints and applications. This brochure will be additionally disseminated by the village administrator of the of Wrzawa among residents.

In addition, it should be pointed out that the public consultations will be subject to the draft of the present LARAP. The public consultation procedure will be carried out in accordance with the operational policy of the World Bank OP 4.12.

After preparing the draft of the LARAP document and receiving the approval of the World Bank for its publication, the electronic version will be posted on publicly accessible websites, and the hard version will be displayed for the interested parties. Detailed information about the possibility of getting acquainted with this document and the possibility of submitting requests and comments along with the indication of details to contact (e-mail address, address of the place where you can read the document, office hours, phone number) will be given to the public news in the local press and on the websites of the entity implementing the Works Contract 3D.1 and the Consultant. After a period of 14 days of publication of the document, a meeting will be organized for those interested, on which the presentation of the Works Contract 3D.1 will take place, followed by a discussion on any issues related to obtaining real estate necessary for its implementation, which they will want to discuss with PAP.

At this meeting, all questions (comments, comments, and answers) will be read in advance (in writing, by e-mail, by phone, verbally to the minutes). During the meeting, additional questions and comments from participants will also be collected. If the answer requires time, then the person's contact details will be saved and the reply within 7 days will be sent by e-mail or by post. A report will be made from the meeting and sent to the World Bank. Comments from the public that require consideration will be entered into the LARAP document and its final version will be prepared. LARAP in this form will also be sent to the WB in order to obtain an acceptance clause. "No objection".

The final document of IPIP after obtaining the "No objection" clause of the WB will also be made available to interested parties, i.e. suspended on the website and will remain there until the completion of the Contract. Any updates of the LARAP document will also be available to interested parties on the PIU and PCU websites.

Next, the Investor, by way of letters addressed individually to individual PAP, will notify about the commencement of negotiations regarding the amount of compensation. Where the parties do not reach an agreement what, up to the amount of compensation, compensation will be determined in proceedings before the Province Governor of Podkarpackie on the basis of an

independent and objective appraisal of an expert, prepared in accordance with the rules in force in this LARAP.

11. INSTITUTIONAL STRUCTURE AND IMPLEMENTATION TEAM

The Diagram below presents the institutional structure of a team preparing this LARAP:

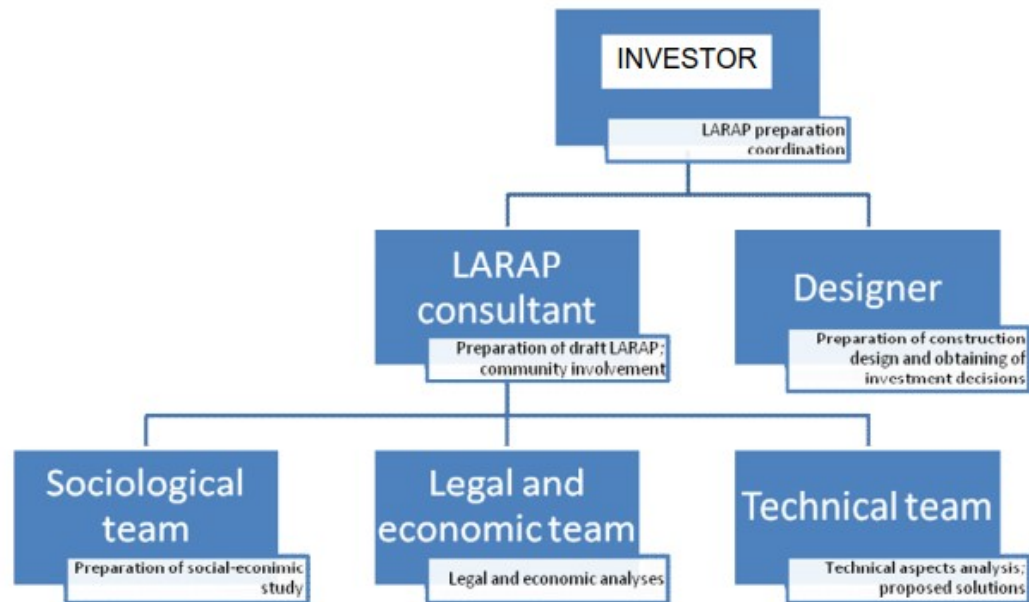


Diagram 1. Institutional structure of LARAP.

