



**tate Water Management Polish Waters
Regional Water Management Authority
in Szczecin**

LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

for

Odra-Vistula Flood Management Project
co-funded by:

the World Bank (WB), Loan Agreement no. IBRD 8524 PL
the Council of Europe Development Bank (CEB), Framework Loan Agreement no. LD 1866
State Budget

Subcomponent 1.B: Flood Protection on Middle and Lower Odra River

WORKS CONTRACT 1B.5/2

Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta
River in Kostrzyn nad Odrą.

Final version



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ODRA-VISTULA FLOOD MANAGEMENT PROJECT

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LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

Subcomponent 1B: Flood Protection on Middle and Lower Odra River

WORKS CONTRACT 1B.5/2 – Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta River in Kostrzyn nad Odrą.

Land Acquisition and Resettlement Action Plan is prepared for Contract 1B.5/2 executed by the State Water Management Authority Polish Waters – Regional Water Management Authority in Szczecin.

PROJECT IMPLEMENTATION UNIT:

State Water Management Polish Waters

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List of abbreviations used in the document

1B.5/2	Designation of Works Contract 1B.5/2 – Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta River in Kostrzyn nad Odrą
The World Bank (WB)	The International Bank for Reconstruction and Development
PCU	Odra-Vistula Flood Management Project Coordination Unit
CEB	Council of Europe Development Bank
DK	National road
LBR	Land and Building Register
GIS	Geographic Information System – a system of information on the terrain, consisting of a database covering a specified area as well as the procedures and techniques for systematic collection, updating and sharing of data
GDDKiA	The General Directorate for National Roads and Motorways
CSO	The Central Statistical Office of Poland
Joint Venture (Consortium)	Joint Venture Sweco Consulting Sp. z o.o./ Sweco Nederland B.V./ Sweco Engineering Sp. z o.o./ Ekocentrum – Wrocławski Ośrodek Usług Ekologicznych Sp. z o. o.
Project/undertaking	Expansion of National Road 31 as part of the task titled: ‘Demolition and construction of a road bridge at km 107+211 of National Road 31 in Kostrzyn nad Odrą (at km 2.45 km of Warta river), implemented as part of the Odra-Vistula Flood Management Project – Task 1B.5/2 Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta river in Kostrzyn nad Odrą.’
PIO	Project Implementation Office – a separate organisational unit within the PIU, responsible for the Project implementation
PIU/ Employer/ Investor	State Water Management Polish Waters – Regional Water Management Authority in Szczecin ul. Tama Pomorzańska 13 A 70-030 Szczecin
CC	The Civil Code of 23 April 1964 (Polish Journal of Laws 2019, item 1145, as amended)
Consultant Engineer	A company or legal person engaged by the Employer to supply services (for example, those defined herein)
Contract/ Task/ Investment Project	Works Contract 1B.5/2 – Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta River in Kostrzyn nad Odrą
CAP	the Law of 14 June 1960 – Code of Administrative Procedure (Journal of Laws 2020, item 256, as amended)
LA&RPF	Land Acquisition and Resettlement Policy Framework
NBP	National Bank of Poland
NGO	Non-governmental Organisation
Structure	A functionally separated material scope being a part of Task 1B.5/2
EIA	Environmental Impact Assessment
OP 4.12	Reference of the document setting out the principles of carrying out involuntary resettlement required when the Task is funded under a loan from the World Bank – Operational Policy 4.12 – Involuntary Resettlement.
PAP	Project Affected Person(s)
IPIP	Investment Project Implementation Permit
LA&RAP	Land Acquisition and Resettlement Action Plan
Project/OVFMP	Odra-Vistula Flood Management Project

PGW WP	State Water Management Polish Waters
Land Register Regulation	Regulation of the Minister of Regional Development and Construction of 29 March 2001 on the land and building register (Polish Journal of Laws 2019, item 393)
Appraisal Regulation	Regulation of the Council of Ministers of 21 September 2004 on the appraisal of properties and preparing appraisal reports (Polish Journal of Laws 2004, No. 207, item 2109, as amended)
Road Act	Act of 10 April 2003 on special rules of preparing and executing projects involving public roads (Polish Journal of Laws of 2018, item 1474)
Flood Act	The Act of 8 July 2010 on special rules of preparing projects involving flood prevention structures (Polish Journal of Laws 2019, item 933)
RPM Law	The Real Property Management Law of 21 August 1997 (Journal of of Laws 2020, item 65, as amended)
WL	The Water Law of 20 July 2017 (Polish Journal of Laws 2020, item 310, as amended)
Contractor	A company/legal person exercising Works Contract 1B.5/2
ZBiLK	Municipal Buildings and Premises Board in Szczecin (Polish: <i>Zarząd Budynków i Lokali Komunalnych w Szczecinie</i>)
RCC	Road Construction Consent

1. Key definitions

The key definitions used herein:

Real property price – an amount negotiated with the real property owner, due to him for the real property or a part thereof, based on the value of that property determined by a licensed property appraiser. The amount of compensation for the real property shall not be lower than the cost of replacing the lost asset, excluding the depreciation of assets resulting from the age, condition or any other factor related to the assets.

Cut-off date – the date of completing the property inventory and the list of Project Affected Persons. The persons who remain on the Project site after the cut-off date shall not be entitled to compensation or any other form of assistance. Similarly, no compensation shall be paid for fixed assets (such as buildings, plants, fruit trees or tree stands) after the end date of the inventory or, alternatively, after the deadline agreed.

Economic resettlement – the loss of over 20% agricultural land, if the revenue of the Project Affected Person (PAP) is largely based on agriculture.

Physical resettlement – the loss of the place of residence or commercial facilities, such as shops or workshops, or facilities necessary to generate revenue.

Special assistance groups – the people who due to their gender, ethnic group, age, mental or physical disability, difficult financial standing or social position, are more vulnerable to the adverse effects of resettlement than other groups, and who may have a limited possibility to file claims, use assistance during the resettlement or use their right of share in the benefits of the investment project.

Resettlement cost – the scope of the compensation for lost goods/real properties/expenditure covering the replacement cost of the goods/real properties and the costs of conducting resettlement and actions related to the resettlement.

Social impact – in the light of OP 4.12, a social impact associated with expropriation is defined as any direct loss, whether social or economic, which arises out of the expropriation of a real property or the permanent restriction in the manner of using or access to the real property.

Compensation – a value paid in money or as a replacement property for the real properties and assets which have been acquired or are affected by the Project. A compensation is paid in time, when the owner must transfer his property to the State Treasury. In accordance with the Polish laws, in this respect the compensation may be paid from the moment when the expropriation decision becomes, generally, final and binding as well as in any case before the real property is taken over and seized for construction purposes.

Restriction in the use of property – a restriction concerning a real property or a part thereof, being a part of the Investment Project, which is essential for the proper functioning of the Investment Project, and which does not become property of the State Treasury but becomes restricted in use under a road construction consent, for instance by the prohibition to develop the property or plant trees thereon, the construction of temporary civil structures on the property, or the reconstruction of exit roads or service utilities.

OP 4.12 Involuntary Resettlement – the Operational Policy setting out the principal rules and procedures being a basis of the WB approach to involuntary resettlement due to investment projects.

Project Affected Person (PAP) – any person who, due to the project implementation, loses his or her ownership right or other benefits from his or her developed infrastructure (used for residential, agricultural or breeding purposes), or loses his or her annual or multi-annual crops and yield or other related or movable assets, in full or in part, whether permanently or temporarily. PAPs may also include the members of a local community or other persons affected by the actions related to the project.

Natural person – the civil-law definition of a human, from the moment of birth until the moment of death.

Legal person – legal persons are the State Treasury and organisational units which are accorded legal personality by specific regulations.

Revenue – an increment in property gained from carrying out a business or agricultural activity on a real property, including from the sale of such property.

Involuntary resettlement – a resettlement is involuntary if it is carried out without the consent of the person being resettled (against his/her will) or under a consent granted under duress (without the possibility to object to the resettlement), for example by expropriation.

Limited liability company – a company having legal personality, established by one or more persons for any lawful purpose.

Expropriation – a process involving the deprivation or restriction of a right in a real property, enjoyed by a particular person, under an individual legal act.

Value of expenditure – the amount due to the user, negotiated with the person incurring expenditure on the real property, or an amount based on the value of expenditure determined by a licensed property appraiser.

Replacement value – a compensation for lost goods, appraised based on their replacement/market value, including all transaction costs (such as taxes and registration fees), aimed at a sufficiently effective replacement of the lost goods (replacement value). Replacement value is the amount required to replace the lost assets, excluding the depreciation of arising out of the age, condition or another factor relating to the assets.

Purchase / voluntary sale – a transaction involving a paid acquisition of a right to a real property from its owner/possessor, for a price accepted by both parties, if the owner may reject the transaction. If a project resorts to expropriation, the purchase is not deemed voluntary (as it does not involve a wilful buyer and wilful seller).

Property resources (as per the RPM Law) – the public resources of properties are defined in Article 20 of the RPM Law. The resources are classified by ownership. The real property resource of the Treasury

was distinguished (Art. 21 and 21 a of the RPM Law), as well as the real property resources of different types of local government units: a commune (Art. 24 of the RPM Law), a district (Art. 25 a of the RPM Law) and a province (Art. 25 c of the RPM Law). Article 20 of the RPM Law does not refer to the real property resources of owners other than those listed hereinabove.

The following terms used herein alternatively: **land – real property – plot**, as the context requires, are defined as in the following legal acts:

- CC – land, real property;
- RPM Law – real property, plot of land;
- Land Register Regulation: land, registered plot (abbreviated herein as ‘plot’); and
- Operational Policy 4.12 – land.

2. INTRODUCTION

This document presents the Land Acquisition and Resettlement Action Plan (LA&RAP) for Contract 1.B.5 – Task 1.B.5/2 – Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta River in Kostrzyn nad Odrą, carried out as part of the Odra-Vistula Flood Management Project (OVFMP), co-financed by the International Bank for Reconstruction and Development (World Bank) (the Loan Agreement of 10 September 2015), the Council of Europe Development Bank (CEB) (the Loan Agreement of 24 May 2016) and the State budget. The document applies only to Contract 1B.5/2 and does not refer to the entire OVFMP.

The main purpose of the OVFMP is to protect the persons residing at the floodplains situated in specified parts of the catchment areas of the two largest Polish rivers (Vistula and Odra), against serious floods. The OVFMP covers the following five Components:

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

The Components include Subcomponents. Component 1 consists of the following three Subcomponents marked as 1A (Flood protection of areas in Zachodniopomorskie Province), 1B (Protection of Middle and Lower Odra River) and 1C (Flood protection of Słubice City). The names of the Components and Subcomponents are given as in the Project Operations Manual for the ‘Odra-Vistula Flood Management Project’, which is available on:

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

Works Contract 1B.5/2 will be carried out as part of Component 1 and one of 3 its 3 sub-components: Sub-component 1B – Flood Protection on the Middle and Lower Odra.

All Tasks within Sub-Component 1B solve the problems related to flood protection in a comprehensive manner, covering the areas that are most vulnerable to flood. Subcomponent 1B contains the following Tasks:

- 1B.1/1 (a) – Reconstruction of river control infrastructure on Odra river – adaptation to the conditions of Class III waterway from Ścinawa to Nysa Łużycka mouth – Stage II.
- 1B.1/1 (b) – Reconstruction of road bridge in Krosno Odrzańskie, including the access road.
- 1B.2 – Modernisation works on border sections of Odra river, Stage I – Modernisation works on border sections of Odra river to enable winter ice-breaking.
- 1B.3/1 – Construction of mooring base for icebreakers.
- 1B.3/2 – Construction of mooring facilities at lower and border Odra river and new waterway signage.
- 1B.4/1 – Improvement of flood water flow from Dąbie Lake in winter.

- 1B.4/2 – Dredging of Klucz-Ustowo ditch.
- 1B.5/1 – Reconstruction of a bridge to ensure minimum clearance – a railway bridge at km 733.7 of Regalica river in Szczecin.
- 1B.5/2 – Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta river in Kostrzyn nad Odrą.
- 1B.5/3 – Reconstruction of a bridge to ensure minimum clearance – a railway bridge at km 615.1 of Odra river in Kostrzyn nad Odrą.

2.1 DESCRIPTION OF TASK 1B.5/2

This task covers the expansion of National Road 31 as part of the investment project titled ‘Demolition and construction of a road bridge at km 107+211 of National Road 31 in Kostrzyn nad Odrą (at km 2.45 of Warta river), implemented as part of the Odra-Vistula Flood Management Project – Task 1B.5/2 Reconstruction of a bridge to ensure minimum clearance – a road bridge at km 2.45 of Warta river in Kostrzyn nad Odrą’.

The planned project, involving the demolition and construction of a road bridge to ensure minimum clearance, is to improve flood protection by enabling the operation of icebreakers and an unrestricted flow of ice-floe. To this end, the plan provides for the construction of a new bridge while maintaining a 5.25 m clearance above the HNW (highest navigable water) level.

The existing structure is a road bridge located at km 2.45 of Warta river in Kostrzyn nad Odrą, along National Road 31, from Szczecin to Słubice, at km 107+211 (Sikorskiego street). The bridge was built at the end of the 19th century as a 5-span structure with underslung trusses. In the present condition, the bridge hinders and often prevents anti-ice protection in winter and the navigation of the icebreakers taking part in ice-breaking operations, and stops the flow of ice in the crucial moments of such operations by cutting off the icebreakers mooring downstream of the bridge, from the ice-breaking area on Warta river, and stopping ice floe on the supports. The project will enable the operation of icebreakers and the unrestricted flow of ice floe. It is required to increase the clearance above the HNW (highest navigable water) level and to increase the spacing of supports or completely remove the supports installed in water. When determining the spacing of supports, the specific position of the bridge at the mouth of Postomia river will be taken into account. The desired effects may only be achieved by demolishing completely all the components of the existing bridge and then building a new bridge.

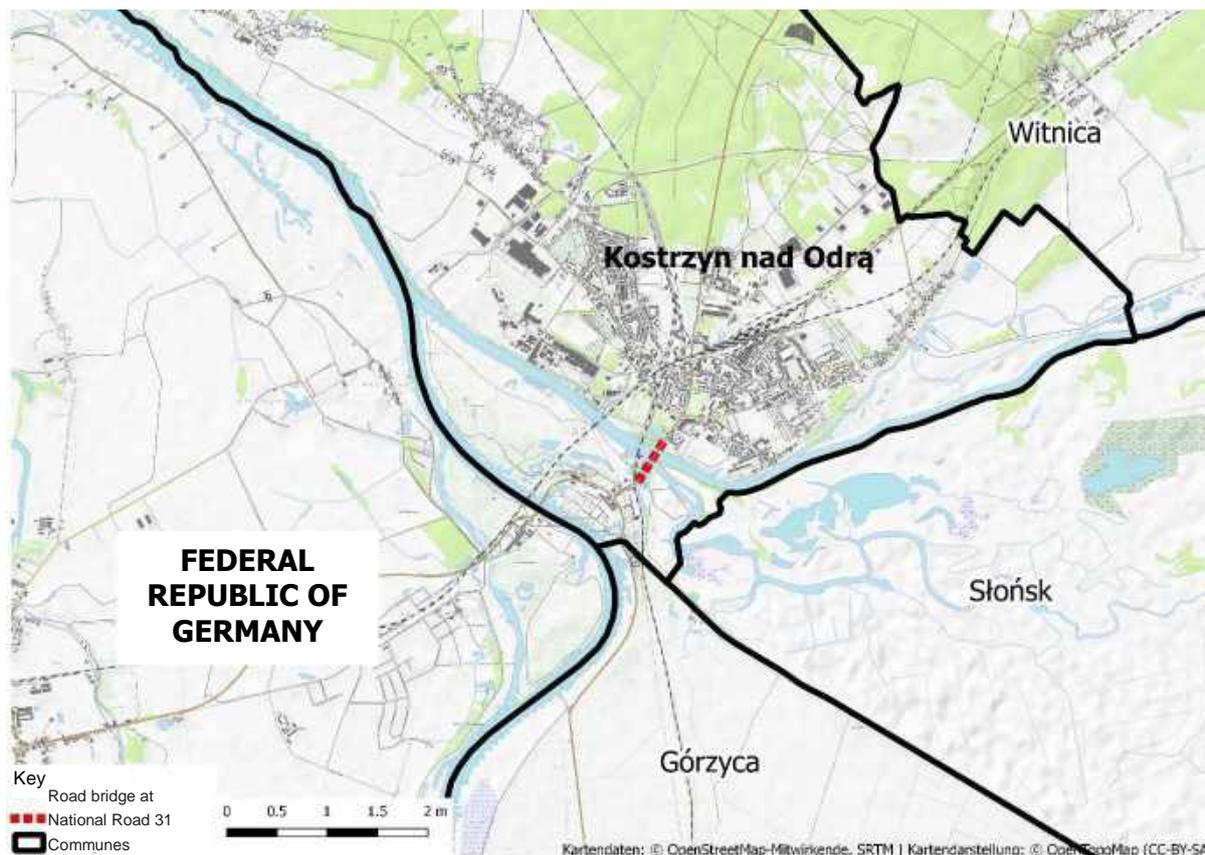
For the time of building the target bridge, a by-pass road will be made via a provisional bridge, on the southern side of the existing facility (that is upstream the river).