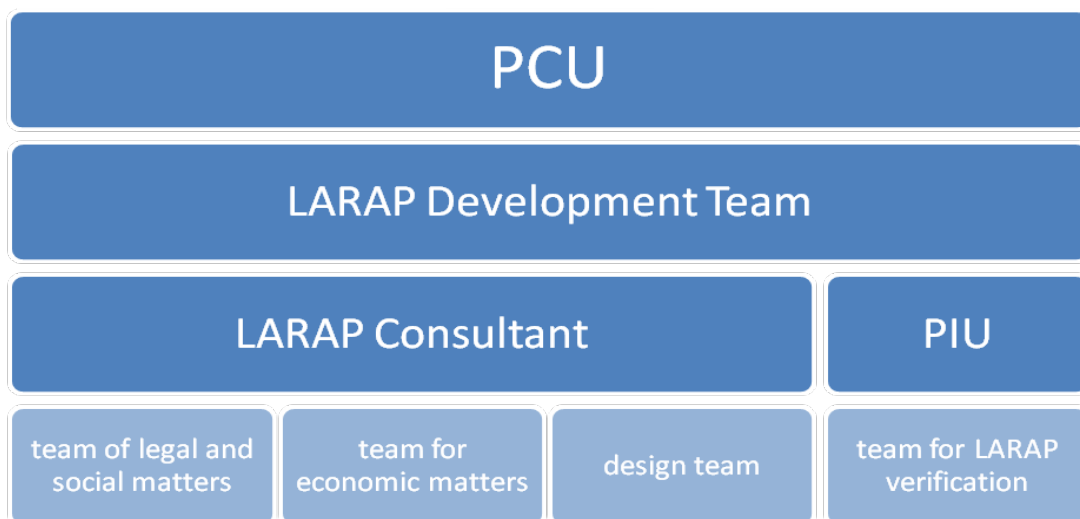


Diagram 2. The institutional structure of LARAP indicating the location of PCU in the structure.

The Consultant for this document is AECOM Polska Sp. z o.o.

The scope of competences of LARAP preparation team is as follows:

1. SWH PW RZGW – coordination of LARAP preparation:
 - a. Supervision over the preparation of the draft LARAP and final version of LARAP;
 - b. Ensuring information exchange between LARAP Consultant and Designer;
 - c. Ensuring the introduction of changes resulting from the preparation of the LARAP;
 - d. Coordination of a public consultation process;
 - e. Monitoring the process of LARAP preparation.
2. LARAP Consultant – LARAP draft preparation:
 - a. Conducting a social-economic survey and preparation of social and economic study;
 - b. Collection and analysis of data concerning the development and use of property;
 - c. Designing the plan of community involvement and public consultations;
 - d. Preparing the proposal for impact minimisation and technical analysis of such proposals; submitting change proposals concerning the construction design;
 - e. Eligibility analysis;
 - f. Preparation of compensation packages;
 - g. Preparation of draft LARAP document;
 - h. Conducting public consultation
 - i. Preparation of the final version of LARAP.

LARAP preparation team on the part of LARAP Consultant is not included in the SWH PW RZGW 's organizational structure.

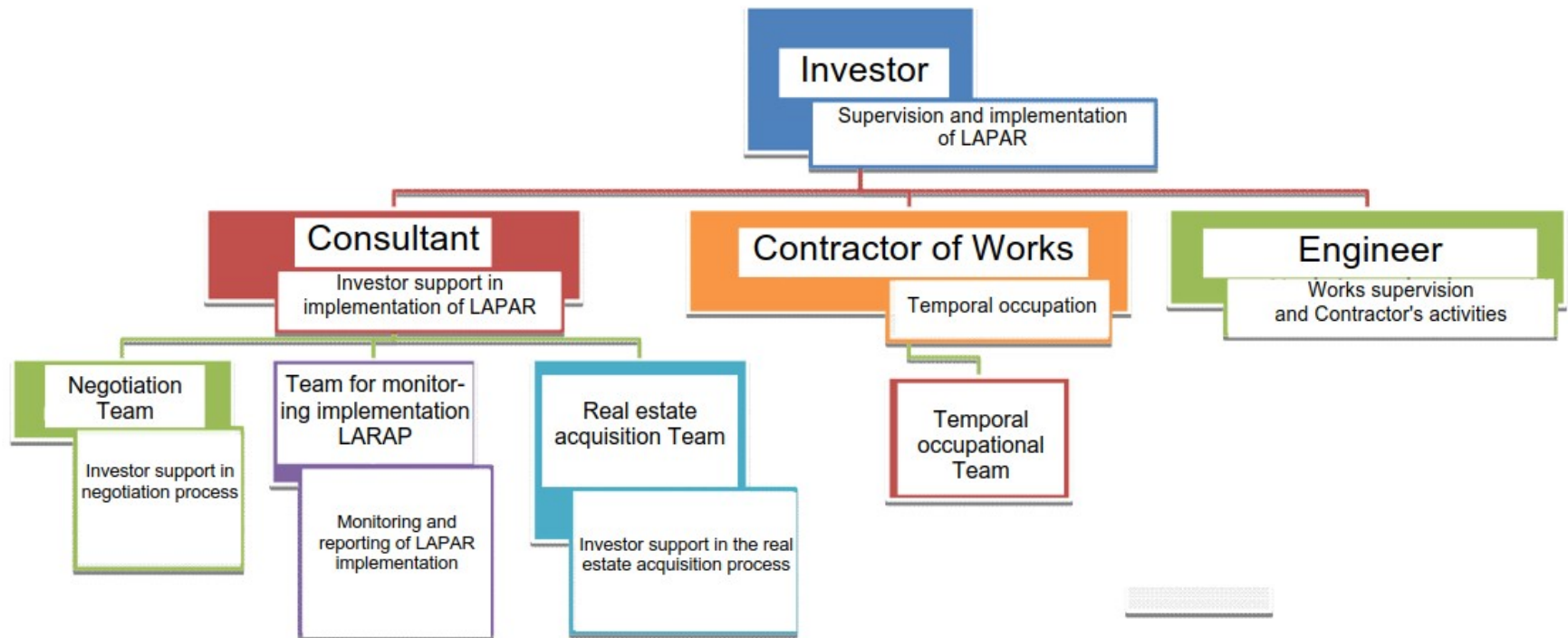


Diagram 3. Institutional structure of IPIP implementation during the Contract performance.

The institutional structure in the scope of the implementation of LARAP and its location in the structure of PCU is the same as in Diagram 2.