The project will additionally cover the reconstruction of National Road 31, the construction of a mixed-use path and the reconstruction of the existing pedestrian pavements (paths). The road infrastructure has been designed so to adapt it to the solutions used at the road bridge to be rebuilt.

The reconstruction of National Road 31 will imply the construction and alteration of the rainwater drainage, water supply, sanitary sewage, gas, LV (low voltage), MV (medium voltage) and telecommunication networks. This will additionally include a new road lighting system, and the reconstruction of the water supply network also covers a provisional water pipeline to be suspended under the provisional bridge. The project also involves the reconstruction of sanitary sewage system and its temporary connection to the provisional structure.

2.2 SITE OF TASK 1B.5/2

The road bridge concerned by the project is located at km 107+211 of National Road 31 from Szczecin to Słubice (Sikorskiego street) – km 2.45 of Warta river, in Kostrzyn nad Odrą, and is used as a crossing over Warta river.



Project location

The total area of development on the project site is approx. 1.26 ha, but the facility alone takes approx. 0.5 ha, which corresponds to around 40% of the total site of the project. The planned works will not cause any spatial alterations in the land development. The project site is not covered by the adopted local development plans, and the design concerns the reconstruction of the already existing service infrastructure, without changing the use of the land.

The investment project requires modifications in the existing right-of-way. The plots which the State Treasury (GDDKiA) is not entitled to use for construction purposes will have to be partially expropriated in accordance with the Act of 10 April 2003 on special rules of preparing and executing projects involving public roads.

Table 1 (below) presents a list of plots to be covered by the investment project. The blue colour designates the properties being investment plots. The list of investment plots, including their respective owners, is set out as Appendix 4 hereto, and will be published upon the anonymisation of personal data.

Table 1 – List of plots to be covered by the investment project

No.	Plot No. before division Total plot area	Plot No. and area after division (N/A – not applicable)	Commune / Precinct	Location of land	Reference of the owner/perpetual usufructuary/manager as stated in the Land and Mortgage Register or the LBR	Owner Private - Pr Public - Pu Commune - Co Forests - Fr	Land use	Land and Mortgage Register No.
1.	64 0.5770 ha	W	Kostrzyn nad Odrą 0006 Stare Miasto	National Road 31 KNO Władysława Sikorskiego	Ownership: State Treasury Permanent management: General Directorate for National Roads and Motorways, ul. Żelazna 59 00-848 Warsaw	Pu	rd – roads	GW1S/00031403 /6

2.	62 0.6030 ha	62/1 0.0187 ha	Kostrzyn nad Odrą 0006 Stare Miasto	KNO Władysława Sikorskiego	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	rd – roads	GW1S/00029022 /4
		62/2 0.5843 ha						
3.	2/3 42.6481 ha	2/4 0.1373 ha	Kostrzyn nad Odrą 0006 Stare Miasto	KNO Władysława Sikorskiego	Ownership: State Treasury Perpetual usufruct: Warta Mouth National Park, Osada 1 69-113 Górzycza Chyrzyno	Pu	Bz – leisure areas rd – roads W – wasteland Rw – land under running surface waters Sw – land under stagnant surface waters	GW1S/00028857 /9
		2/5 42.5108 ha						
4.	268/2 1.8510 ha	W	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	Ownership: State Treasury Permanent management: General Directorate for National Roads and Motorways, ul. Żelazna 59 00-848 Warsaw	Pu	rd – roads	GW1S/00031678 /4
5.	394/42 0.1665 ha	394/90 0.0114 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00015862 /3
		394/91 0.1551 ha						
6.	394/40 0.4913 ha	394/87 0.0330 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	Ownership: Legal person – a limited-liability company seated in Świebodzin	Pr	Bp – urbanised areas not developed or under development	GW1S/00023730 /8
		394/88 0.0092 ha						
		394/89 0.4491 ha						
7.	394/39 0.2304 ha	394/85 0.0132 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00015862 /3
		394/86 0.2172 ha						
8.	351 0.0744 ha	351/1 0.0025 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	Ownership: Natural persons	Pr	B – residential areas	GW1S/00004627 /4
		351/2 0.0719 ha						
9.	394/36 0.0169 ha	394/83 0.0013 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	Ownership: Natural person	Pr	Bp – urbanised areas not developed or under development	GW1S/00014189 /4
		394/84 0.0156 ha						
10.	390/9 2.7618 ha	390/12 0.0017 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Sybiraków	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bi – other developed land Sw – land under stagnant surface waters	GW1S/00015860 /9
		390/13 2.7601 ha						
11.	344 0.1359 ha	344/1 0.0234 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	rd – roads	GW1S/00027734 /4
		344/2 0.1125 ha						
12.	345/1 0.2071 ha	345/4 0.0401 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00022530 /9
		345/5 0.1670 ha						

13.	345/3 0.0275 ha	345/6 0.0066 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00015862 /3
		345/7 0.0209 ha						
14.	346/11 0.7133 ha	346/12 0.0175 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00027734 /4
		346/13 0.6958 ha						
15.	394/82 7.9753 ha	394/92 0.0507 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Zakole	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00015862 /3
		394/93 7.9246 ha						

Table 2 contains a list of plots located within the area affected by the investment project. The table specifies the way of affecting the real properties. It also contains plot No. 2/1 (the waters of Warta river), which during the Task will be taken free of charge for the purposes of the project under Article 20a(1) of the Road Act.

The list of plots, including their respective owners, is set out as Appendix 5 hereto, and will be published upon the anonymisation of personal data.

Table 2 – List of plots to be restricted in use for the duration of the investment project

No.	Plot No. before division Total plot area	Commune / Precinct	Land location	Reference of the owner/perpetual usufructuary/manager as stated in the Land and Mortgage Register or the LBR	Owner Private - Pr Public - Pu Commune - Co Forests - Fr	Land use	Land and Mortgage Register No.	Impact on the real property
1.	390/7 0.6987 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego 34	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bi – other developed land	GW1S/00021425/3	Relocation of power network, relocation of sanitary sewerage system, area: 12.51 m ²
2.	336/102 0.0030 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	Ownership: Natural persons	Pr	Bp – urbanised areas not developed or under development	GW1S/00033861/8	Relocation of power network, area: 18.50 m ²
3.	378 0.2419 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego 10	Ownership: Municipality of Kostrzyn nad Odrą, Perpetual usufruct: Bank Zachodni SA ¹ ul. Rynek 9/11 50-950 Wrocław	Co/Pr	B – residential areas	GW1S/00011184/8	Relocation of power network, area: 18.50 m ²
4.	347 0.0687 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego 8	Ownership: Natural persons	Pr	B – residential areas	GW1S/00004481/8	Relocation of power network, area: 12.32 m ² Reconstruction of individual exit road area: 4.41 m ²
5.	348/1 0.0614 ha	Kostrzyn nad Odrą	KNO Władysława Sikorskiego 6	Ownership: Natural persons	Pr	B – residential areas	GW1S/00004271/3	Reconstruction of individual exit road

¹ Data as in the Land and Mortgage Register, as of 30/12/2019. On 7 September 2018, Bank Zachodni S.A. changed its name into Santander Bank Polska S.A.

		0004 Śródmieście						area: 5.30 m ²
6.	349 0.0706 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego 4	Ownership: Natural person	Pr	B – residential areas	GW1S/00004509/1	Relocation of power network, area: 10.49 m ² Reconstruction of individual exit road area: 4.90 m ²
7.	350 0.0724 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego 2	Ownership: Natural person	Pr	B – residential areas	GW1S/00014189/4	Relocation of power network, area: 5.36 m ² Relocation of telecommunication network, area: 7.90 m ² Reconstruction of individual exit road area: 35.54 m ²
8.	352/1 0.2304 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa 1	Ownership: Natural persons	Pr	B – residential areas	GW1S/00004627/4	Relocation of power network, area: 7.70 m ²
9.	62/2 0.5843 ha	Kostrzyn nad Odrą 0006 Stare Miasto	KNO Władysława Sikorskiego	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	rd – roads	GW1S/00029022/4	Reconstruction of public exit road area: 200.86 m ²
10.	2/1 61.0123 ha	Kostrzyn nad Odrą 0006 Stare Miasto	KNO Warta River	Ownership: State Treasury Permanent management: Regional Water Management Authority in Poznań ul. Chlebowa 4/8 61-003 Poznań	Pu	Bz – leisure areas W – wasteland Rw – land under running surface waters	GW1S/00031427/0	Alteration of water supply inlet, area: 35.88 m ²
11.	345/5 0.1670 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00022530/9	Relocation of water supply network, area: 184.64 m ²
12.	344/2 0.1125 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Władysława Sikorskiego	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	rd – roads	GW1S/00027734/4	Reconstruction of public exit road, area: 2.64 m ²
13.	390/13 2.7601 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Sybiraków	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bi – other developed land Sw – land under stagnant surface waters	GW1S/00015860/9	Relocation of power network, area: 12.64 m ² Relocation of telecommunication network, area: 1.88 m ² Relocation of telecommunication network, area: 3.56 m ²
14.	394/93 7.9246 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Zakole	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00015862/3	Construction of provisional civil structure, area: 2157.07 m ²
15.	394/91 0.1551 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	Ownership: Municipality of Kostrzyn nad Odrą, ul. Graniczna 2 66-470 Kostrzyn nad Odrą	Co	Bp – urbanised areas not developed or under development	GW1S/00015862/3	Construction of provisional civil structure, area: 2157.07 m ²

16.	394/89 0.4491 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	Ownership: Legal person	Pr	Bp – urbanised areas not developed or under development	GW1S/00023730/8	Relocation of power network, area: 193.95 m ² Reconstruction of public exit road area: 132.24 m ² Construction of provisional civil structure, area: 2157.07 m ²
17.	351/2 0.0719 ha	Kostrzyn nad Odrą 0004 Śródmieście	KNO Mostowa	Ownership: Natural persons	Pr	B – residential areas	GW1S/00004627/4	Reconstruction of individual exit road area: 7.32 m ² Reconstruction of individual exit road area: 42.64 m ² Relocation of gas pipeline, area: 7.90 m ²
18.	2/5 42.5108 ha	Kostrzyn nad Odrą 0006 Stare Miasto	KNO Władysława Sikorskiego	Ownership: State Treasury Perpetual usufruct: Warta Mouth National Park, Osada 1 69-113 Górzycza Chyrzyno	Pu/Pr	Bz – leisure areas rd – roads W – wasteland Rw – land under running surface waters Sw – land under stagnant surface waters	GW1S/00028857/9	Construction of provisional civil structure, area: 2663.45 m ²

The site of the investment project, that is at km 107+211 of National Road 31 from Szczecin to Słubice, already includes a bridge used to cross Warta river, whose technical condition is satisfactory. In terms of flood protection, however, the present clearance is insufficient, as it restricts the possibility of ice-breaking, holds the low of ice and stops ice floe on the supports. If this happens, the icebreakers mooring downstream of the bridge are cut off from the ice-breaking zone on Warta river. The planned construction of the new bridge will provide the necessary clearance, which will in turn allow the icebreakers to work and ensure an unrestricted flow of ice floe.



Road bridge – present condition

Sikorskiego street, which runs through Kostrzyn nad Odrą, is a part of National Road 31 (technical class: G) managed by the GDDKiA. It is a two-lane single carriageway with a bituminous pavement and an

overall width of approx. 8.60m. The road is provided with pedestrian pavements of approx. 2.50m, located on both sides of the road edge.

The water supply and sanitary sewage networks in the area are managed by Miejskie Zakłady Komunalne Sp. z o.o. Presently, the water supply networks run along Sikorskiego street, under the roadway, pedestrian pavement and shoulder. The area of the project lacks a sanitary sewerage network, but a design for a pressure sanitary sewer system is currently being prepared.

The area is provided with a gas system owned by Polska Spółka Gazownictwa Sp. z o.o. – Gas Management Board in Gorzów Wielkopolski.

The area of the investment project is provided with the following power networks:

- LV and MV cable lines owned by ENEA Operator Sp. z o.o.,
- street lighting owned by Enea Oświetlenie Sp. z o.o.

Any conflicting power networks will be relocated or removed.

The site of the investment project includes the following telecommunication networks:

- multiple cable ducting system with optical fibre and copper cables, owned by Orange Polska S. A.
- pipelines and underground cables owned by Orange Polska S.A.

There are conflicts between the planned road system and the existing telecommunication networks. During the investment project, there may be discovered service utilities owned by other entities.

There are no residential buildings or other buildings on the site of the Task. However, these are situated in the immediate vicinity of the investment project. There are infrastructural elements such as fences. This list may not be final, as the works may reveal more infrastructural elements, not marked on the maps, especially installed under ground. According to the LBR, the site of the task covers land which, due to their type and intended use, are classified as arable land – wasteland, designated with N², which is their actual purpose – they are wasteland covered by trees and bushes of different age.

2.3 ENTITIES RESPONSIBLE FOR IMPLEMENTING SUBCOMPONENT 1B OF THE PROJECT

As from 1 January 2018, the main entity responsible for national water management is the State Water Management Polish Waters (also referred to as Polish Waters or 'PGW WP'), seated in Warsaw.

PGW WP was founded under the Water Law of 20 July 2017 and the statute given under the Regulation of the Minister of Environment of 28 December 2017 (Polish Journal of Laws 2017, item 2506). Polish Waters is a state-owned legal person (Article 9(14) of the Public Finance Act of 27 August 2009 – Polish Journal of Laws 2009, item 1240, as amended).

PGW WP is responsible for comprehensive, broadly understood water management in Poland, including investment projects. The entity also represents the State Treasury and exercises its ownership rights with regard to the water, water equipment and other property related to water management, owned by the State Treasury. A detailed list of the rights and obligations, including the division of competence between the internal units and separated bodies, is set out in Article 240 of the WL. Polish Waters consists of the following organisational units: the National Water Management Authority seated in Warsaw, regional water management authorities, basin boards and water supervision offices.

In Article 536 of the WL, the legislator has regulated the issues regarding the continuation of projects commenced before the date the Law entered into force, by transferring to Polish Waters the rights and obligations arising from the contracts and decisions concerning projects carried out on the public

² In accordance with § 68(1)(2) of the Regulation of the Minister of Regional Development and Construction of 29 March 2001 on the land and building register.

water bodies owned by the State Treasury, and concerning principal drainage equipment, including the contracts financed or co-financed by foreign resources, which were previously implemented by regional water management authorities, provinces, province marshals or competent provincial organisational units. Article 526 of the WL stipulates that from the date the Law enters into force, Polish Waters shall also perform the tasks of the previous President of the National Water Management Authority, the previous directors of regional water management authorities, and province marshals, which involve the maintenance of water and other property of the State Treasury related to water management and water management projects. It should be noted that all the receivables, liabilities, rights and obligations of the previous National Water Management Authority and the regional water management authorities have become receivables, liabilities, rights and obligations of Polish Waters. Therefore, it was a general succession from the previous regional boards to Polish Waters.

The reform of the water management was caused by the Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 (the so-called Water Framework Directive), which establishes a framework for Community action in the field of water policy. The reform was a condition which Poland had to satisfy in order to use the resources from the European Union operational programmes for 2014–2020. The Project Implementation Unit (PIU) for this Task is the State Water Management Polish Waters, which has legal personality and exercises the ownership rights for and on behalf of the State Treasury. The Regional Water Management Authority in Szczecin is an internal unit of Polish Waters. In consequence, the State Water Management Polish Waters will be the Investor in this Task.

To complement the group of entities engaged in the Task, we should explain that in terms of administration, which includes the applying for and obtaining the project implementation permit as well as expropriation and compensation decisions, the investor will be the GDDKiA. The said entity, being a central state administration office, will carry out actions commissioned by PGW WP, aimed to obtain any decisions and permits required to start and implement the Task. The substantive scope of such actions and the division of competence will be regulated in an agreement to be made between PGW WP and GDDKiA, which will additionally set out the rules of implementing Operational Policy OP 4.12 and the rules of paying compensations.

2.4 MONUMENTS PROTECTED UNDER THE PROVISIONS ON THE CONSERVATION AND CARE OF MONUMENTS

According to the Provincial Heritage Conservation Officer for Lubuskie Province in Zielona Góra (Branch Office in Gorzów Wielkopolski), the road bridge to be demolished, running along National Road 31, at km 107+211 (km 2.45 of Warta river), over Warta river in Kostrzyn nad Odrą, was built in the second half of the 19th century and then rebuilt in 1945 and 2000. As a result of the reconstruction in 1945 and 2000, its architectural and historic qualities have disappeared. For this reason, the Provincial Heritage Conservation Officer for Lubuskie Province has consented to demolishing the bridge according to the presented reconstruction concept plan.