The scope of competences of LARAP preparation team is as follows:

1. SWH PW RZGW:
 - a. Supervision over LARAP implementation,
 - b. Concluding agreements regarding the payment of compensation;
 - c. Disbursement of compensation;
 - d. Ensuring information transfer between LARAP Consultant, Engineers, and Contractor;
 - e. Taking the real property over with the Consultant support.
2. The LARAP Consultant:
 - a. Planning of negotiations and participation in negotiations;
 - b. Employment of property appraiser/appraisers who will prepare property appraisal/valuation reports;
 - c. Verification of valuations conducted by property appraisers/ valuation reports;
 - d. LARAP implementation monitoring by the Contractor and Engineer;
 - e. Proposing remedial activities in the event of problematic situations;
 - f. Supervision over commencement and execution of works;
 - g. Supervising the performance of obligations under the Construction Works Contract by the Contractor.
3. The Contractor:
 - a. Obtaining access to properties for temporal occupation;
 - b. Payment of compensation for the properties acquired for temporal occupation;
 - c. Execution of works on the property under permanent occupation,
 - d. Reinstatement of properties acquired for the temporal occupation to the condition prior to the Contract implementation.
4. PCU:
 - a. Coordinate activities carried out by the PIU as part of the implementation of the Project, also during the implementation of LARAP recommendations.

12. COMPLAINTS AND PROPOSAL MANAGEMENT MECHANISM

For the LARAP project purposes, the rule was accepted that the Project Implementation Unit (PIU) will undertake all measures to settle all complaints regarding the Contract in an amicable manner. Mechanism of the complaints management must be differentiated to provide the integration with the administrative procedures obligatory on different stages of the Task preparation.

12.1 OVERALL RULES FOR COMPLIANCE AND PROPOSAL MANAGEMENT

The overall complaint and proposal management mechanism will apply to the following complaints and requests:

- a) submitted before the application of the SWH PW RZGW for IPIP;
- b) submitted during the public consultations regarding the draft of LARAP;
- c) submitted during IPIP proceedings or the decision about the amount of the compensation directly to the Investor;
- d) submitted after issuing the IPIP and/or the decision determining the amount of compensation for the expropriated property.

With regards to this mechanism, the general rule adopted by the PIU is the right for submission of the complaint or motion regarding this Task for each person, irrespectively of the fact whether property, rights or assets are placed on the area designed for the implementation of the Contract.

Submission of the complaints and proposals is free of charge. Additionally, the person who submits a complaint or motion cannot be exposed to any harms or allegation because of the fact of submission.

All complaints and proposals can be submitted in a written, electronic or oral form to the minutes. They can be submitted directly at the PIU seat (SWH PW RZGW in Rzeszow, 9, Hetmańska, 35-959 Rzeszów, or by phone +48 17 853 74 00 or by e-mail: rzyszow@wody.gov.pl) and the Consultant (AECOM Polska Sp. z o.o. ul. Warszawska 18, 35-205 Rzeszów, by phone +48 17 852 12 07 or by e-mail: ik_rzeszow@aecom.com) and The Contractor, that will be chosen to perform the Task.

If the examination of a complaint or motion requires the examination and explanation of the case, all needed materials will be collected and all necessary analyses, tests, etc. will be performed. In such case, the response to the complaint or motion will be given within 14 days of the date of its submission. In case, when the explanatory proceeding will not be needed, the response to the complaint or motion will be given within 7 days of the date of its submission.

In case of very complicated matters and in cases, when the examination of the complaint or motion needs to introduce some changes to the LARAP, the term of the response for the complaint or motion will be extended up to 30 days. If such a term is too short, the interested party will be informed about the reason that the substantive response could not be given within this term and provided with the new term, during which such response will be given.

In the event of the negative settlement of the case, the person submitting a complaint or motion will be comprehensively informed about the reasons of the negative settlement of the case.

Diagram of the general mechanism of the complaints and proposals management is presented below:

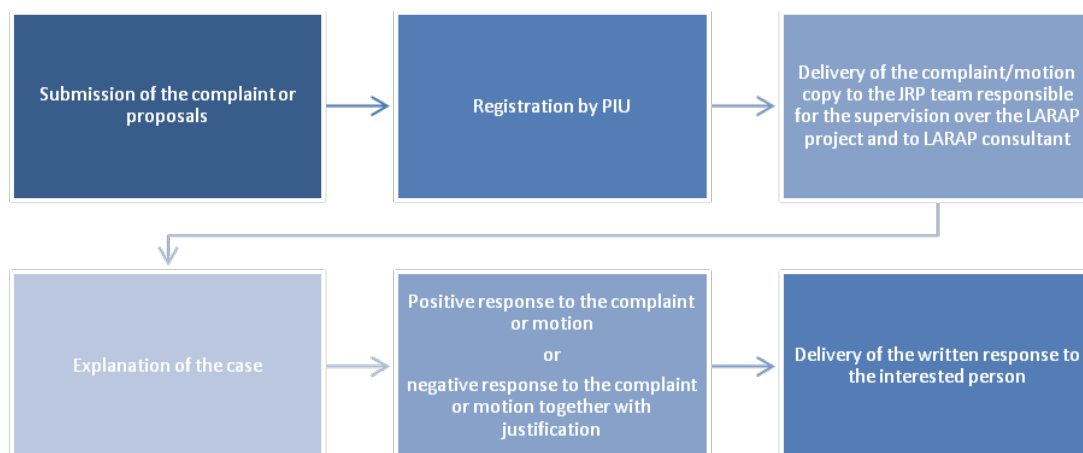


Diagram 4. The general mechanism of the complaints and proposals management.

12.2 DETAILED ARRANGEMENTS CONCERNING THE COMPLAINTS AND PROPOSALS MANAGEMENT

The detailed arrangements concerning the compliances and proposals management are directly related to the procedure for issuing the IPIP and determining compensation for lost property rights and related goods (e.g. civil benefits, affiliations or devices and machines that are not suitable for use in another location). They will be used during the IPIP issuance proceedings, negotiations regarding the determination of compensation following the issuance of the IPIP, in the proceedings regarding the issue by the Province Governor of Podkarpackie of a decision determining the amount of compensation and in appeal and court proceedings regarding IPIP and compensation.

Proceedings regarding the issue of the IPIP

Peoples whose real properties are in the area of the Contract implementation are parties to the IPIP procedure. They are entitled to participate free of charge in the IPIP issue proceedings, including submitting comments and requests directly to the Province Governor of Podkarpackie. It should be noted that the comments and applications submitted in the proceedings do not always require a response from the Investor. In the event that such a response is required, however, the Investor will take a position on the matter immediately and submit it to the Province Governor. The Investor's answers will be delivered to the parties by the Province Governor of Podkarpackie.

In the event that the parties are not satisfied with the decision issued by the Province Governor they will be entitled to appeal to the minister competent for construction, currently the Minister of Investment and Economic Development. Below in Diagram 5, further appeals levels have been identified in the matter of complaints about decisions issued by the Province Governor and subsequent Bodies.

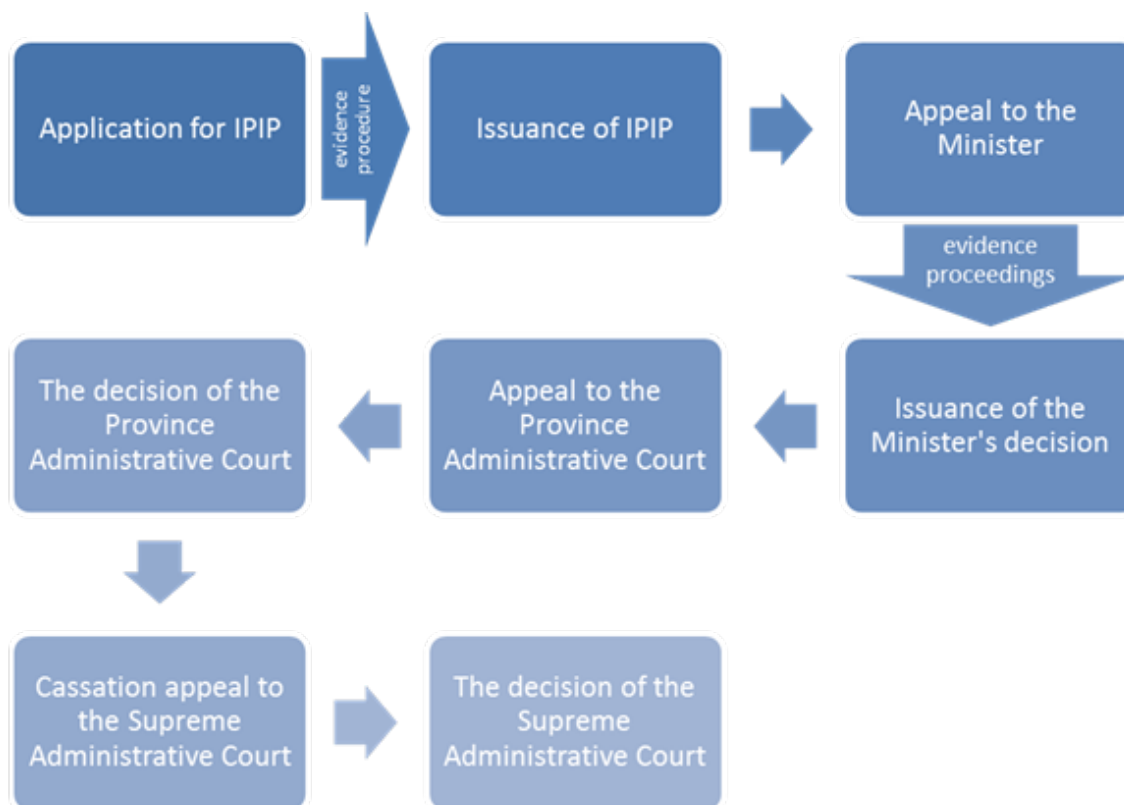


Diagram 5. Complaint management mechanism at the stage of IPIP.

Determining the amount of compensation

For a property expropriated by law, the Party is entitled to compensation. The amount of compensation is determined separately for each property by negotiating individually between SWH PW RZGW and the current owner or a holder of usufruct right or person, who has other legal limited property right. The amount of compensation is determined by the authorised property appraiser. All arrangements are made in writing under pain of nullity.

However, if the agreement in the scope of the compensation amount is not reached within 2 months from the day when IPIP became final, the amount of the compensation is determined by the Province Governor of Podkarpackie in form of an administrative decision.