The present bridge over Warta river is located on the historic path running eastwards from the Kostrzyn Fortress built in the 16th century. In consequence, we should assume that the existing bridge is located in the place of the former bridge crossing whose residues may be hidden in the soil layers at the banks of Warta. Given the possible existence of cultural layers and structures, the Provincial Heritage Conservation Officer for Lubuskie Province in Zielona Góra will inform the future contractor on the procedure in the event of discovering an object having features of a monument, pursuant to Article 32(1) and (2) of the Act of 23 July 2003 on the protection and care of monuments (consolidated

text: Polish Journal of Laws 2018, item 2067), and will be required to establish archaeological supervision.³

The cultural and landscape assets of Kostrzyn nad Odrą are composed by urban and architectural heritage (over 200 listed structures) as well as arranged vegetation areas.

The element which particularly stands out is the green island being home to the ruins of a medieval town – the listed Kostrzyn Fortress. It is situated at the confluence of Odra and Warta rivers, and forms unique heritage of the European material culture. To date, there are still preserved the ruins of the fortress, including the visible forts from the 16th century as well as the remains of the castle, church, tenements and tram line.



The Kostrzyn Fortress – present condition

Considering the project location, and the scope and method of construction works, we have not found any potential significant adverse impacts on the historic structures, neither during construction nor during operation of the project.

³ Article 32 [Obligations of a discoverer of a monument]

1. Anyone who, during construction or earth works, discovered an object which may be expected to be a monument, shall: 1) suspend all works which may damage or destroy such object; 2) secure the object and the place of its discovery using available measures; 3) notify forthwith the competent provincial heritage conservation officer, and if this is impossible, then the competent head of commune (city mayor).

2. The head of commune (city mayor) shall forthwith, but no later than within 3 days, forward the notification referred to in para. 1(3) to the provincial heritage conservation officer.

3. BASIC PRINCIPLES ADOPTED IN THE LA&RAP⁴

The principal objective of this Land Acquisition and Resettlement Action Plan is to acquire real properties necessary to implement the Works Contract in line with Polish legal regulations and the World Bank's Operational Policy OP 4.12, in a way to minimise the adverse impacts on the project affected persons, improve or at least restore their living conditions and ensure long-term and sustainable use of environmental resources in that area.

Unless adequate mitigation and prevention measures are planned and implemented, land acquisition may generate and strengthen inequalities and cause social exclusion and permanent environmental damage. Therefore, in planning and implementing the property acquisition process, it is required to apply the following principles:

1. Permanent and involuntary land acquisition shall be minimised or avoided where possible. Where permanent acquisition is unavoidable, the procedures and requirements outlined in this RAP shall be followed to mitigate the impact of the land acquisition on the parties interested.
see: http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf
2. The land acquisition procedures shall ensure that the living conditions of people are improved or at least restored to pre-project level.
3. All project affected persons (PAPs) shall be properly consulted and given the possibility to actively and effectively participate in improving the Project, and shall be given access to mechanisms enabling the submission of complaints and applications. The public consultation should account for the needs of vulnerable groups and those arising from participants' gender identity.
4. Project Affected Persons shall be provided access to fair, just and inexpensive appeal procedure conducted before an independent authority or before a court, which should be carried out without undue delay.
5. All land acquisition processes, whether permanent or temporary, shall be conducted in line with the procedures set forth in Polish legal regulations and in OP 4.12, as per the LARPF, and shall be elaborated in specific RAPs. LA&RAPs will be consistent with the LA&RPF. http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf
6. This LA&RAP concerns permanent or temporary acquisition of real property, as well as permanent or temporary restrictions in using the property, which may in particular result in the (permanent or temporary) loss of revenue or the reduction of living standards.
7. The implementation of the LA&RAP shall be monitored and documented, and evaluated upon completion.
8. The process of public participation and the protective and mitigation measures shall be carried out in line with the principle of equal treatment regardless of age, sex or disability of the project affected persons. Particular attention must be paid to the households where a member or members belong to the vulnerable groups.
9. Land Acquisition and Resettlement Action Plans are prepared and implemented as integral parts of the Project. All costs of planning and implementing the compensation measures shall be included in the costs and benefits of the Project.
10. The persons economically affected by the Project, in particular those who have been subject to expropriation, shall be compensated before the start of construction works on the expropriated property.
11. A priority is given to the compensation in the form of allocation of alternative land of equivalent productive potential. Monetary compensation shall be used where the acquisition of the property or a part thereof has no impact on the possibility to use the property for its previous

⁴ The contents of this chapter are in line with the LA&RPF.

purposes as well as where the person economically affected by the project expresses their will to receive monetary compensation.

12. The properties subject to temporary acquisition upon the completion of works shall be restored to their previous condition, so to enable their owners or users to use the properties as before the Project implementation.
13. Regardless the title to the property, all project affected persons shall receive various forms of support, according to the Compensation Measures Matrix included in the LARPF. The absence of a title to the property should not be a bar to the compensation and/or any other form of support. Detailed rules of acquiring real properties, conducting the public participation procedure and carrying out the mitigating, preventive, protective and compensating measures are set forth in this RAP.

The purpose of the LA&RAP is, *inter alia*, to gather basic social and economic information on the project affected persons, to identify the impacts, to determine the mitigating and compensating measures taken against any adverse impacts, and to assess whether the conditions for further management on the properties covered by the project have been restored (both for properties owned by natural persons and public entities). The LA&RAP also specifies the procedures, budget and deadlines to achieve the said purposes.

Based on determined indicators, the LA&RAP shall be subject to continuous monitoring and updates conducted by the Consultant's team and by the PIO, as the works proceed and in case any new factual or legal circumstances which affect the implementation of its provisions. It will make it possible, *inter alia*, to provide the Project Affected Persons with the relevant information, to early identify risks and implement methods that will allow to mitigate or eliminate such risks. The results of the monitoring will be presented in monthly and quarterly reports.

An *ex-post* assessment will be conducted six months after full implementation of the RAP and evaluating and documenting its outcomes.

4. MINIMISING THE IMPACT

4.1 Social impacts – general

In the light of OP 4.12, a social impact associated with property acquisition is defined as any direct loss, whether social or economic, which arises out of the expropriation of a real property or the permanent restriction in the manner of using or access to the real property.

The social impacts caused by the Investment Project, and thus by the land acquisition which often leads to resettlement, may be classified into the following categories:

- 1) **Impacts caused by the Investment Project:**
 - a/ direct impacts,
 - b/ indirect impacts,
- 2) **Impacts caused by the Investment Project's severity:**
 - a/ significant impacts,
 - b/ minor impacts,
- 3) **Subjective impacts:**
 - a/ favourable impacts,
 - b/ adverse impacts.

Re. 1. According to §3 of the World Bank's Operational Policy OP 4.12 *Involuntary Resettlement*, the said Policy covers only direct impacts which are caused by the involuntary taking of land or the

involuntary restriction of access to parks and protected areas, resulting in adverse impacts on the livelihood of the project affected persons.

‘Direct social impact’ means any consequence immediately related to the taking of a parcel of land or to restrictions in the use of legally designated parks or protected areas, during the Investment Project financed or co-financed by the World Bank. People directly affected by land acquisition may lose their home, farmland, property, business, or other means of livelihood; a reduction in living standard is also possible. In other words, they lose their ownership, control over the real property and the rights of use.⁵

OP 4.12 does not apply to long-term indirect impacts caused by the Investment Project, for example on customer loyalty (for people running a business), differences in local tastes, or other forms of intangible cost caused by the Investment Project.⁶

Re. 2. The severity of the Investment Project’s impact on land properties largely depends on the type and purpose of the property.

Therefore, the basic criterion to assess the severity of social impacts is the percentage share of the expropriated part of the property in its entirety. However, we should also take into account the data obtained during the socioeconomic study.

To assess the social impacts, for the purposes of this RAP, we have adopted the following criteria, according to OP 4.12:

- minor impact – in the case of real properties with intended use other than agricultural and wasteland, secondary impact is deemed to be the impact where less than 20% of land or assets of a given household are lost, while no physical relocation takes place,

- significant impacts – for real properties intended for purposes other than agriculture, and for wasteland, significant impacts are such impacts where the household loses more than 20% of its land.

In assessing the severity of impact, we have also considered the information acquired from the socioeconomic study, and the social sensitivity of the analysed household, defined as the exposure to risk and severity of the impact, sensitivity to those risks and effects, and adaptation capabilities; we have also considered whether the PAP belongs to a vulnerable group.

Therefore, when assessing the impacts for their severity, it is required to assess the size, purpose, use and production capacity of the entire property and its part being lost. Often the real property subject to acquisition is the family’s only source of income, and sometimes it is not used whatsoever. In such cases, the acquisition of the same area of property will be subject to different compensation amounts, based on the purpose and production capacity of the property. Therefore, an important aspect to be determined during the socioeconomic study is the percentage ratio of the acquired area of property to the remaining area, and whether the part acquired generates any revenue.⁷

Sometimes, despite acquiring 100% of a small property, which was used by the PAP only for leisure purposes, and it is impossible to determine that the property was the family’s source of revenue, the impact must be deemed significant.

For those people already in poverty, however, loss of even a small percentage of holdings may render the rest of their land unviable. In these cases, the loss of less than 10% of the holdings (which could indicate a minor impact) will only deepen poverty – for such PAPs, adequate additional measures should be taken aside from monetary compensation.⁸

⁵ See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Ch 1, pg 4*

⁶ See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Ch 1, pg 19*

⁷ See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Ch 3, pg 38*

⁸ See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Ch 5, pg 74*

Re. 3. The implementation of flood protection projects which have an impact on the entities located at the site or within the range of the Investment Project, as well as their long-term impact, may be classified as favourable. This is because the communities living in the areas of Investment Projects will benefit from the improvement of flood safety. Therefore, we may claim that the outcome of the Investment Project (the improvement of flood protection level) will only have a favourable impact.

However, in the event of acquiring a private real property being, the subjective impressions of the project affected persons will be usually negative. The impacts relating to the relocation of households may prove to be adverse, but in some cases a change in the place of residence brings improvement of the PAP's living standard, and thus an impact that is initially considered adverse turns out to be favourable in the long term. In any case, attention must be paid to the psychological adverse impacts, especially for persons from the vulnerable groups.

4.2 Social impacts identified for the purposes of Task 1B.5/2

The analysis carried out to identify the severity of impact of the Investment Project only concerns those real properties which belong to natural or legal persons.

At the beginning, we should indicate that the site of the task does not include any farms. The site of the task covers land which, due to their type and intended use, are classified as arable land – wasteland, designated with N, which is their actual purpose – they are wasteland covered by trees and bushes of different age. For wasteland and properties other than agricultural land, the **significant impact** should be understood as the loss of more than 20% of the household's productive area, without any physical or economic relocation.

Importantly, for those people already in poverty, however, loss of even a small percentage of holdings may render the rest of their land unviable. Where the loss of less than 10% of the holding (which could indicate minor impact) will only increase poverty, adequate additional measures should be taken with respect to such PAPs aside from monetary compensation.⁹ During the socioeconomic study conducted on the site of the task, we have not identified any persons belonging to the vulnerable groups, who would require the additional procedures such as social aid, support and protective measures for the resettled person, which would allow us to avoid or minimise the adverse effects of the resettlement.

4.2.1 Impacts on natural persons

In the case of implementing Task 1B.5/2, there will be no expropriation causing involuntary resettlement, as the remaining part of the property may not further be used.

Plot number	Plot numbers after division	Plot intended purpose	Location	Ownership:	Intended purpose	Type of impact
394/36 0.0169 ha	394/83 0.0013 ha	investment	Kostrzyn nad Odrą 0004 Śródmieście KNO Mostowa	Natural person	Bp – urbanised areas not developed or under development	Minor 100 %
	394/84 0.0156 ha	investment				
350 0.0724 ha	Not applicable	Restriction of use	Kostrzyn nad Odrą 0004 Śródmieście KNO Władysława Sikorskiego		B – residential areas	Minor 6.74 %

In the case of one family household, whose developed land directly borders the project site and which is located within the direct impact of the Investment Project, the owner has submitted an application for the acquisition of entire property by the State Treasury due to the future restriction of use. We should point out that the property is not an investment plot. Detailed procedure for the acquisition of

⁹ See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Ch 5, pg 74*

property upon application of the person interested is described in chapter Applicable legal provisions and valuation methodologies, Section 6.4: *Imposing restrictions in the use of real property*.

For an identical family household, the project will also imply expropriation of another investment plot (in full – 100%) with an area of 0.0169 ha (169 m²). That property, despite acquiring the entire plot, has not been deemed to generate any revenue that may provide support to the household. Therefore, the impact has not been classified as significant.

The direct impacts on other natural persons, due to acquiring certain sections of land for the project purposes, which land does not generate any revenue, have also been considered to be minor.

Given the above, we should conclude that the planned Task will not generate any significant impacts arising from the required physical relocations of households, caused by the acquisition of more than 20% of the property area. One of the households will be relocated at the request of the property owner, as the use of the property will be restricted due to the reconstruction of an individual exit road and the relocation of a power network and a telecommunication network existing on that property. We have also not identified any economic resettlement for the Investment Project.

At the project site, we have not discovered any persons possessing the property illegally (without title) or persons from the vulnerable groups.

4.2.2 Impacts on legal persons

Task 1B.5/2 will imply direct impacts on two legal persons – a limited-liability company and a joint-stock company.

As for the limited liability company, the acquisition of land for project purposes will cover 0.0422 ha, which represents 8.6 % of the company's land, and the restriction of use will cover: 193.95 m² – the relocation of a power network; 132.24 m² – the reconstruction of a public exit road; and 2157.07 m² – the construction of a provisional civil structure. The restriction in using the property will cover 55.29% of the property owned by the company (plot no. 394/40). However, as plot no. 394/40 is not developed by its owner, the impacts involving the restriction in using the property has not been considered to be significant. This real property may also not be deemed to generate revenues for the company. The company does not apply for the acquisition of the whole property by the State Treasury due to the restriction of use.

At the request of the property owner, the design documentation to be prepared will provide for one additional exit road for passenger cars, which is aimed to streamline the traffic between the public road (Mostowa street) and the plot owned by the limited liability company. An appropriate application was filed by the owner during the public consultation before drafting the final version of the design documentation. This measure taken by the Investor was accepted by the PAP, who wished to improve the connection to his real property. This design solution will be important to the activities planned by the PAP.

With regard to the joint-stock company, which has the right to perpetual usufruct of the real property owned by the Municipality of Kostrzyn nad Odrą, the property will not be acquired for project purposes – the project will only imply a restriction in using plot No. 378 due to the relocation of a power network with an area of 18.50 m², which will represent 0.76 % of the company's property. The part of the property that will be restricted in use may also not be deemed to generate any revenue for the company. The company does not apply for the acquisition of the whole property by the State Treasury due to the restriction of use.

Plot number	Plot numbers after division	Plot intended purpose	Location	Ownership/perpetual usufruct:	Intended purpose	Type of impact
394/40	394/87 0.0330 ha	investment	Kostrzyn nad Odrą			Minor 8.6 %

0.4913 ha	394/40 0.0092 ha	investment	0004 Śródmieście KNO Mostowa	A limited-liability company seated in Świebodzin Wilkowo No. 75 66-200 Świebodzin	Bp – urbanised areas not developed or under development	
	394/40 0.4491 ha	Restriction of use				Minor 55.29 %
378 0.2419 ha	Not applicable	Restriction of use	Kostrzyn nad Odrą Władysława Sikorskiego	Ownership Municipality of Kostrzyn nad Odrą Perpetual usufruct Bank Zachodni S.A in Wrocław ¹⁰	B – residential areas	Minor 0.76 %

4.2.3 Impacts on other entities

With regard to the areas owned by the **Municipality of Kostrzyn nad Odrą**, the impacts have been considered to be minor, as the acquisition of property from that entity does not materially affect its position and operations.

The execution of the Investment Project may indirectly affect the activities of the **Kostrzyn Fortress Museum**. On 17 June 2019, at the request of the representatives of the Kostrzyn Fortress Museum, a consultation meeting was held in Kostrzyn nad Odrą to discuss the project scope covering Task 1B.2 – Modernisation works on border Odra river, and Task 1B.5 – Reconstruction of bridges to ensure minimum clearance. Road bridge at km 2.45 of Warta river. At the meeting, the real property consultant discussed the types of impacts to be generated by both tasks on the developed plots located in the Old Town of Kostrzyn nad Odrą.

They have revealed the potential social impacts:

- temporary limitations in the throughput of one of the access roads running to the Kostrzyn Fortress Museum,
- impaired quality of life of town's residents by limited access to cultural objects,
- temporary impairment in the operating conditions of the Museum due to restricted access (possible restriction of accessibility for the visitors).

The consultant has explained that in order to completely exclude the possible social impacts of the two Tasks (1B.2 and 1B.5/2), there are planned certain measures to mitigate or even eliminate the adverse impacts, which will take the following forms:

- construction of a provisional bridge over Warta river, which will provide a smooth access to the Kostrzyn Fortress Museum from northern side. It was also emphasized that the access to the Museum would not be restricted in any way from the south (roads 22 and 31) or west (road 22). Thus, while the crossing over Warta river is provided by the provisional bridge, all the four (4) access routes to the Museum will remain available. The traffic through the provisional bridge will be alternated only for short periods during execution.
- the activities covered by Task 1B.2 will be carried out in a way not to hinder (affect) access to the Museum from the west (from water side),
- the modernisation works to be conducted near the historic Bastion Philip will be carried out under archaeological supervision; a representative of the Kostrzyn Fortress Museum will have the possibility to participate as a consultant for any archaeological works during construction;
- a representative of the Kostrzyn Fortress Museum will be given access to the construction site in order to assess whether any possibly discovered monuments are useful for the museum;

¹⁰ Data as in the Land and Mortgage Register, as of 30/12/2019. On 7 September 2018, Bank Zachodni S.A. changed its name into Santander Bank Polska S.A.

- cooperation will be initiated to allow the Kostrzyn Fortress Museum to extend their assets by any discovered items of archaeological value;
- any construction activities will be carried out in a way to minimise impact on the neighbouring properties and the traffic on the river;
- during the public consultation, as part of publishing the LA&RAP for Task 1B.5/2, the Investor may notify the current parties interested that the access to the Old Town, including the Kostrzyn Fortress Museum, remains unlimited for the duration of both investment projects;
- the Kostrzyn Fortress Museum will be encouraged to exchange their experience and present their achievements during the planned meetings with stakeholders;
- the parties have declared that they will inform one another on any planned and implemented actions, and cooperate to implement them effectively; - the monitoring of works will include another meeting to identify any impact on the Kostrzyn Fortress Museum.

The consultant has assured that he will monitor the impact of the project on the operations of the museum, and will take all efforts not to introduce any solutions that would reduce the bridge throughout.

With regard to the areas owned by the State Treasury but being under perpetual usufruct of a public legal person (**Warta Mouth National Park**), we have also not found any significant impact. The percentage acquisition of property for project purposes will be around 0.32% of the entire area of the land. The part of the property to be taken will constitute a right-of-way of National Road 31. Since the use of the part of property that constitutes plot no. 2/3, owned by the State Treasury and being under perpetual usufruct of Warta Mouth National Park, will be temporarily restricted for the duration of construction works, the contract with the works contractor will impose the obligation to settle the manner the contractor may use the property and the obligation to pay due rent.

Plot number	Plot numbers after division	Plot intended purpose	Location	Ownership:	Intended purpose	Type of impact
2/3 42.6481 ha	2/4 0.1373 ha	investment	KNO Władysława Sikorskiego	Ownership: State Treasury Perpetual usufruct: Warta Mouth National Park, Osada 1, 69-113 Górzycza Chyrzyno	Bz – leisure areas rd – roads W – wasteland Rw – land under running surface waters Sw – land under stagnant surface waters	Minor 0.32%
	2/5 42.5108 ha	current use				

4.3 Mitigating the impacts – organisational measures

1. The design works are carried out in a way to minimise the area of land that must be acquired, that is within the boundaries of the plots.
2. The amount of compensation for lost title to property will be based on appraisal reports to be drafted by independent experts (property appraisers). The valuation being a basis to determine the amount of compensation will be prepared with due regard to the principles of diligence, objectivity and independence, so that the current owner receives a price corresponding to the actual loss, and thus to minimise the adverse impact on the owner’s financial position caused by the loss of property.
3. As part of the compensating measures, based on the socioeconomic studies, a priority has generally been given to monetary compensation, as in a vast majority of the cases, the acquisition

of properties, whether in full or in part, does not affect the economic standing of the households, and the parties interested even expect the compensation to be paid in cash.

4. All costs of the measures mitigating and compensating for the adverse impacts will be included in the costs of the Project as eligible expenditure.
5. Each expropriated person will be entitled to the free use of the land in the same manner until the payment of the compensation or (if no agreement is reached as to its amount) an indisputable part thereof.
6. The Employer will notify the PAPs of the actual commencement of works in time to allow them to finish their activities on the real property, however no later than 30 days in advance.
7. During the construction works, the required distances to overhead power lines will be maintained. This will mitigate the social impacts caused by the influence on energy infrastructure (power supply interruptions). Power distribution systems on the construction site will be designed, built, maintained and used in such a way not to pose a fire or explosion hazard, and to sufficiently protect the personnel against electric shock.
8. All the works that cross or are conducted on or near utility networks will be supervised by the owner of those networks. The network owners will be notified in advance of the start date of the works.
9. Proper arrangement of construction and erection works will be ensured: the construction works may be carried out only from 6:00 a.m. to 10:00 p.m.; limitation of transports without load; limiting the idle operation of vehicle combustion engines during construction; limiting the speed of vehicles near the investment project site; limiting the operation of equipment that generates the highest noise; the construction site will only be supplied during the day. This will mitigate the social impacts caused by the nuisance generated by the Investment Project.
10. As part of the information campaign, the PAPs will also be notified of their option to apply for the purchase of the remaining part of the property (the so-called residual land), if after dividing the property and acquiring it for the purposes of the Task, the remaining part is unsuitable for further use as intended (in accordance with Article 13(3) of the Road Act).
11. With regard to the owners of the properties that will be parts of the investment project necessary for its functioning but will not become property of the State Treasury but will only be restricted in use, they will be informed on their option to apply for the purchase of the entire property under a civil-law procedure, by submitting a relevant application to the Investor.
12. Before commencing the works, the Employer will conduct a broad information campaign on the investment project, and will establish an information point for the Project Affected Persons, where they can file their requests and comments regarding the conducted construction works and planned acquisitions. An information brochure will be prepared and sent to all PAPs, which will inform them about the option to submit complaints (according to the LA&RAP) and contain relevant contact details.
13. The Contractor will inform the Investor on the concluded temporary acquisition agreements, and before a given plot or a part thereof is acquired, its condition will be assessed and photographed.
14. After the completion of works, the properties will be restored and returned in a good or at least non-deteriorated condition.
15. The construction site will be located in a way to have a possibly low impact on the quality of life of local residents.
16. For the time of implementing the project, a by-pass road will be made via a provisional bridge, on the southern side of the existing facility (that is upstream the river).
17. A broader description of the measures to mitigate/minimise adverse impacts, including those regarding environmental resources, is contained in the 'Environmental Management Plan'.

5. SOCIOECONOMIC STUDY

5.1. Sources and methodology

The socioeconomic study has been conducted by the real property team being part of the Consortium – Consultant responsible for preparing this LA&RAP.

The principal source of information about the development and use of the occupied properties is the analysis of GIS data, excerpts from the land and building register and entries in land and mortgage registers, and an on-the-spot verification on the Task site. The status of the possession of the acquired real properties has been determined based on the land and building register and land and mortgage registers, and by way of on-the-spot verification at the Task site. The existence of infrastructure was confirmed by analysing the GIS data, LBR excerpts and design documents, and by an on-the-spot verification at the Task site.

As regards social impacts, the basic source of information was the data acquired from available registries (such as the National Court Register) as well as data and information obtained by visiting the site of the Task. We have also based on the statistics of the CSO and materials available on the Internet (the websites of the Municipal Office of Kostrzyn nad Odrą). The collected data made it possible to perform social profiling, that is to classify the PAP to a specific group of beneficiaries entitled in connection with the Task.

The Project covering the Task titled ‘Reconstruction of a bridge to ensure minimum clearance – Road bridge at km 2.45 of Warta river in Kostrzyn nad Odrą’ will be executed on the basis of, *inter alia*, the Act of 10 April 2003 on special rules of preparation and execution of public road projects (Polish Journal of Laws No. 2018.1474), and thus the end date of the socioeconomic study was assumed to be the date of obtaining the Road Construction Consent (RCC).

Based on the analysed information sources, in particular the site visits, we have carried out thorough socioeconomic studies on the site of the Task, using questionnaires dedicated to particular persons. The questionnaires were in-depth – aside from answering the standard questions contained in the questionnaire, the respondents could express their position on the Task and flood protection.

In November and December 2018, there were meetings held as part of public consultation, participated by representatives of the Municipality of Kostrzyn nad Odrą. We have conducted public consultation and a survey on the social and financial position of the PAPs affected by Task 1B.5/2 and on its impact on the quality of life and financial standing (the impact on revenues). The interviewed target group included the natural persons whose real properties are located on the site or within the direct impact of the investment project – Task 1B.5/2.

On 14 January 2019, there was another (third) meeting held in the Municipal Office of Kostrzyn nad Odrą, participated by the Client, Consultant, a representative of the Municipality of Kostrzyn nad Odrą, and the institutions concerned by the project. The meeting was also attended by the parties interested in the project, whose properties are located on its site, including the representatives of the GDDKiA (Branch in Zielona Góra), Warta Mouth National Park, and PGW WP (Basin Management Board in Gorzów Wielkopolski).

The real properties to be acquired as part of this Task are owned by natural persons, legal persons, institutions and local government bodies. All these entities have been notified of the investment project and invited to participate in the meetings arranged as part of the public consultation. The questionnaires have been given to those who have the right of ownership in the properties located on the site or within the direct impact of the investment project, and to those having the right of perpetual usufruct of the land. In order to conduct an extended socioeconomic study, the questionnaires were also sent to a wider group of respondents whose properties are located within the project impact zone.

However, the questions asked in the survey were not replied by all the natural persons to be relocated. The respondents were more eager to answering the additional questions (regarding whether they

consider the Investment Project reasonable and whether the flood protection is necessary) than the standard questions asked in the questionnaire. Some respondents have indicated the risk of traffic disturbance caused by the Investment Project as well as their concerns that the works may be a threat to the buildings and cause their damage. Most respondents indicate that in order to optimise the flood protection for the Town of Kostrzyn nad Odrą and the surrounding villages, it is also required to rebuild two railway bridges situated in Kostrzyn nad Odrą. The respondents have also favourably assessed the investment project, indicating that it is reasonable and will have no impact on the PAPs' financial position.

5.2. General socioeconomic information

Kostrzyn nad Odrą is a town being a municipality, located in the north-western part of Lubuskie province, in Gorzowski district. Kostrzyn nad Odrą is situated at the outlet of Warta river to Odra, in the western part of Gorzów Valley. The town borders Boleszkowice and Dębno communes in the north, Górzycza and Słońsk communes in the south, and German district of Märkisch-Oderland in the west. The geographic location and accessibility of Kostrzyn are one of its greatest assets. The frontier town of Kostrzyn nad Odrą is situated only 75 km from Berlin, the capital of Germany. The outlet of Warta to Odra river is a junction of waterways and land routes. With a railway station having a very rare arrangement (two levels being the effect of building one railway line over another), Kostrzyn is directly linked with Szczecin, Wrocław, Katowice, Bydgoszcz and Warsaw. Owing to a system of rivers and channels, the town is also connected with the port cities in Poland and Germany.

The town's surface water is concentrated in its south-eastern and south-western parts. These include Odra river and Warta river, including its lateral channel. The town is situated in the basin of Odra, which is linked here with Warta, its largest right-bank tributary. Both rivers are supplied by rain and snow. Consequently, the so-called low water (a temporary decrease in the level of water in surface watercourses) occurs in Kostrzyn nad Odrą in July and August, while swells and floods take place in March (as a result of thaws). Odra is a class I river, which in Kostrzyn flows within the Oderbruch Valley. Odra River Valley links here with Warta River Valley. Below the mouth of Warta, the Odra River Valley on the Polish side is very narrow.

The most interesting landscape qualities of the town and its surroundings include the Warta Mouth National Park and the Warta Mouth Landscape Park. The Park's landscape consists of open meadows crossed by a dense grid of channels and oxbows, as well as willow bushes. The Landscape Park is dominated by marshy pastures and meadows crossed by a grid of rivers and channels.

A natural complement of the landscape is created by riversides, forests and meadows. Kostrzyn nad Odrą has extensive green areas, which are concentrated in its northern (forests) and south-western parts, directly adjoining Odra and Warta. The situation along two major rivers is undoubtedly a valuable asset of the town in terms of landscape. The rivers connect with the surrounding biologically active areas via smaller water channels.

The population of Kostrzyn nad Odrą is approx. 17,918, 50.8% of which are women and 49.2% are men. Between 2002 and 2017, the population increased by 4.6%. The average age of inhabitants is 39.8, being slightly lower than the average age of the inhabitants of Lubuskie province and slightly lower than the average age of the inhabitants of Poland overall. The town area is 46.14 km². Population density is 388.3 people/km².

Working-age inhabitants represent 61.8% of the entire population of Kostrzyn nad Odrą, while 19.3 % of inhabitants are at their pre-working age, and 18.9%, at the post-working age.

Total housing resources in Kostrzyn nad Odrą include 6,679 properties. This gives 370 flats per 1,000 inhabitants. This is comparable to the overall value for Lubuskie province and to the average index for entire Poland.

In Kostrzyn nad Odrą, there are 422 working persons per 1,000 inhabitants. This is much more than the value for Lubuskie province and much more than for Poland overall. Out of all working persons, 43.6% are women and 56.4% are men. The registered unemployment rate in Kostrzyn nad Odrą in 2017 was 3.0% (4.1% among women and 2.1% among men). It is much less than the registered unemployment rate for the Lubuskie province and much less than the registered unemployment rate for the entire country.

Amongst the professionally active residents of Kostrzyn nad Odrą, 156 persons commutes to other cities, while 570 working persons commutes to Kostrzyn from other communes, so the balance of incoming to outgoing employees is 414.

26.2% of the professionally active population of Kostrzyn nad Odrą work in the agricultural sector (agriculture, forestry, hunting and fishery), 43.3% in industry and construction, 13.2% in services (commerce, repair of vehicles, transportation, hospitality services, information and communication), and 1.3% work in the financial sector (financial and insurance business, real property management).

According to the REGON register, among the entities with legal personality in Kostrzyn nad Odrą, limited liability companies constitute the majority (192). By analysing the register in terms of the number of employees, we can conclude that there are predominantly micro-enterprises (2,092), hiring zero to nine persons. 1.0% (22) of entities declared agriculture, forestry, hunting and fishery as the type of conducted business; 21.0% (463) of entities declared their type of business to be industry and construction engineering, and 78.0% (1,718) of the registered entities are classified as 'other business'.

Among the natural persons running a business in Kostrzyn nad Odrą, the most frequently declared types of predominant business activity are wholesale and retail, repair of motor vehicles, including motorcycles (33.7%), and construction (11.9%).

Kostrzyn nad Odrą is home to cultural institutions such as the Cultural Centre of Kostrzyn, the Municipal Public Library or the Kostrzyn Fortress Museum. Among the municipal budgetary bodies, we may point out the Social Welfare Centre, Environmental Self-support Centre and the Municipal Sports and Leisure Centre. The town has four (4) municipal kindergartens, two (2) primary schools and two (2) municipal middle schools.

There are also preserved fortifications, which include the Kostrzyn Fortress, earth-and-brick ruins built in 1537–1568, the ruins of Mariacki Church of 1396, and the Evangelical (presently Roman Catholic) cemetery chapel of the Blessed Christ of Jesus, built at the turn of the 19th and 20th century.

5.3. Gender equality

Poland has introduced a legal prohibition of discrimination, which is expressed in the Constitution of the Republic of Poland of 2 April 1997. Article 32 stipulates that no one shall be discriminated against in political, social or economic life for any reason whatsoever. Discrimination against women means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979).

Willing to join the European Union, Poland had to adopt its legislation to the regulations applicable in the EU, including those governing gender equality. This has mainly brought amendments to the Labour Code, but also a change in the approach of politicians and public administration.

According to the Human Development Index (HDI) for 2012, applied by the United Nations Development Programme (UNDP), Poland is amongst the countries with a very high Human Development Index. It is ranked 39th among 187 countries, so above the average for the counties covered by EBRD activity and at a level similar to the average for Central Europe and the Baltic States. The Human Development Index consists of three components: health, education and standard of

living. According to the UNDP's Gender Inequality Index (GII), Poland is classified even higher – on the 24th position in the world rank. The Gender Inequality Index is a measure representing the loss of development opportunities in a given country caused by unequal treatment, which covers three elements of evaluation: reproductive health, empowerment and labour market participation.