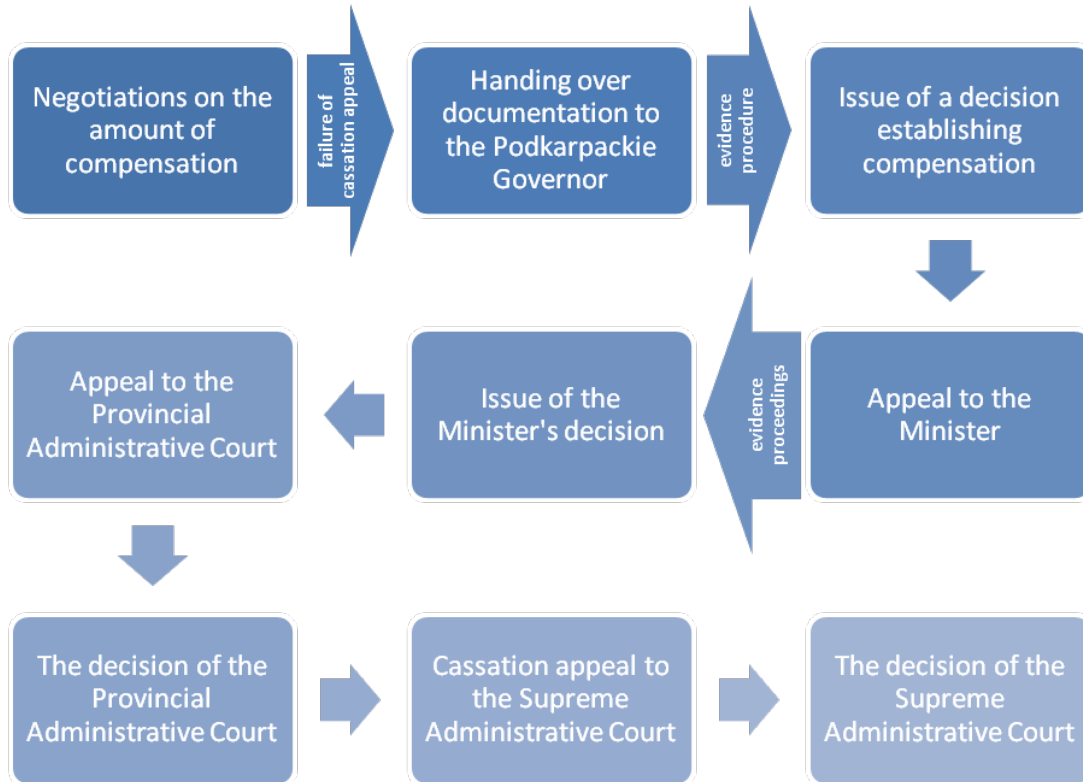


Diagram 6. Complaint management mechanism at the stage of issue a decision on a compensation amount and after the issuance of IPIP and its finality.

A decision on the amount of a compensation amount as well as a decision on the project implementation permit may be contested by a party through submitting an appeal to a body of higher instance the Minister of Investment and Economic Development (further: Minister).

Filing an appeal against the said decision does not prevent payment of compensation to authorised persons – under Article 21.11 of the Special Flood Act, a party submitting such an application may apply for payment of a compensation specified in the compensatory decision, and the State Treasury is obliged to pay out this amount despite the appeal filed. Payment of a compensation amount does not affect the appeal proceedings.

The complains and proposals mechanism used in the proceedings held concerning the issuance by Province Governor Podkarpackie of a decision on a compensation amount and in the appeal proceedings before the Minister and administrative court proceedings concerning compensation determined by the Province Governor and possible complaints connected with the said aspects:

If respective parties are dissatisfied with a decision issued by Province Governor of Podkarpackie, they shall be entitled to appeal against such a decision to the Minister. In case of dissatisfaction with the decision of the Minister, the parties enjoy the right to submit an appeal to the competent Province Administrative Court in Rzeszów within 30 days of the date of receiving a decision duplicate. The Court shall examine if the minister has conducted

the procedure in this scope in a relevant and reliable manner, taking into account remarks, proposals, and evidence reported by the parties to the procedure. In accordance with binding legal regulation, the appeal is subject to the court fee. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings.

In the case when the decision of the Province Administrative Court is not satisfactory to a party, they enjoy the right of the cassation appeal to the Supreme Administrative Court. The said court shall examine not only the correctness and legality of the procedures run by the Province Governor and the Minister, but also the decision of the Province Administrative Court. The cassation appeal is subject to a court fee. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings.

Fees:

Complaint to the Province Administrative Court for a decision determining the amount of compensation is subject to the relevant entry, which depends on the amount of the monetary claim covered by the contested decision and is:

Up to PLN 10,000– 4% the value of the subject of the appeal, however not less than PLN 100;

Over PLN 10,000 to PLN 50,000 - 3% of the subject of the appeal, however no less than PLN 400;

over PLN 50,000 to PLN 100,000 - 2% of the subject of the appeal, however not less than PLN 1,500;

Over PLN 100,000 - 1% of the subject of the appeal, however not less than PLN 2,000 and not more than PLN 100,000.

The entry from the cassation appeal to the Supreme Administrative Court of Poland (NSA) is half of the entry from the complaint to the Province Administrative Court, however, not less than PLN 100.

12.3 MECHANISM OF SUBMITTING COMPLAINTS AND PROPOSALS CONCERNING EXECUTION OF THE WORKS CONTRACT

Mechanism of submitting complaints and proposals concerning construction works carried out by the Contractor shall be implemented before the commencement of construction works and shall be binding throughout the implementation, operation, and conclusion of the Task.