As regards women's participation in public life, the share of women in the elected public authorities is low. This also refers to the low percentage of female Members of Parliament. Similar negative trends are presented by other elected authorities: commune councils, district councils or province assemblies (women represent around 1/4 of all councillors). We should also highlight the noticeably low share of women among heads of communes and town mayors. What is interesting is the increase in the number of women acting as village administrators – this position is one of important functions in terms of civic participation and social capital building. Experience also shows that women are equal participants in public consultation procedures, and often even leaders due to their engagement and local activity. To conclude, we should indicate that in order to promote women and increase their representation in decision-making committees and business management, there are many citizens' initiatives and declarations by political parties, the examples set by other countries are popularised, the European Commission takes their own initiatives *ex officio*, etc., which should improve the equality of men and women in terms of participation in labour market and decision-making committees. The results for the last 10 years show a gradual progress in this field.

5.4. Particulars of the real property

The planned project, involving the demolition and construction of a road bridge to ensure minimum clearance, should be classified as a pro-ecological project, as it is to improve flood protection by enabling the operation of icebreakers and an unrestricted flow of ice-floe.

The existing bridge to be demolished is a road bridge that was built in the late 19th century as a 5-span structure. In the present condition, the bridge hinders and often prevents anti-ice protection in winter and the navigation of the icebreakers taking part in ice-breaking operations, and stops the flow of ice in the crucial moments of such operations by cutting off the icebreakers mooring downstream of the bridge, from the ice-breaking area on Warta river, and stopping ice floe on the supports.



Bridge over Warta river – present condition

We should emphasize that the desired effects may only be achieved by demolishing completely all the components of the existing bridge and then building a new bridge.

The road bridge concerned by the project is located at km 107+211 of National Road 31 from Szczecin to Słubice (Sikorskiego street) – km 2.45 of Warta river, in Kostrzyn nad Odrą, and is used as a crossing over Warta river.

The total area of development on the project site is approx. 1.26 ha, but the facility alone takes approx. 0.5 ha, which corresponds to around 40% of the total site of the project. The planned works will not cause any spatial alterations in the land development. The project site is not covered by the adopted local development plans, and the design concerns the reconstruction of the already existing service infrastructure, without changing the use of the land.

The investment project requires modifications in the existing right-of-way. The plots which the State Treasury is not entitled to use for construction purposes will have to be partially dispossessed in accordance with the Act on special rules of preparing and executing projects involving public roads (the Road Act).



Bridge over Warta river – view from Sikorskiego street

The investment project will be located on the following plots:

a/ in precinct 004 Śródmieście – plots number: 268/2, 394/42, 394/40, 394/39, 351, 394/36, 390/9, 344, 345/1, 345/3, 346/11 and 394/82;

a/ in precinct 006 Stare Miasto – plots number: 64, 62 and 2/3.

The investment project will also affect the following plots:

a/ in precinct 004 Śródmieście – plots number: 390/7, 336/102, 378, 347, 348/1, 349, 350, 352/1, 345/5, 344/2, 390/13, 394/93, 394/91, 394/89, 351/2;

a/ in precinct 006 Stare Miasto – plots number: 62/2 and 2/1.

The water plot number 2/1 (the water of Warta river), located in precinct 006 Stare Miasto, owned by the State Treasury, will be taken free of charge for project purposes under Article 20a(1) of the Road Act.

A detailed list of the investment properties and the properties to be restricted in use is set out in Appendices 4 and 5, respectively.

The properties that will not be acquired by the State Treasury but are essential for the Investment Project to operate will have to be restricted in use. Currently two land owners have applied, due to the restriction in use, for the purchase of the entire property (the owner of plot no. 350 located in precinct 0004 Śródmieście, and the owner of plot no. 349 located in precinct 0004 Śródmieście). The owner of plot no. 350 has pointed out that the works carried out both on and directly next to their property will considerably change the current peaceful neighbourhood and landscape, and will make the residence in that place excessively bothersome. We should indicate that in the case of that particular family household, the acquisition for project purposes, by way of an administrative decision, will cover the entire property, i.e. plot no. 394/36 in precinct 0004 Śródmieście, with an area of 0.0169 ha. **The property directly adjoins plot no. 350, which will be restricted in use. Both plots (394/36 and 350) functionally compose one real property, which is divided into two separate plots only in land survey**

plats. The implementation of the investment project, implying the expropriation of the whole plot no. 394/36 and the restriction in use on the developed plot no. 350, will not only reduce the actual area of the plot – the spatial arrangement of the property will change to the detriment of its owners.

The other owner has submitted the application while the LA&RAP was being published, along with an alternative application for building an access road from the local road to their property. The PAP has indicated that the project adversely affects their property by hindering access to the public road and possible flooding of their plot and commercial premises. According to the Consultant's Design Team, the project does not adversely affect the property. Given in particular the wish to eliminate any concerns of the PAP regarding the design documents, we have amended them by adjusting the longitudinal grade of the exit slip, thus ensuring a safe way for vehicles to join the traffic on the national road. We have also notified about the solutions for the possible flooding, indicating that the plan includes linear drainage that is to collect any stormwater from the mixed use path and a part of the exit slip. The stormwater from the national road will be collected through a channel unit by street inlets and then by the designed stormwater drainage system. It was also pointed out that the limitation of the property will be small in percentage terms in relation to the entire plot (2.18%). PAP was also informed in writing about the procedure concerning the application for the purchase of the entire property, including the appeal procedure in the event of the Investor's refusal to conclude the purchase agreement.

In consequence, there are currently no grounds to consider that the submitted application is reasonable at this stage of the project.

As part of the public consultation, all the PAPs whose properties are located in the direct impact zone have been advised of their option to apply for the purchase of the whole property according to their rights set forth in Article 124(5) of the RPM Law in conjunction with Article 11f(2) of the Road Act.

As of today, the other owners of the properties located in the Investment Project's impact zone have not applied for the purchase of their properties but only expressed their concern regarding the required modernisation of utilities on their plots. We should highlight that all the design works for the construction of the bridge and, consequently, the division of property were carried out in such a way to minimise the interference in the plots that include residential buildings. In most cases, the interference in the properties located within the impact zone is limited to temporary restrictions in using the properties. The building permit design was prepared so to possibly limit the impact zone to the boundaries of those properties which are already owned by the State Treasury and are intended for roads or water. During implementation, there will be no interference that would involve expropriating the property or its part developed with residential buildings and transferring it to the State Treasury.

As indicated above, the design works were carried out in a way to minimise the area of land that must be acquired, that is within the boundaries of the plots. Where the investment project is carried out close to developed properties owned by natural persons, this only in two cases will entail:

a/ partial expropriation of a property representing no more than 3.36 % (0.0025 ha) of the total property area (plot no. 351);

/b complete expropriation of a property with an area of 0.0169 ha, which, despite acquiring the entire plot, has not been deemed to generate any revenue that may provide support to the household. Therefore, the impact has not been classified as significant (plot no. 394/36).

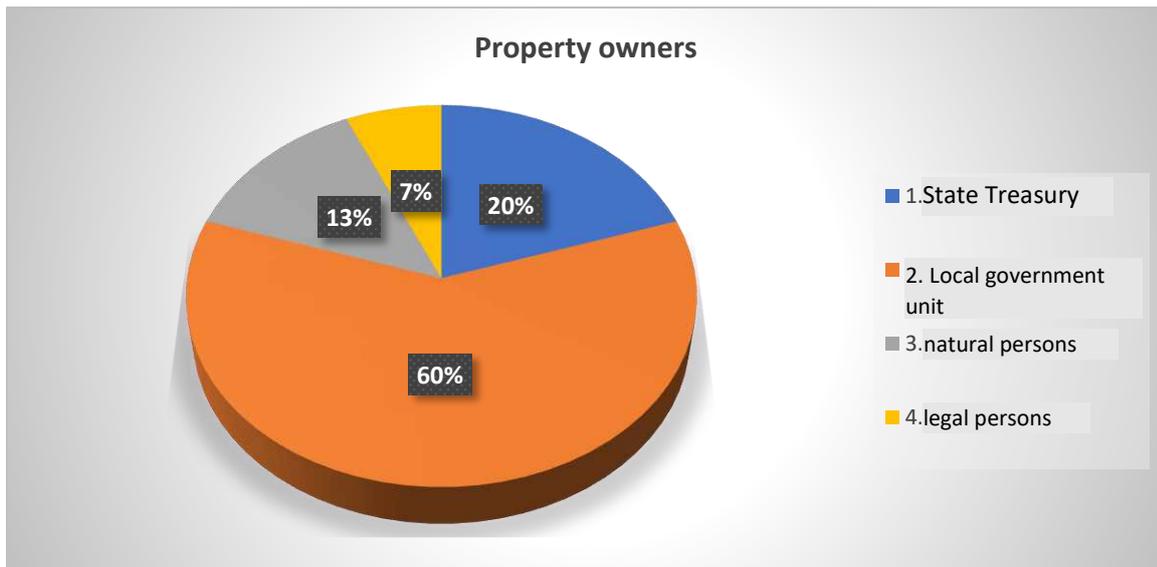


Diagram 1. The plots covered by the survey classified by ownership

The analysis of the percentage share of occupied properties indicates that most properties to be acquired are owned by a local government unit, the Municipality of Kostrzyn nad Odrą (60%), and by the State Treasury (20%), while only a few (three) of the properties to be covered by the works belong to natural or legal persons (20% of the occupied properties in total). The acquisitions for project purposes will also concern one property owned by the State Treasury, which is under perpetual usufruct by Warta Mouth National Park.

The Investment Project will also imply the restriction of using the properties as a result of:

- relocation of the power network,
- relocation of the telecommunication network,
- relocation of the gas pipeline,
- relocation of the water supply network,
- relocation of the sanitary sewerage system,
- construction of a sewerage outlet,
- reconstruction of individual exit roads,
- reconstruction of public exit roads,
- construction of provisional civil structures.

The restriction of use will concern the properties located within the project impact zone.

Sikorskiego street, which runs through Kostrzyn nad Odrą, constitutes National Road 31 (technical class: G) managed by the GDDKiA. It is a two-lane bituminous single carriageway with an overall width of 8.6 m, provided on both sides with pedestrian pavements running by the road edge, approx. 2.5 m wide.



View of Sikorskiego street; on the left side, there is a property to be purchased at the owner's request – source: maps.google.com

The reconstruction of National Road 31 (Sikorskiego street) will entail the construction and relocation of rainwater and combined drainage systems as well as the water supply, sanitary sewerage, gas and power networks. In addition, a road lighting system will be made. The project will additionally involve the construction of a mixed-use path, the reconstruction of the existing pedestrian paths/pavements, and the adaptation of roads and public and individual exit routes.

The area to be transformed by the project mostly covers a paved right-of-way of National Road 31. It also concerns its shoulder covered by grass as well as the slopes by the road and Odra river bank, which are filled with trees. We have found 180 trees that may require to be cleared, but these represent common species and are mostly young specimens, less than twenty years old.

5.5. Conclusions from the socioeconomic study

According to the Provincial Heritage Conservation Officer for Lubuskie Province in Zielona Góra (Branch Office in Gorzów Wielkopolski), the road bridge to be rebuilt, located in Kostrzyn nad Odrą, at km 2.45 of Warta river and at km 107+211 of National Road 31, is a monument as defined by Article 3(1) and (2) of the Act on the protection and care of monuments, and is entered into the list of immovable monuments, which the Mayor of Kostrzyn nad Odrą received from the Provincial Heritage Conservation Officer for Lubuskie Province.

However, as the Conservation Officer indicates, the road bridge was rebuilt in 1945 and then in 2000, and as a result its architectural and historic values have disappeared. Therefore, the bridge may be rebuilt as per the concept plan presented in the reconstruction design for Task 1B.5/2 – Bridge reconstruction – Road bridge at km 2.45 of Warta river in Kostrzyn nad Odrą.

The bridge over Warta river is located on the historic path running eastwards from the Kostrzyn Fortress built in the 16th century. In consequence, we should assume that the existing bridge is located in the place of the former bridge crossing whose residues may be hidden in the soil layers at the banks of Warta.

The investment project is situated on protected areas established under the Nature Conservation Act of 16 April 2004: Natura 2000 area PLC080001 – Mouth of Warta River, Warta Mouth Landscape Park, Warta Mouth National Park.

The project will be implemented at the boundary of Warta Mouth National Park, within plot no. 2/3, whose northern boundary delimits the boundary of the Park. With regard to the Natura 2000 areas

and Warta Mouth Landscape Park, Warta river in the area of the bridge in Kostrzyn nad Odrą forms their western boundary.

The planned demolition and construction of a new road bridge at km 107+211 or National Road 31 in Kostrzyn nad Odrą may potentially materially affect the environment.

For the time of building the target bridge, a by-pass road will be made via a provisional bridge on the southern side of the existing facility, which will imply minor inconvenience for the residents.

Since the project site is located directly next to a residential area and, consequently, close to many households, in the first place the investor has taken measures aimed at reaching an agreement as to the form and amount of due compensation, in case it is necessary to acquire the whole or a part of properties owned by natural persons. On the other hand, the investor has initiated discussions and an information campaign targeted at the institutions whose properties are located in the site of the project.

The persons to be relocated will be provided with any assistance to obtain support granted by offices and institutions to citizens. One of the Project Affected Persons has applied for the purchase of the entire property that she owns. That property will not be subject to any expropriation to the benefit of the State Treasury, but it will be restricted in use. The procedure of acquiring the property at the owner's request is specified in Chapter 6.4: Applicable legal provisions and valuation methodologies, section: Imposing restrictions in the use of real property.

While surveying the PAPs, we have not found any persons from vulnerable groups in the site of the Task.

Ten respondents, representing families managing family households located in the direct impact zone (Mostowa street), have submitted a letter to the Mayor of Kostrzyn nad Odrą indicating that attention must be paid during implementation to the possibility to adjust traffic solutions and to rebuild Mostowa street, where the properties are located.

The properties situated in the areas to be expropriated are owned by private entities and institutions – they are mostly urbanised areas being developed or under development, as well as road facilities.

The information acquired in the survey mostly regard issues that do not change quickly, and in most cases there are no grounds to suspect that the information will become outdated on initiating the actual expropriation procedure. Nevertheless, the properties will have to be surveyed.

6. APPLICABLE LEGAL PROVISIONS AND VALUATION METHODOLOGIES

This LA&RAP for the specified Task included in Sub-Component 1B (Flood protection on Middle and Lower Odra) is based on Polish laws and, as it is funded by the World Bank, on Operational Policy OP 4.12. Involuntary Resettlement.

The Loan Agreement between Poland and the World Bank is an international law act, and by concluding it Poland has committed to apply the World Bank's policies.

In the event of discrepancy between Polish legal provisions and the WB policies, it is required to apply the provisions being more favourable to the community affected by the Project.

6.1 Obligations arising from Operational Policy OP 4.12¹¹

The obligations arising from OP 4.12 apply if the Project implementation requires:

- a) the involuntary taking of land resulting in:
 - (a) relocation or loss of shelter,
 - (b) loss of assets or access to assets,

¹¹The chapter is consistent with the LA&RPF.

- (c) loss of income sources or livelihood,
- b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the Project Affected Persons.

To reduce the impacts of these activities, the borrower is obliged to prepare a LA&RPF and a LA&RAP, depending on whether specific interventions and related impacts have been identified or not.

OP 4.12 also states that:

- All feasible alternative projects should be implemented in such a way to avoid or minimise resettlement, and where resettlement may not be avoided, actions should be taken to minimise their scale and impact.
- Resettlement process should be planned and implemented as a development activity, by providing adequate means and assets allowing PAPs to participate in benefits resulting from Project implementation. The assistance should be offered to social groups affected by resettlement, in order to improve their economic status, income and livelihood, or at least to restore their previous status.
- Before the resettlement, the displaced persons should receive full compensation at replacement value, assistance in relocation as well as assistance and support in the transition period.
- The lack of title to the land should not bar compensation.
- Particular attention should be paid to vulnerable groups and individuals (e.g. single mothers, the disabled, the poor).
- The communities should be given opportunity to participate in planning, implementation and monitoring of the resettlement process.
- The resettled should be assisted in integration with the host community.
- The resettlement process should be closely linked to the schedule of the main Task, so that the resettled receive compensation before starting the construction or other activities covered by the Project.
- The resettlement should be monitored and evaluated.
- For rural or farming land, even when it is possible to apply financial compensation, land-for-land compensation is recommended, if economically feasible. The farms that completely lost their fixed assets and became entirely unprofitable should receive compensation equal to the value of the entire farm.
- For losses that are difficult to compensate for financially, such as access to public services, access to clients or suppliers, fishery areas, access to pastures and forest areas, efforts should be made to grant access to equivalent and culturally relevant resources and income opportunities.

6.2 Polish legal requirements

The most important normative acts governing the acquisition of rights in real property necessary to implement the Tasks are as follows:

- The Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws 1997, item 483, as amended),
- The Civil Code of 23 April 1964 (Journal of Laws 2019, item 1145, as amended), hereinafter: CC,
- The Real Property Management Law of 21 August 1997 (Journal of Laws 2020, item 65, as amended), hereinafter: RPM Law,
- Regulation of the Council of Ministers of 21 September 2004 on the appraisal of properties and preparation of appraisal reports (Polish Journal of Laws 2004, No. 207, item 2109, as amended),
- The Construction Law of 7 July 1994 (Journal of Laws 2019, item 1186, as amended), hereinafter: CL,
- The Water Law of 20 July 2017 (Journal of Laws 2020, item 310, as amended), hereinafter: WL,

- The Act of 10 April 2003 on special rules of preparing and executing projects involving public roads (Journal of Laws of 2018, item 1474).

The Civil Code governs the legal relations between natural persons and legal persons, including the conclusion of real property transfer agreements. The principle of freedom of contract applies, which also covers the freedom to decide whether and with whom the contract should be made. The agreement is concluded by unanimous declarations of the parties. The Civil Code provides for a special form of concluding contracts concerning a real property. They should be made in the form of a notarial deed, otherwise being null and void. In addition to the general regulations for trading in real property, the CC introduces the rules of settlement between property possessors and owners. These regulations are semi-imperative, so the parties to the contract may settle them otherwise.

The mechanism of involuntary acquisition of rights in real properties is specified in the Flood Act and the RPM Law.

6.3 Acquiring properties – rules and procedures in view of the provisions of the Act of 10 April 2003 on special rules of preparing and implementing projects involving public roads (hereinafter: Road Act).

In accordance with the Road Act, the expropriation of a real property or a part thereof, as well as the restriction in using a real property or a part thereof, is effected by way of the Road Construction Consent (RCC). With regard to national roads, as in this Investment Project, the consent is issued by the provincial governor. Expropriation takes place at the moment the RCC becomes final.

As regards transferring the ownership of the real property to the State Treasury, the owner or perpetual usufructuary is entitled to monetary or land-for-land compensation. The Road Act does not indicate any preference for the land-for-land compensation; it rather assumes the monetary compensation allowing for purchasing a similar real property at market price.

The amount of compensation is determined by the authority which has issued the RCC, by a separate decision setting the compensation. The decision setting the compensation is issued separately for each property, based on an independent and objective valuation made by a real property appraiser holding a relevant licence (a professional licence for appraising properties, granted by the state). What is important, in the procedure for determining the amount of compensation, the expropriated person may present a valuation report made by the licensed appraiser they have hired.

In such an event, the authority competent to issue the decision setting the compensation amount must also refer to the valuation presented by that party. Additionally, if the party files any remarks or motions in the procedure for setting the compensation amount, the competent authority must refer to those remarks and motions during the procedure and then again in the decision setting the amount of compensation.

The amount of compensation is determined for the real property as of the date of issuing the RCC, but according to its value as of the date the amount of compensation was determined.

The decision setting the compensation amount is issued within 30 days of the date the RCC become final. However, if the RCC is given the order of immediate enforceability, the decision setting the amount of compensation is issued within 60 days of the date when such order was given.

The party may appeal against the province governor's decision setting the amount of compensation to the superior authority (for RCCs issued by the province governor, to the Minister of Development).

If the expropriated person appeals against the decision setting the amount of compensation, a prepayment is paid at the request of that person, equal to 70 % of the compensation granted by the authority of first instance in the decision setting the amount of compensation. The prepayment is paid on a one-off basis, within 30 days after the date of the request.

The decision issued in the appeal proceedings may be further complained against to the provincial administrative court within thirty days from the date the complainant received the judgment. The party may further apply for cassation of the judgment made by the Supreme Administrative Court, within 30 days from the date the party received a copy of the judgment including reasons.

Where the Road Construction Consent concerns a real property developed with a residential building or a building in which a dwelling unit was separated, the amount of compensation due to the current owner or perpetual usufructuary residing in that building or dwelling unit is increased by PLN 10,000 with reference to such property.

Compensations for the properties expropriated under a Road Construction Consent will be paid by the General Directorate for National Roads and Motorways. The expropriation will be for the benefit of the State Treasury, and in accordance with Article 20 of the Road Act, *the General Directorate for National Roads and Motorways or the competent road management authority shall be granted for permanent management, by operation of law and free of charge, real properties owned by the State Treasury or a local government unit, on the date the road construction consent regarding such properties became final.* Therefore, the State Treasury (GDDKiA) and the State Water Management Polish Waters – RZGW Szczecin (Investor) have entered into an agreement setting out, *inter alia*, the rules of transferring the resources for the compensations for acquired properties from the PGW WP RZGW Szczecin to the GDDKiA. The agreement additionally stipulates that the rules of granting compensations will include the World Bank's Operational Policy OP 4.12 'Resettlement' and the provisions of the Land Acquisition and Resettlement Policy Framework for the OVFMP.

6.4 Imposing restrictions in the use of real property

The initiation of a proceedings for issuing the RCC requires an application submitted by the Investor, who must identify, without limitation, the properties or parts thereof being a part of the investment project, which are necessary for its functioning, and which will not be transferred to the State Treasury but will be restricted in use. The application must be considered and, if this is determined by the administration authority, disclosed in the RCC issued by the province governor (Article 11d(1)(3b) of the Road Act).

Unlike the Flood Act, the Road Act does not contain the concept of 'permanent restriction in the use of a real property' but only the concept of 'restriction in the use of a real property'. The type of restriction in using a real property is regulated in Article 11f(1)(8) of the Road Act. A restriction in the use of a real property may be caused by:

- the construction and use of provisional civil structures,
- the demolition of the existing civil structures which are not planned for further use and the provisional civil structures,
- the construction or relocation of utility networks,
- the construction or relocation of water equipment or field drainage systems,
- the construction or reconstruction of other public roads,
- the construction or reconstruction of exit roads.

Additionally, in accordance with Article 11f(2) of the Road Act, the provisions of Article 124(4) to (7) and Article 124a of the Real Property Management Law shall apply *mutatis mutandis* to the restrictions referred to in Article 11f(1)(8)(i).

The foregoing provisions of the RPM Law provide, for instance, that if the installation or laying of a drainage channel, duct or equipment used for transmitting or distributing liquids, steam, gases or electrical energy, as well as public communication and signalling equipment or other underground, on-ground or aboveground facilities or equipment necessary to use these ducts and equipment, prevents the owner or perpetual usufructuary from continuing the proper use of the property as before or according to the previous purpose, that owner or perpetual usufructuary may demand that the

property be purchased under the civil-law procedure, by submitting a relevant application to the investor.

We should indicate that neither the Flood Act nor the Road Act define the concepts of restriction or permanent restriction in the use of a real property, nor do they identify the administration authority competent to determine a relevant compensation under the administrative procedure. The absence of a specific legal provision that would indicate the material competence of authorities is an evident legal gap. However, as regards the Road Act, we may refer to the judicial opinion expressed in the Order of the Supreme Administrative Court in Warsaw of 9 November 2012 (ref. I OW 142/12). The Court has clearly stated in the Order that “the authority competent to set the compensation is the authority which has issued the road construction consent (...). It is impossible to assume that the legislator has divided the competence for determining compensation for the effects of the same decision depending on the object of such compensation”. We should also assume that, in these proceedings, we must apply Article 23 of the Road Act, which states that to all matters not settled in those special-purpose Acts “the provisions of the Real Property Management Law shall apply accordingly”, and to comply with that disposition we must base the proceedings on the provisions of the RPM Law. As a result, with regard to the compensations for the restriction of use based on the Road Act, we must apply the procedures and rules of valuation described herein, which concern the determination and payment of compensations for the expropriation of real property or a part thereof.

At the stage of public consultation, two land owners have applied for the purchase of the entire property. The position of one of them (the owner of plot no. 349) is discussed in section 5.4. *Particulars of the real properties*, where it is indicated that at this stage of the project the application may not be deemed reasonable.

The other owner of a property (plot no. 350 in precinct 004 Śródmieście) has applied for the purchase of the entire property because, as he claims, the works to be conducted both on and directly next to his property will materially alter the present peaceful environment and landscape, and will make the living in that place excessively bothersome. In the case of this particular family household, the acquisition for project purposes under the Road Construction Consent will cover only plot no. 394/36, precinct 0004 Śródmieście, area: 0.0169 ha, which directly adjoins plot no. 350, which will be restricted in use. However, both plots (394/36 and 350) functionally compose one real property, which is divided into two separate plots only in land survey plats. Pursuing the principles adopted in OP 4.12, the Investor has decided to voluntarily purchase plot number 350 upon the consent of its owners, for the price specified in the appraisal report made by a licensed property appraiser. The decision is supported by the actual adverse impact of the investment project on the applicant’s living conditions. This is because the project will reduce the actual usable area of the property (plots no. 350 and 394/36) and cause permanent restrictions in a part of it. As a result of the voluntary purchase, the State Treasury will become the owner of the investment property and the functionally interrelated plot number 350. This voluntary transaction (property sale agreement) will allow the PAPs to finance the construction of their own house in a different location of their choice. It has been established that until the PAPs build the new house, they will be allowed to continue living in the present location, including during execution of the project.

As of the date of preparing this LA&RAP, the decision on the procedure to acquire the property from the PAPs has already been made. The intention was to implement, upon the approval by the WB, the fastest procedure leading to the voluntary purchase of the property.

Based on the hitherto presented possible procedures, which include:

- a) the purchase of the property by the Investor (PGW Polish Waters) under the Water Law;
- b) the purchase of the property by the administrative investor (GDDKiA) under the Road Act;
- c) the purchase of the property by the State Treasury represented by the competent district starost under the Real Property Management Law,

it was concluded that the fastest and most effective way would be to have the property purchased by the State Treasury represented by the competent starost. In consequence, the Investor and the Starost of Gorzowski District have made an agreement for the purchase of plot no. 350.

We should point out that the other solutions should still be considered in this LA&RAP as alternative solutions in case of any complications or issues related to the agreement.

6.5 Special procedures

Pursuant to Article 133 of the RPM Law, the Investor shall submit the amount of compensation to court deposit, in compliance with the decision by the province governor, requesting the Investor to pay the compensation to such deposit. This is equivalent to fulfilling the performance. As a rule, compensation is paid to court deposit if the expropriation concerns a property with an unsettled legal status. The amount of compensation is also paid to court deposit if the beneficiary refuses to accept the compensation (which refusal should be made in writing) or if the payment faces obstacles being difficult to overcome. This may also occur if only one of the beneficiaries refuses to accept the compensation (in this case only the unaccepted part is submitted to court deposit) or if the compensation may not be paid, at least for a certain time, due to the life situation of the beneficiary.

A valid submission to court deposit has the same effects as performance, and obliges the creditor to reimburse the debtor (in this case, the State Treasury) for the costs of submission. The amount of compensation for dispossessing a property with an unsettled legal status may, in accordance with Article 118a(3) of the RPM Law, remain in the deposit for up to 10 years from the date of submission (unless the compensation so submitted is collected by the beneficiary until that time). Once this period expires, the court liquidates the deposit and transfers it to the State Treasury.

6.6 Adopted mechanisms for acquiring rights to real properties¹²

The LA&RPF identifies a number of inconsistencies between OP 4.12 and Polish law:

OP 4.12	Polish law	Corrective instruments
<p>The lack of title to the land should not bar compensation. Persons not holding a title receive compensation.</p>	<p>The Polish legal system does not provide for the right to compensation of land owners/possessors who do not have a title to it (except for persons whose certificate of title to the property has been lost or who have acquired the right to the property by acquisitive prescription, that is by uninterrupted possession of the property for the period defined in the CC).</p>	<p>For persons not holding a title to the property affected by the Task, each such case should be, however, analysed on an individual basis for whether it is allowed to use the general mechanisms provided for in the Civil Code to reach the objectives of OP 4.12.</p> <p>According to OP 4.12, the project affected persons who do not hold a title to the property are not entitled to receive monetary compensation for that property. However, they have the right to receive compensation for any structures, plantings and improvements made on the property prior to the cut-off</p>

¹² The contents of this section are in line with the LA&RPF

		date, and to benefit from appropriate solutions if they must be physically or economically displaced. In such cases, adequate mitigating measures will also be used.
The WB policy requires compensation for income ¹³ (e.g. from business activity or agriculture) lost due to the acquisition of property.	Polish legal provisions do not provide for compensation for income lost due to the implementation of investment project.	Persons who have lost their income or employment will receive support (health insurance, vocational training, etc.) from employment offices. For entrepreneurs, it is possible to apply the general mechanisms set forth in the Civil Code (compensation for actual damage and lost profits).
Particular attention should be paid to the needs of vulnerable groups, especially the poor, the elderly, single mothers, children and ethnic minorities.	Polish law does not require planning of particular measures to provide additional support to vulnerable groups (the elderly, the disabled, the poor and others who may have special needs).	The persons to be expropriated will be given all assistance in obtaining the support provided to citizens by authorities and institutions. Additional actions will also be taken to ensure attainment of the objectives defined in OP 4.12.
The WB policy requires additional compensation for expenses incurred by the PAPs due to their physical relocation (e.g. transport of materials) as well as assistance in the resettlement.	There is no assistance provided for citizens and enterprises to cover their removal expenses and other similar costs of involuntary relocation to a new place.	In order to cover the removal expenses and other similar costs, it is possible to apply the general mechanisms set forth in the Civil Code to attain the objectives defined in OP 4.12.
The compensation should be paid before the actual taking of the land for the purposes of the investment project.	The Flood Act allows for a seizure of land and commencement of works before compensation is paid. Other cases are governed by provisions the CC and CL, which do not impose such a condition.	In any case, works may be started only upon confirmation that the PAP has been notified in advance of the commencement of works, that the remuneration has been paid and that the consent for entering the land has been granted. An exception is where appeal proceedings have been instituted as a result of unsuccessful negotiation, absence of owners or impossibility to identify them. To minimise the risk of commencing the works before compensating for losses, the seizures of properties should be

¹³ Defined as revenue in the Polish economic environment

		planned and carried out in advance, before the works begin.
Compensation for the loss of goods is based on their market value increased by any transaction costs (such as taxes or charges), and should be sufficient to effectively reinstate the lost goods (replacement value).	Standard valuation methods may cause the property value to be understated relative to the prices for similar properties existing on local market.	The valuation will be commissioned to an independent and experienced appraiser. The opinion by the licensed property appraiser should be verified by the PIU. The expropriated party should be given an appropriate time limit to read the extract from the appraisal report prepared by the appraiser. In the event of doubt as to whether the due compensation amount is sufficient, the property may be valued by an independent property appraiser at the request of the expropriated person. In any case, the appraisal must specify the replacement value.
It is required to prepare a socioeconomic study, prepare a RAP, monitor the compensating measures, resettlements and measures aimed to reinstate the quality of life, and measure the effectiveness of all the said measures.	Polish legal regulations do not impose the obligation to prepare the socioeconomic study or to prepare the RAP as such. It is also not mandatory to monitor and evaluate the implementation of those measures.	Socioeconomic studies and LA&RAPs are prepared according to the LA&RPF, OP 4.12 and good practices.

Given the procedural requirements for Task 1B.5/2, it is required to apply the property acquisition mechanisms stipulated in the Road Act, which requires that real properties or parts thereof be acquired under the expropriation procedure. In any case, the priority for the Investor is to reach an agreement with the PAP on the terms of acquiring the property (form of compensation, date of acquisition, rules of use after the RCC is issued, etc.). After issuing the RCC, the negotiations will only concern the form and terms of acquiring the property. The amount of compensation will be determined in the decision made by the competent authority, in line with the Road Act (Article 18(1)). The need to apply this LA&RAP and the World's Bank Operational Policy OP 4.12 during the negotiations, the acquisition of properties and the payment of compensations is the object of a voluntary agreement to be made between SP GDDKiA and the Investor. The Agreement stipulates the terms on which the Investor must transfer, and the GDDKiA must settle, the funds that the GDDKiA will use to pay the compensations, but an essential condition of transferring the funds for compensation is that the GDDKiA must comply with the rules set out in this LA&RAP and in OP 4.12.

In the case of relocation of service utilities, the owners of the power, gas, water supply and telecommunication lines will receive compensation in the form of new transmission facilities (network), made on other real properties or in another part of the real property in place of the equipment which has been removed. The properties with the new transmission equipment will be under the transmission easement established for the benefit of the transmission company that owns

the demolished and restored network. In accordance with Article 305¹ of the CC, the transmission easement consists in encumbering a real property with the right to use it within the scope according to the purpose of the transmission facilities. The encumbrance encompasses access, use by way of day-to-day operation, as well as checking, inspecting, maintaining, modernising, overhauling, removing failures and replacing the facilities founded on a given real property, insofar as necessary to ensure proper and undisturbed operation of the company's transmission network (cf. Order of the Supreme Court of 18 April 2012, ref. V CSK 190/2011). The principal way to establish the transmission easement is an agreement made between the property owner and the entrepreneur. The property owner may demand appropriate compensation in exchange of the transmission easement. If the property owner refuses to make the agreement, the transmission easement may be, at the entrepreneur's request, established by court upon adequate compensation, under a non-litigious procedure, as in the easement of passage. The compensation is determined by court, normally through an expert and based on the type of facilities and the related manner the entitled person uses the property, as well as the impact of the facilities on the restriction in executing the ownership right in the property. The same right is enjoyed by the property owner if the entrepreneur refuses to make the agreement for the transmission easement necessary to use such facilities. The Act does not specify whether the compensation should be paid periodically or on a one-off basis, which means that it is possible to choose an equivalent benefit for the owner. All the properties to be acquired temporarily will be restored to their original condition by the Contractor. The scope and target locations of such temporary acquisitions will be determined once the Contractor is selected. In negotiating the terms of temporary acquisition, the Contractor shall pursue the principles set out herein (this process will also be conducted on a voluntary basis).