12.3.1 Location of submitting complaints and proposals

A complaint or a proposal may be submitted by a party in one of the following three locations:

1. Directly at the Main Project Office which will function as a consulting center:

AECOM Polska Sp. z o. o.
18. Warszawska Street
35-205 Rzeszów
Tel.: +48 17 8521207

Responsible person: Adrianna Siemionek-Ryszkowska

2. Directly in the seat of the Investor i.e.:

Regional Water Management Authority
9. Hetmańska Street,
35-959 Rzeszów
Tel.: +48 17 8537441

Responsible person: Anna Duchnik

3. Directly in the office at the construction site (the address of the office will be provided on the Investment website within 1 month before the commencement of works).
4. In addition, complaints and proposals may be submitted::
- 1) By means of the post to the above-provided address, or;
 - 2) Via e-mail:
e-mail: ik_rzeszow@aecom.com,
e-mail: rzeszow@wody.gov.pl

12.3.2 Due dates for considering complaints and proposals

Due dates for considering complaints and proposals:

- confirmation of receiving a complaint: within 7 days of the incoming date of a complaint.
- proposed solutions: immediately, within 30 days of the incoming date of a complaint.

The rules for considering complaints and proposals referred to in Chapter 12.1, shall be binding also in the case of such complaints.

The proposed form of complaint registration is presented in Appendix 1.

12.3.3 Persons responsible for considering complaints and proposals

A unit (Community Consultant) will be appointed within SWH PW RZGW organisational structure which will be responsible for contacting the public and processing social complaints. This unit shall also include one person from the Engineer - Consultant's team with competences and experience needed within this scope.

12.3.4 Audits and independent appeal mechanism

It is anticipated to conduct periodical (once per six months) internal audits of the effectiveness of the "mechanism of complaints" for the purpose of assessing the effects of the system implemented.

12.4 PERSONAL DATA PROTECTION POLICY USED ON THE PROJECT

The following principles, used during the implementation of this Task, are aimed at ensuring the transparency, protection, and security of the personal data collected, the Project affected persons (PAP).

WHO IS PERSONAL DATA ADMINISTRATOR

The administrator of personal data is the State Water Holding Polish Waters Regional Water Management Authority in Rzeszów, 9. Hetmańska Street, 35-959 Rzeszów. It is responsible for the use of data in a safe manner and in accordance with applicable law - 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, the free movement of such data and the repeal of Directive 95/46 / EC.

CONTACT DETAILS TO THE INSPECTOR OF PERSONAL DATA

If you have any questions concerning the manner and scope of processing your personal data regarding the operation of the SWH PW, as well as your rights, you can contact the Personal Data Protection Officer in SWH PW using the address iod@wody.gov.pl.

LEGAL BASIS FOR PROCESSING

The legal basis for the processing of personal data is Article 6 Clause 1 letter e of Regulation (EU) 2016/679 of the European Parliament 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 the repeal of Directive 95/46 / EC in conjunction with Article 3 of the Act of 8 July 2010 on particular rules of preparation the implementation of flood defense investment.

WHICH PERSONAL DATA CAN BE COLLECTED AND FOR WHAT PURPOSE

Personal data is any personal information that allows the identification of a specific person. **SWH PW RZGW in Rzeszów** collects only those data that are necessary for the implementation of investment tasks implemented by the **SWH PW RZGW in Rzeszów** (in this case, the implementation of the Works Contract 3D.1 San Programme. Passive Protection in San basin). Such data are processed only to the extent provided by PAP, based on their free consent expressed through the appropriate form and may include:

- a. data specifying the identity: full name, surname, and date of birth,
- b. contact details: phone number, the address of registration and/or residence, e-mail address,
- c. data related to the payment of compensation for permanent occupation of the property: PESEL number (personal identification number), series and ID card number, names of parents, bank account number.

Consent to the storage and processing of personal data is voluntary, however, its absence may make it impossible to pay compensation or inform PAP about the commencement of construction works and their course.

SWH PW RZGW in Rzeszów stores only current personal data of PAP and each change of PAP data should inform SWH PW RZGW in Rzeszów.

WHAT PERSONAL DATA WERE OBTAINED UNLESS OTHER THAN FROM A PERSON WHO APPEAR AND FROM WHICH SOURCE / SOURCES

In order to identify landlords / perpetual users/owners of real estate that will be subject to permanent or limited use of the SWH PW RZGW in Rzeszów obtained personal data from the Land and Building Register, the electronic system of Land and Mortgage Registers and from the register of residents and the register of property tax payers appropriate for the place of residence of PAP. The obtained data is:

- a) data specifying the identity: full name and parents' names (in those cases where they were indicated in the RLB), PESEL number (in those cases where it was indicated in the Land and Mortgage Registers),
- b) change of data such as change of name, information about deaths, changes or updates of information about the place of residence,
- c) contact details: registered address (in those cases where they have been indicated in the RLB).

TO WHOM PERSONAL DATA CAN BE MADE AVAILABLE

PAP's personal data can only be disclosed:

- a) authorized public bodies for the needs of proceedings conducted by them, when the SWH PW RZGW in Rzeszów is obliged to do so on the basis of relevant regulations and documents (e.g. subpoena, court order or other administrative or legal procedure),
- b) units involved in the implementation of the Works Contract 3D.1. San Programme. Passive Protection in San basin, only to the extent necessary to carry out a specific activity,
- c) post office, in order to inform PAP,
- d) Consultant's representatives and lawyers in order to support the Works Contract implementation and compensation payments.