6.7 Valuation principles¹⁴

A current owner or perpetual usufructuary of land or a part of land necessary to carry out the Contract is entitled to compensation for the transfer of ownership of the property to the State Treasury or a local government entity.

In all cases, the compensation must be equal to the **replacement value**, which means the market value necessary to replace the assets, excluding their depreciation due to age, condition or any other factor. This is usually based on the market value of the property and related goods (such as plantings or other elements) plus any transaction costs required to replace it, such as taxes or fees. Compensation is determined on the basis of a valuation by a licensed property appraiser or a team of property appraisers (e.g. including an agricultural property appraiser), as required.

According to OP 4.12, with regard to real property and structures, '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 productive potential or use, located in the vicinity of the land affected by the Task, plus the cost of preparing the land for the functions similar to those of the taken land, plus transaction costs;

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 taken land, plus transaction costs;

c) for houses and structures, it is the market value of the materials to be installed in new houses or structures replacing the affected houses and structures, at a quantity and quality similar to or better than those installed in the houses and structures expropriated or partially affected, plus the cost of transport of materials to the construction site, remuneration for construction workers, transaction costs, and taxes and fees related to the construction of new structures.

¹⁴The contents of this section are in line with the LA&RPF

In determining the replacement value or the depreciation of assets and values of survived materials are not taken into account, nor is the value of benefits to be derived from the Project, deducted from the valuation of assets affected by the Project. Where Polish laws do not impose the obligation to pay compensation amounting to the replacement value, the compensation provided according to Polish laws is supplemented by additional measures so as to meet the replacement value standard, such as support in the transition period after resettlement, being a reasonable time necessary to reinstate the standards of living (including livelihood), etc.

Compensation is paid in the amount specified in the RCC by the province governor, based on the valuation made by a professional property appraiser to set the value of the property. In any case, the compensation should be equal to at least the replacement value of the property or lost goods.

NOTE: The valuation methods are defined by a regulation, that is the Regulation of the Council of Ministers of 21 September 2004 on the appraisal of properties and preparing appraisal reports, which contains details on such matters as the methods and techniques of estimating the compensation value.

6.7.1 Real property valuation ¹⁵

The amount of compensation is determined on the basis of the market value of the real property. In determining the market value of the property, the following factors in particular are taken into consideration: its type, location, use and zoning, existing technical infrastructure, overall condition and current market prices. The market value is based on the current use of the property, unless its zoning according to the purpose of the investment project increases its value. If the data from the local or regional real property market allow the appraiser to ascertain the market value of the property, the appraiser should determine the value using one of the market approaches: sales comparison approach, income approach or combined approach. Should the zoning according to the purpose of expropriation increase the property value, then its value for compensation purposes is ascertained according to the alternative use resulting from the new zoning. If the data from the local or regional real property market are insufficient to ascertain the market value of the property, the appraiser should determine its replacement value using the cost approach.

If the current owner or perpetual usufructuary of the property covered by the RCC delivers the property or delivers the property and vacates the premises and other rooms within 30 days from the date the RCC became final, the amount of compensation is increased by 5% of the value of the property or of the value of the right to perpetual usufruct.

6.7.2 Valuation of movable assets¹⁶

Movable assets will be compensated for in cases where:

- a) they are unsuitable for use in the new location; and/or
- b) the project affected persons will no longer use them as a result of the resettlement (e.g. moving from a rural to an urban dwelling).

The appraiser values movable assets (such as machines or appliances) on the basis of the following data: brand, model, type, year of manufacture, manufacturer, place and date of manufacture, as well as other data necessary to identify the movable asset. The book value of such movable assets may increase or decrease during the valuation. The causes of the decrease may be in particular technical (wear and tear), functional (modifications in material or design) or economic (lack of particular material or workforce, changes in legal provisions, decreased demand). When valuing the property, the appraiser uses the cost or sales comparison approach.

¹⁵ The contents of this section are in line with the LA&RPF

¹⁶ The contents of this chapter are in line with the LA&RPF

To determine the value of civil structures being property separated from the land, it is possible to apply the cost approach, replacement value approach and index method technique. The cost approach consists in determining the value of property assuming that it is equal to the cost of its replacement (substitution). The value of land components is assumed as the amount equal to the cost of their replacement or substitution.

The essence of the cost approach is an assumption that the purchaser will not be ready to pay for the property more than the cost of its erection using the same technology, for the same purpose and in the same location. In consequence of this approach, we may distinguish two types of cost:

- replacement cost,
- substitution cost.

To apply the replacement cost method, we need to have technical information on the civil structures to be valued and on the prices of materials and construction works. Replacement cost is defined as the cost of building a structure identical to the structure to be valued (exact copy). In determining the value, the property appraiser takes into account the same design, equipment and quality of construction works, and the costing should include all defects, deficiencies, unnecessary items of equipment or structure or materials that are falling out of use. The replacement cost also includes the cost of building associated facilities closely related with the valued structure, the cost of preparing and clearing the site, the cost of preparing design documentation and the cost of construction supervision. Therefore, when determining the replacement cost, it is necessary to specify the cost of building its replica as at the date of valuation. The prices of materials most similar to those used to build the structure should be applied only if the actual materials used to build the structure are no longer available on the market.

As of today, we have not identified any structures permanently bonded with the property, which would be unsuitable either in the new location or due to the expropriation.

6.7.3 Valuation of plants and crops¹⁷

When valuing tree stands or tree covers, if they contain suitable resources, it is necessary to value the timber included in the tree stand. If the tree stand includes no usable resources, or the value of acquirable timber is lower than the cost of reforestation and maintenance of the tree stand, the valuation should cover 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 establishing the field and its maintenance until the first crop as well as of the lost profit in the period from the day of expropriation until the completion of the full yield. The aggregate of costs and the value of lost profits are reduced by the sum of the yearly depreciation charge for the period of using the field from the first year of yield until the day of expropriation. The valuation of crops and other yields of annual plants involves the valuation of the expected yield according to the current market prices, reduced by the value of expenditures necessary to harvest the crops. The valuation of sowing, cultivation and other yields of annual plants involves the valuation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the harvest of the crops.

6.7.4 Valuation of other assets¹⁸

The remaining assets related to the real property are civil profits, that is income from real property gained on the basis of a legal relationship. When valuating the rights under contracts (including the

¹⁷ The contents of this chapter are in line with the LA&RPF

¹⁸ The contents of this chapter are in line with the LA&RPF

right of lease, lending and life annuity) and their impact on the real property, the appraiser may in particular consider the following elements:

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

7. ELIGIBILITY CRITERIA AND CATALOGUE OF ELIGIBLE PERSONS ¹⁹

7.1 Eligibility criteria

According to the World Bank's Operational Policy, the following groups of people are eligible for compensation and assistance in connection with property acquisition causing the loss of assets and (physical or economic) displacement:

- (a) those who have formal legal rights to the land or other assets affected by the Project (including customary or traditional rights);
- (b) those who do not have such formal legal rights at the time the census begins but have a claim to such land or assets, provided that the claims are recognized under the laws of the country or become recognized during preparation of the RAP;
- (c) those who have no recognizable legal right or claim to the property they are occupying.

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

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

The method of assessing the impact on PAPs is described in chapter 4.1. Social impacts.

We should indicate that during preparation of the socioeconomic study for the Task, the persons not holding a title to the land and using the investment properties illegally have not been disclosed. In the Polish legal environment, the persons who use a real property without a title are aware that their actions are illegitimate and that the property may at any time return to its owner without any monetary compensation.

7.2 Catalogue of beneficiaries

The eligibility for compensation and assistance will be based on the following principles:

- PAPs legally possessing a real property on the Project site shall receive full compensation with due account of the 'land for land' rule,

¹⁹ The contents of this chapter are in line with the LA&RPF

- PAPs being lessees, tenants, life annuitants or other dependent possessors of a real property on the Project site shall receive full compensation for the loss of these rights,
- PAPs being possessors of limited property rights in real property shall receive full compensation for the loss of these rights,
- the owners of crops, plants, structures and other constructions attached to the land shall receive compensation for such crops, plants, structures and constructions,
- residents of houses and flats to be displaced shall receive compensation according to the rules specified above as well as assistance in the resettlement, adequate access to social infrastructure and, if necessary, a package of individually selected protective measures,
- PAPs who lose their revenue, pay or ability to carry out business activity due to the Project shall receive adequate compensation and, if necessary, a package of individually selected protective measures,
- PAPs illegally possessing real properties on the Project site, who have no title or expectant right to acquire such title, shall receive no compensation for the expropriation from the real property, as this is not allowed under Polish law. However, they will receive compensation for the plants, structures and facilities being their property and, where necessary, a package of specially selected protective measures to restore or improve their quality of life.

For Task No. 1B.5/2, titled 'Reconstruction of a bridge to ensure minimum clearance – Road bridge at km 2.45 of Warta river in Kostrzyn nad Odrą', the following groups of persons have been identified and preliminarily qualified for compensation for the project-related impacts:

a/ property owners – natural persons;

b/ property owner – legal person;

c/ property owner – the Municipality of Kostrzyn nad Odrą;

d/ perpetual usufructuary of the property being a state-owned legal person – Warta Mouth National Park.

To date, we have not identified any persons from the vulnerable groups.

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

- **Permanent loss of real property** – where feasible and where the PAP expresses such a wish, he or she will be compensated on the 'land for land' basis by assigning a real property of a similar value, location and functions to those of the property that was dispossessed. If it is impossible to find a real property that meets the requirements of adequate compensation, the PAP does not wish to obtain a 'land for land' compensation or only a small portion of the plot is acquired, the compensation will be paid in cash and will correspond to the market value of the expropriated property or its part. In addition, if the property is released immediately, it will be possible to increase the compensation by an amount corresponding to 5% of the value of the expropriated property on the terms of the Road Act. The PAPs who are not owners or perpetual usufructuaries but hold title to the real property (e.g. tenants, lessees) will receive compensation corresponding to the value of the lost rights. At the request of a PAP, the Investor may acquire the entire real property and compensate for the acquisition of such property on the terms mentioned above. Any transaction costs, including taxes related to granting the compensation for expropriation, will be covered by the Investor. The PAPs who possess properties located on the site of the Project without a title (illegally) will not be granted any compensation for the expropriation of the land. However, such persons will receive compensation for plantings and structures they own and, if necessary, a package of protective measures to restore or improve their quality of life;
- **Restriction of the current use of property** will, as a rule, be compensated in cash, taking into account the loss of market value of the property. Tailored protective measures will also be offered on a case-by-case basis. At the request of the PAP, the property to be restricted in use will be acquired by the Investor in full, with due regard to the provisions of the Road Act and

the RPM Law. Such person will receive compensation on the terms set for the permanent loss of property;

- **Residential buildings** – the compensation process will be carried out as for the permanent loss of property. In addition, the relocated PAP will receive an additional payment in the amount of PLN 10 000. If any squatters are identified, they will not be entitled to compensation, but in certain cases the investor must award them adequate replacement accommodation. Such persons will be offered a package of protective measures, including assistance in finding their place of residence, and if they are unemployed or addicted, they will be offered measures supporting their position in the labour market, and they will receive a proposal of appropriate treatment;
- **Buildings and non-residential structures (stables, fences, technical infrastructure)** – as a rule, the owners and users of such buildings and structures will be compensated as for the permanent loss of property. Amongst the protective measures, the Investor will offer the reconstruction of service utilities and, where appropriate, the reconstruction of structures and buildings at Investor's expense. Additionally, for the local government units which have built or are building the affected facilities or structures using funds from the European Union or other foreign sources, the monetary compensation will be increased by the amount of reimbursable funds acquired from the co-financing entities, including due interest;
- **The loss of plants** will be compensated to the legal possessors of properties in cash, taking account of the costs of creation and care of the plantings as well as the value of lost benefits from the date of expropriation till the date of completion of full yielding;
- **The loss of tree stand** will be compensated as the loss of plants. Depending on the case, compensation may also be paid according to the estimated value of obtainable wood;
- **The impact on enterprises** will be compensated in cash by compensating for the damage actually incurred by the entrepreneurs and the profit they lost due to Task. The values should be determined based on the billing and accounting documents or corporate income tax returns. Should employees lose their work, they will receive unemployment benefits. Both employees and contractors working under civil-law contracts, in case of loss of earning capacity, will receive free-of-charge health insurance, assistance in search for work and help in the form of vocational retraining aimed at finding new employment;
- **The loss or limitation of access to social infrastructure** (e.g. parks) will be compensated as far as possible by restoring the infrastructure on the new appropriately located site. Where it is impossible or unnecessary to restore the infrastructure on the new site, the PAPs will be given access to existing social infrastructure;
- **Cost of moving to a new location** – in order to cover the costs of resettling households, the PAPs will receive the amount of PLN 10,000. They will also be offered a package of protective measures including, if necessary, assistance in search for the transport company and the coverage of transport costs exceeding PLN 10,000;
- **Vulnerable groups** will be covered by a tailored package of protective measures (the schedule of implementation of these measures will be determined on an individual basis). With reference to children and school teenagers, the assistance will cover finding a new resettlement site which will enable them to continue education in the current school; the same rule applies to children attending nurseries and kindergartens. The elderly will be relocated to places devoid of architectural barriers which hinder movement and having equal or better access to health care, and which at the same time make it possible for the elderly to preserve their existing habits and lifestyle. The poor will be offered assistance in obtaining additional institutional support from government agencies, local government units and non-governmental organisations competent for their issues;
- **Temporary loss of land** will be compensated in cash through the payment of monthly amounts corresponding to the market prices of tenancy or lease of the real property. Moreover, if due to the temporary loss of land the PAP incurs a loss, such a loss will be separately compensated

according to the aforementioned principles. After the completion of implementation activities, all properties will be restored to their original state;

- **Damage to houses, buildings and structures due to construction works** (e.g. vibration, accidents, etc.) will be compensated based on their nature in order to enable the restoration of the full substance of the affected facility or the purchase of a new facility. Depending on the situation, appropriate rules for the payment of compensation for the foregoing impacts will be applied.

A detailed catalogue of persons entitled to compensation is contained in Appendix 1. The appendix may not be published due to the protection of personal data.

Additional entitlements, including identification of the social group, mitigating measures and assistance offered, are listed in the following table.

7.3 Eligibility matrix²⁰

Impacts/losses	PAP	Compensation
Permanent loss of property	Owners, perpetual usufructuaries, owner-like possessors	<ul style="list-style-type: none"> • 'land for land' compensation, • If 'land for land' compensation is not feasible or undesired, then cash compensation, • coverage for all transaction costs,
	Illegal possessors of the real property	<ul style="list-style-type: none"> • no compensation for the loss of real property
	Holders of easement, mortgage or lien on property	<ul style="list-style-type: none"> • Cash compensation for lost rights, • for land easement holders – support in finding a solution allowing for using their property (holding the expropriated property), for example in establishing another right of way, • coverage for all transaction costs.
	Illegal easement holders	<ul style="list-style-type: none"> • For illegal easement holders – support in finding a solution allowing for using their property (holding the expropriated property).
Restrictions in the use of property	Owners, perpetual usufructuaries, owner-like possessors	<ul style="list-style-type: none"> • cash compensation caused by restriction in the use of property, • in the event of a reasonable request by the owner for the purchase of remainder of the property, acquisition of the property upon compensation, • covering the transaction costs, • offering institutional support and advice on the possibility to use the property otherwise.
	Illegal possessors of the real property	<ul style="list-style-type: none"> • offering institutional support and advice on the possibility to use the property otherwise,
	Illegal easement holders	<ul style="list-style-type: none"> • support in finding a solution allowing for using their property (being the dominant property relative to the expropriated property).
Non-residential buildings and structures (utility buildings, fences, service infrastructure, etc.)	Owners or owner-like possessors of buildings and structures	<ul style="list-style-type: none"> • monetary compensation at the replacement value for lost assets, • relocation or reconstruction of lost assets.
	Usufructuaries	<ul style="list-style-type: none"> • monetary compensation at the replacement value for lost assets, • relocation or reconstruction of lost assets.
	Illegal possessors of buildings and structures	<ul style="list-style-type: none"> • monetary compensation at the replacement value for lost assets, • relocation or reconstruction of lost assets.
	Lessees and tenants of buildings and structures	<ul style="list-style-type: none"> • monetary compensation at the replacement value for lost assets, • relocation or reconstruction of lost assets.
Loss of plants	Owners and owner-like possessors	<ul style="list-style-type: none"> • monetary compensation, including the costs of arranging and maintaining the plants, and lost benefits, • allowing the collection of crops.
	Usufructuaries	<ul style="list-style-type: none"> • monetary compensation, including the costs of arranging and maintaining the plants, and lost benefits, • allowing the collection of crops.
	Lessees, tenants	<ul style="list-style-type: none"> • monetary compensation, including the costs of arranging and maintaining the plants, and lost benefits, • allowing the collection of crops.
	Illegal possessors	<ul style="list-style-type: none"> • allowing the collection of crops.
	Owners and owner-like possessors	<ul style="list-style-type: none"> • monetary compensation including, if necessary, the costs of arranging and maintaining the tree stand as well as the lost trees and benefits.