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

INDIVIDUAL PAP'S RIGHTS

Each PAP has the right to:

- a) access to their personal data, update and correct it,
- b) delete your personal data ("right to be forgotten") or transfer them to another administrator,
- c) limitations on the processing of your personal data - some data may be marked as limited to processing only in certain circumstances,
- d) file a complaint regarding the processing by **SWH WP RZGW in Rzeszów** of its data to the competent authority supervising the processing of personal data, if you consider that the processing of personal data concerning you violates the provisions of the general regulation on the protection of personal data of 27 April 2016 (indicated above),
- e) withdraw at any time the consent to the processing of personal data by **SWH PW RZGW in Rzeszów**.

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

SUPERVISORY AUTHORITY, WHERE COMPLAINT CAN BE SUBMITTED

President of the Office for Personal Data Protection

2. Stawki Street

00-193 Warszawa

tel. 22 531 03 00

fax. 22 531 03 01

Office opening hours: 8 a.m. – 4 p.m.

Helpline: 606-950-000 open on business days from: 10 a.m. – 1 p.m.

PERSONAL DATA STORED

Personal data will be kept until the statute of limitation of PAP compensation claims.

13. MONITORING AND ASSESSMENT

Monitoring of the LARAP implementation is an integral part of the contract monitoring and management system. For this reason, tools for contract implementation monitoring that are used for reporting to the financial institutions and providing actual information about the problems, random events, and irregularities will be used for the needs of the LARAP implementation monitoring. LARAP is an integral part of the Contract implementation process ensuring the immediate decision in case of problems or irregularities. The provision of proper communication between a Consultant, PIU and PCU are also fundamental. Diagram of information flow as part of monitoring is presented below.

General monitoring and assessment procedures are described in detail in the following document: Land Acquisition and Resettlement Action Framework (LARAF) available at:

http://www.odrapcu.pl/doc/OVFMP/Resettlement_Policy_Framework.pdf

Diagrams of information flow as part of monitoring are presented below.



Diagram 7. Information flow as part of monitoring

The registration process of events and facts by the Consultant and PIU, especially through the correspondence register, register for the progress of real property acquisition. All data included in such registers is taking into consideration during the preparation of the data lists, e.g. number of acquired properties and amount and type of the compensations.

All changes are registered in the registers. On the basis of the above-mentioned registers, the following parameters are monitored:

- a) number of properties for expropriation and expropriated,
- b) number of persons for displacement and displaced,
- c) number of properties for temporal occupation (planned and realized),
- d) amount of all expenses needed for displacement process (planned and realized),
- e) paid compensations for loss of the real estate property legal title,
- f) paid compensations for loss of the revenues sources,
- g) acquired and given swap real property,
- h) degree and status of the protecting activities,
- i) number of complaints,
- j) a number of considered complaints.

Such formed LARAP implementation monitoring system allows for quick reactions in case of problems and for proper reporting within the existing Contract management systems. The document will be amended once in a quarter.

Key indicators which will be monitored in reference to Contract fulfilled by RZGW are presented in below Table.

Indicator	Information source	Monitoring	Information source
Assumed parameters			
Number of properties subject to expropriation	IPIP	One time upon issuing the decision	Quantity (pcs.)
Number of properties subject to the permanent limitation of land use (if occur)	IPIP	One time upon issuing the decision	Quantity (pcs.)
Number of PAPs	Land and Mortgage Register, excerpted from Register of Land and Buildings, IPIP decision	Land and Mortgage Register, excerpted from Register of Land and Buildings, IPIP decision	Number

Indicator	Information source	Monitoring	Information source
Amount of all the expenditures on resettlement, among other compensation (planned)	Consultant's registers	Monthly / Quarterly	PLN
Number of acquired properties	Consultant's registers	Monthly / Quarterly	Quantity (pcs.)
Achieved parameters			
Amount of all the expenditures on compensation (expenditures)	Investor's financial registers	Monthly / Quarterly	PLN
Number of acquired properties	Investor and Consultant's registers	Monthly / Quarterly	Quantity (pcs.)
Effectiveness indicators			
Number of complaints	Investor and Consultant's registers	Monthly / Quarterly	Quantity (pcs.)
Number of complaints processed	Investor and Consultant's registers	Monthly / Quarterly	Quantity (pcs.)
Compensations paid, other	Investor's financial registers	Monthly / Quarterly	PLN

Monitoring results will be presented in the monthly and quarterly reports.

The ex-post evaluation will be conducted six months after the LARAP is fully implemented and its objectives will be asses and provide documented evidence.

NOTE: The process of acquiring properties for temporal occupation will be the sole obligation of the Contractor.

14. COSTS AND FINANCING SOURCES

Item	Quantity	Total (PLN)
Area of land occupied permanently: cultivation, plants and infrastructure*	17,5291 ha	No data
Court fees **	No data	No data
Implementation costs of LARAP ***	Not applicable	15 000
SUM		15 000

* compensation shall be established by an independent property appraiser and paid before the actual occupation of the area

** this category includes the costs of press advertisements and remuneration for the Legal guardian

*** costs of an informative campaign (correspondence with PAP), costs of postal orders for PAPs without a bank account, etc.

Source for the costs indicated above shall be the funds from the International Bank for Reconstruction and Development, Council of Europe Development Bank and State Budget.

15. LARAP IMPLEMENTATION SCHEDULE

Particular steps necessary for preparation and implementation of LARAP, on the basis of LARPF are presented below.

LARAP DEVELOPMENT			
Steps	Action	Responsibility	Verification
1	Preliminary assessment of the Task's social impact	LARAP Consultant - Law and Social Matters Team	SWH PW RZGW – LARAP verification team
2	Determining the final scope of expropriation and drawing up a building permit design	Designer / Consultant	SWH PW RZGW – LARAP verification team
3	Specifying the frames in the scope of LARAP implementation with relevant government administration bodies	PIU, SWH PW RZGW	SWH PW RZGW – LARAP verification team
4	Collecting extracts and map extracts from RLB and spatial area development plans	PIU, SWH PW RZGW	SWH PW RZGW – LARAP verification team
5	Assessment of the Task's social impact	LARAP Consultant - Law and Social Matters Team	SWH PW RZGW – LARAP verification team
6	Verification and update of collected materials, impact analyses and economic analyses	LARAP Consultant - Law and Social Matters Team	SWH PW RZGW – LARAP verification team
7	Preliminary assessment of the Task's social impact	LARAP Consultant - Law and Social Matters Team	SWH PW RZGW – LARAP verification team
8	Social consultation of LARAP after acceptance of the World Bank	LARAP Consultant - Law and Social Matters Team	SWH PW RZGW – LARAP verification team
9	In the scope resulting from taking into account remarks and motions of LARAP - verification and update of collected materials, impact analyses and economic analyses	LARAP Consultant - Law and Social Matters Team	SWH PW RZGW – LARAP verification team
10	In the scope resulting from taking into account remarks and motions of LARAP	LARAP Consultant - Law and Social Matters Team	SWH PW RZGW – LARAP verification team

LARAP DEVELOPMENT			
Steps	Action	Responsibility	Verification
11	Submitting LARAP to the World Bank	PIU, SWH PW RZGW	PCU
12	World Bank's no objection	World Bank	-
13	Making LARAP public	PIU, SWH PW RZGW	-

IMPLEMENTATION OF LARAP			
Steps	Action	Responsibility	Verification
1	Establishing a detailed schedule of LARAP implementation	LARAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	SWH PW RZGW – LARAP monitoring and implementation team
2	Submitting an application for IPIP	PIU, SWH PW RZGW	SWH PW RZGW – LARAP monitoring and implementation team
3	Obtaining IPIP	PIU, SWH PW RZGW	SWH PW RZGW – LARAP monitoring and implementation team
4	Handing over to the PAP information on obtaining IPIP and its consequences and planned further actions of the Employer	LARAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	SWH PW RZGW – LARAP monitoring and implementation team
5	Valuation of real property by expert, in accordance with binding regulations and price verification	LARAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	SWH PW RZGW – LARAP monitoring and implementation team
6	Delivery to expropriated people of the prepared property appraisal reports and negotiations	LARAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	SWH PW RZGW – LARAP monitoring and implementation team
7	In case of negotiations' failure - obtaining a decision of the Province Governor on the amount of compensation	LARAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	SWH PW RZGW – LARAP monitoring and implementation team

IMPLEMENTATION OF LARAP			
Steps	Action	Responsibility	Verification
8	Payment of compensations or handing over swap property, start of implementation of other compensation and mitigation actions as planned in LARAP	PIU, SWH PW RZGW	SWH PW RZGW – LARAP monitoring and implementation team
9	Physical taking over of expropriated real property and commencement of works	SWH PW RZGW supported by Consultant - Engineer	SWH PW RZGW – LARAP monitoring and implementation team
10	RAP implementation evaluation	LARAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	SWH PW RZGW – LARAP monitoring and implementation team
11	Acquiring properties by the Contractor for temporal occupation	Contractor	Contractor

CYCLICAL TASKS			
Steps	Action	Responsibility	
1	Internal constant monitoring of LARAP implementation	LARAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	SWH PW RZGW – LARAP monitoring and implementation team
2	Reporting to the World Bank	SWH PW RZGW – LARAP monitoring and implementation team	PCU
3	Constant coordination with government and local government administration bodies	SWH PW RZGW – LARAP monitoring and implementation team	PCU
4	Constant communication with PAP	LARAP Consultant - Law and Social Matters Team in the team of Consultant - Engineer	SWH PW RZGW – LARAP monitoring and implementation team

POST IMPLEMENTATION TASKS			
Steps	Action	Responsibility	Verification

1	RAP implementation evaluation	Independent external auditor	World Bank
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16. APPENDICES

16.1 FORM FOR SUBMITTING COMPLAINTS TO THE CONSULTANT

Appendix no. 1.

16.2 TABLE – SUMMARY OF THE PROPERTIES

Appendix no. 2- The table is attached in an electronic version on a CD.
This attachment may not be made public due to the protection of personal data.

16.3 PROPERTY ACQUISITION SCHEDULE

Appendix no. 3 - This schedule is attached in an electronic version on a CD.

16.4 MONITORING OF PROPERTIES ACQUISITION

Appendix no. 4 - The table is attached in an electronic version on a CD.

16.5 MAPS WITH DEMARCATION LINES ON THE PROJECT'S AREA

Appendix no. 5 - The maps are attached in an electronic version on a CD.

16.6 CONTRACT'S LOCATION - GRAFFICAL APPENDIX

Appendix no. 6 – Attached in an electronic version on a CD.

16.7 SOCIAL AND ECONOMIC STUDY

Appendix no. 7 – Attached in an electronic version on a CD.