²⁰ The contents of this chapter are in line with the LA&RPF

Loss of trees	Usufructuaries	<ul style="list-style-type: none"> monetary compensation including, if necessary, the costs of arranging and maintaining the tree stand as well as the lost trees and benefits.
	Lessees, tenants	<ul style="list-style-type: none"> monetary compensation including, if necessary, the costs of arranging and maintaining the tree stand as well as the lost trees and benefits.
	Illegal possessors	<ul style="list-style-type: none"> allowing for the cutting of trees and the collection of timber.
Municipal assets	Municipality	<ul style="list-style-type: none"> Restoration or replacement of damaged facilities upon consultation with the municipality.
Temporary acquisition of properties	Owners, perpetual usufructuaries, owner-like possessors	<ul style="list-style-type: none"> Cash compensation, reinstating the previous status of property.
	Illegal possessors of the real property	<ul style="list-style-type: none"> reinstating the previous status of property.
	Leaseholders, users of properties	<ul style="list-style-type: none"> cash compensation, reinstating the previous status of property.

8. PUBLIC CONSULTATION

The Task will be executed based on the provisions of the Road Act, which does not require the Investor to carry out public consultation. The Act only imposes the obligation to obtain the opinions of competent public administration authorities or the public asset keeper²¹, which should be enclosed with the RCC application. Although the public consultation is not required, pursuant to OP 4.12 the Investor initiated the process of public consultation by arranging meetings with PAPs (November and December 2018), where they discussed the rules stated in OP 4.12 and were given the then current design solutions. The PAPs will be informed on an ongoing basis of the current status of execution, and will have access to the information on current design solutions.

This draft hereof will be subject to a public consultation procedure carried out in line with the World Bank's Operational Policy OP 4.12.

Third-party stakeholder	Type of impact on the LA&RAP
competent Minister	<ol style="list-style-type: none"> Examining the appeal against the RCC Examining the appeal against the decision setting the compensation amount
Governor of Lubuskie Province	<ol style="list-style-type: none"> Issuing the RCC Issuing the decision on compensation amount
Mayor of Kostrzyn nad Odrą	<ol style="list-style-type: none"> Representation of the Municipality as the person to be expropriated Notifying PAPs of the public consultation Direct participation in the public consultation
District Starost in Gorzów Wielkopolski	Representation of the State Treasury in entering into the agreement for the purchase of PAP's properties
Entities to be expropriated	<ol style="list-style-type: none"> Participation in the socioeconomic study and inventory taking, Identifying the needs and losses attributable to the expropriation Choosing the form of compensation, Direct participation in the public consultation.
Residents of Kostrzyn nad Odrą	<ol style="list-style-type: none"> Direct participation in the public consultation.

The table presents the initial identification of stakeholders participating in public consultation and the entities having impact on the preparation and implementation hereof.

Once the draft LA&RAP was completed, its electronic version, a notice of public debate over the draft LA&RAP and of its place and date were posted on publicly available websites of:

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

²¹ Article 11d(1)(8) of the Road Act

- PGW WP RZGW Szczecin (Project website): <http://bs.rzgw.szczecin.pl/>
- Project Coordination Unit: <http://odrapcu2019.odrapcu.pl/>
- Municipality of Kostrzyn nad Odrą – <http://www.kostrzyn.pl/>.

As it is currently impossible to see clients, the printed version has not been made available for review by interested persons at the offices of:

- PGW WP RZGW Szczecin,
ul. Tama Pomorzańska 13A,
70-001 Szczecin
- Project Implementation Office,
ul. Teofila Firlika 19,
71-637 Szczecin
- The Municipal Office of Kostrzyn nad Odrą
ul. Graniczna 2
66-470 Kostrzyn nad Odrą

Details on the possibility to review the document and to submit requests and comments, as well as relevant contact details (e-mail, the place where the draft document is made available for review, office hours, phone number, and full name of the contact person) have been published in local press (“Kurier Szczeciński”) and on the websites of the unit implementing Task 1B.5/2.

Due to the constraints on social life in Poland caused by the emergence of the SARS-CoV-2 virus causing COVID-19 disease, and taking into account the recommendations of the World Bank and the need to ensure safety of, it was decided that there would be no public consultation meeting.

In order to carry out the obligation to conduct public consultations and to provide PAP with the opportunity to read the LA&RAP and to submit requests and comments, it was decided to conduct consultations by way of correspondence.

Given the above, all PAPs have been sent an extract from this draft LA&RAP. Along with the LA&RAP we have also sent a form for submitting requests, comments and questions as well as a cover letter containing in particular:

- presentation and information brochure concerning the Project and the Contract for Task 1B.5/2,
- full name of the person handling the case,
- contact data – telephone number, e-mail address, correspondence address,
- information that after the expiry of the deadline for getting acquainted with the submitted project, which is 7 days, the designated person will contact PAP by phone or e-mail in order to discuss the content of the document and answer any questions.

In addition, it was pointed out that if you wish to read the entire document and if there are any technical problems resulting in the inability to get acquainted with the electronic version of the LA&RAP Project, there is a possibility of transferring the whole document to the indicated address.

The said documents have been sent by registered mail.

The document publication started on 22 June 2020 by posting the LA&RAP and the announcement on relevant websites and by distributing the aforesaid documentation to all entities interested in the manner specified above, and lasted for 22 days, i.e. until 14 July 2020. Seven days after the documents were submitted, the process of direct telephone conversations with PAP began, the aim of which was to present the impact of the investment on their situation and to provide information on the properties occupied for the purposes of the Task, as well as to clarify any doubts regarding the content of the LA&RAP.

An online consultation meeting in the form of a webinar was held on 14 July 2020 from 3 p.m. to 4.30 p.m. A link to the webinar, as well as step-by-step instructions showing what steps you need to take to attend an online meeting, are available on the Project website. 7 people took part in the meeting, including two people from the Consultant Team, a representative of the PIU – RZGW in Szczecin and two people from the Coordination Office of the Project. In addition, three PAPs participated – the property owner's attorney and two owners.

The webinar was followed by an online conference participated by the interested PAPs, who were notified during phonecalls of their option to take part in such a meeting and who were e-mailed an invitation to the teleconference. At the online meeting, each of the invited participants could freely express their opinions, ask questions and submit any comments or requests.

The public consultation, including the webinar and teleconference, was specifically recorded in a report describing its procedure and the reason of choosing this particular procedure; the report is attached hereto as an appendix.

During the public consultation, an application was filed for the purchase of a PAP's entire property in connection with the planned restriction in use, along with an alternative application for building an access road from the local road to the property. The application was grounded by the PAP's concern that the planned solutions will adversely affect their land, including the risk of flooding by stormwater. Therefore, the Consultant's Designers have amended and modified the solutions relative to the initial arrangements. **To eliminate the Applicant's concerns by amending the design documentation, it has been stated that there are no sufficient reasons to consider that the project will adversely affect the PAP.** It was also pointed out that the limitation of the property would be small in percentage terms in relation to the entire plot. The PAPs were notified of those modifications and arrangements. A procedure was also described for filing applications for the purchase of entire properties under the Road Act and the Real Property Management Law, as well as the appeal procedure where it is **found that the solutions proposed do not satisfy the PAP.** As at the date of preparing this revision of the LA&RAP, the PAP has accepted the explanations and filed no further claims.

Specific information on the public consultation, related discussions with the PAPs, and the webinar and teleconference arranged at the end of the LA&RAP publication procedure, is contained in the report set out as Appendix 6 hereto.

The final LA&RAP with the "no objection" clause by the WB will also be made available to the parties interested through the option to review its printed copy (if such a way of access is possible given the existing restrictions) to be provided at the office of PGW WP RZGW Szczecin and the Municipal Office of Kostrzyn nad Odrą;

and by posting on the websites of:

- PGW WP RZGW Szczecin: <https://szczecin.wody.gov.pl/>
- PGW WP RZGW Szczecin (Project website): <http://bs.rzgw.szczecin.pl/>
- Project Coordination Unit: <http://odrapcu2019.odrapcu.pl/>
- The Municipality of Kostrzyn nad Odrą: <http://www.kostrzyn.pl/> and will remain published until completion of the Contract.

The contact details of the person(s) responsible for publication will be provided in the LA&RAP publication notice. Any revisions of the LA&RAP will also be available to the parties interested on the website of PIU and PCU. Each PAP will be notified by a separate letter of the option and procedure to read the final version of the LA&RAP.

The plans regarding the Task were several times notified to the PAPs at the information meetings held as part of public consultation at the Municipality of Kostrzyn nad Odrą. The meetings were held in November and December 2018, and were participated by representatives of the Municipality of Kostrzyn nad Odrą. Notices of the meetings were published on the websites of the Municipality of Kostrzyn nad Odrą and in Gazeta Lubuska. The participants were presented the range of the task, the rules of eligibility to be classified as a Project Affected Person, and the procedural issues regarding the payment of compensations; the hosts have also discussed the scope of documents required to determine the amount of possible compensation, and replied to all questions regarding the investment project.



The information meeting held at the Municipal Office of Kostrzyn nad Odrą on 14/12/2018.

We have conducted public consultation and a survey on the social and financial position of the PAPs affected by Task 1B.5/2 and on its impact on the quality of life and financial standing (the impact on revenues). The interviewed target group included the natural persons whose real properties are located on the site or within the direct impact of the investment project – Task 1B.5/2.

On 14 January 2019, there was another (third) meeting held in the Municipal Office of Kostrzyn nad Odrą, participated by the Client, Consultant, a representative of the Municipality of Kostrzyn nad Odrą, and the institutions concerned by the project. The meeting was also attended by the parties interested in the project, whose properties are located on its site, including the representatives of the GDDKiA (Branch in Zielona Góra), Warta Mouth National Park, and PGW WP (Basin Management Board in Gorzów Wielkopolski).

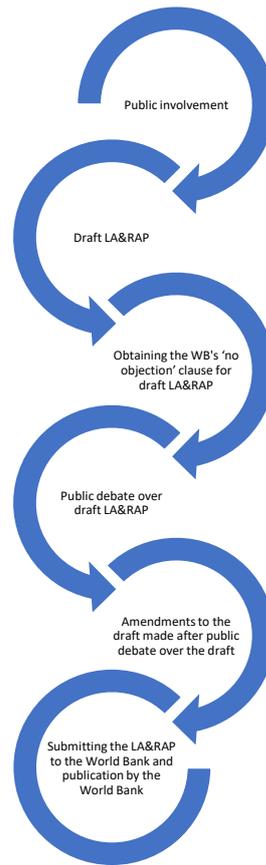


Diagram 1. Public involvement in LA&RAP preparation

9. Summary – actions requiring the application of OP 4.12.

The World Bank's Operational Policy OP 4.12 applies where the project execution requires the involuntary taking of land resulting in relocation or loss of shelter, the loss of assets or access to assets, the loss of income sources or means of livelihood, or in the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the project affected persons. Pursuant to the Act of 10 April 2003 on special rules of preparing and executing projects involving public roads, which is the basis for this Investment Project, the expropriation of real property or a part thereof, as well as the restriction in using a real property or a part thereof, must be carried out under a road construction consent. As regards transferring the ownership of the real property to the State Treasury, the owner or perpetual usufructuary is entitled to monetary or land-for-land compensation.

As indicated in the foregoing chapters, the investment project will be implemented on 15 real properties being investment plots (before division), and 18 additional plots are located within the project impact zone. The plots which the State Treasury (GDDKiA) is not entitled to use for construction purposes will have to be partially expropriated under the Road Act. Two out of 18 properties being investment plots are owned by natural persons – these include plot no. 351 in precinct 0004 Śródmieście, and plot no. 394/36 in precinct 0004 Śródmieście. Both plots are intended for division, which will create plots no. 351/1 and 351/2, where the investment project will only cover plot no. 351/1.

As a result of dividing the other plot (394/36), there will be created plots no. 394/83 and 394/84, which will be investment plots. In addition, the owner has applied to the State Treasury for the purchase of the entire land which is also their property, i.e. plot no. 350, which is located in the direct impact zone and which constitutes one functional entirety together with plot no. 394/36, so in the future the use of plot no. 350 would be restricted.

Furthermore, the implementation of Task 1B.5/2 will directly affect two legal persons – a limited-liability company and a joint-stock company. The property of the limited-liability company will be both acquired for project purposes and restricted in use. For the joint-stock company, which has the right of perpetual usufruct of the property owned by the Municipality of Kostrzyn nad Odrą, the property will not be acquired for project purposes but only restricted in use.

Given the above, this investment project does not imply any significant impacts arising from necessary physical resettlement of households caused by the acquisition of more than 20% of their property. The relocation planned for one of the households will be conducted at the request of its owner, as the property will be restricted in use. Nine properties being investment plots are owned by the Municipality of Kostrzyn nad Odrą, but in this case the impact has been considered to be minor, as the acquisition of property from that entity does not materially affect its position and operations. Additionally, for one entity (Kostrzyn Fortress Museum), the execution of the project may indirectly affect its operations, so this PAP will be subject to impact monitoring and awarded non-financial compensating measures.

The impact on each entity is specified in the sections of Chapter 4.2. 'Social impacts identified for the purposes of Task 1B.5/2' and, for the entity that applied for purchasing the entire property, in Chapter 6.4. Imposing restrictions in the use of real property.

According to the information we have collected, there are five entities entitled to receive compensation upon the decision setting the amount of compensation for real property, including three natural persons (in one case, two co-owners of property), one limited-liability company and the Municipality of Kostrzyn nad Odrą. Additionally, there are seven properties located within the impact range of the Investment Project, which will be restricted in use and for which the right to receive compensation will arise upon the issue of the RCC specifying the manner of using the property, if the person entitled applies for the purchase of the entire property pursuant to Article 124(5) of the RPM Law in conjunction with Article 11f(2) of the Road Act.

Below we present a list of owners and perpetual usufructuaries, being natural or legal persons, of the investment plots and the plots located within the impact range, along with related details, including the type of impact and compensations proposed, but excluding the plots owned by the Municipality of Kostrzyn nad Odrą.

No.	Plot number Total plot area	Plot numbers after division	Plot intended purpose	Location	Ownership	Intended purpose	Type of impact	Proposed compensati on
1.	394/36 0.0169 ha	394/83 0.0013 ha	investmen t	Kostrzyn nad Odrą 0004 Śródmieście KNO Mostowa	Natural person	Bp – urbanised areas not developed or under developmen t	Minor – acquisition of 0.0169 ha, which equals 100% of the property area	Compensati on for lost ownership
		394/84 0.0156 ha	investmen t					
2.	351 0.0744 ha	351/1 0.0025 ha	Investmen t	Kostrzyn nad Odrą 0004 Śródmieście KNO Mostowa	Natural person	B – residential areas	Minor – acquisition of 0.00025 ha, which equals 3.36% of the property area	Compensati on for lost ownership
		351/2 0.0719 ha	Restriction of use					

3.	394/40 0.4913 ha	394/87 0.0330 ha	Investment	Kostrzyn nad Odrą 0004 Śródmieście KNO Mostowa	A limited-liability company seated in Świebodzin Wilkowo N o. 75 66-200 Świebodzin	Bp – urbanised areas not developed or under development	Minor – acquisition of 0.0422 ha, which equals 8.6 % of the property area	Compensation for lost ownership	
		394/88 0.0092 ha	Investment				Minor – acquisition of 2,483.26 ha, which equals 55.29 % of total property area	Option to apply for the purchase of entire property	Compensation equal to the value of properties restricted in use
		394/89 0.4491 ha	Restriction of use						
4.	378 0.2419 ha	Not applicable	Restriction of use	Kostrzyn nad Odrą Władysława Sikorskiego	Ownership Municipality of Kostrzyn nad Odrą Perpetual usufruct Bank Zachodni S.A in Wrocław	B – residential areas	Minor – acquisition of 18.50 m2, which equals 0.76 % of total property area	Option to apply for the purchase of entire property	Compensation equal to the value of property and lost right of perpetual usufruct of the property to be restricted in use
5.	350 0.0724 ha	Not applicable	Restriction of use	Kostrzyn nad Odrą 0004 Śródmieście KNO Władysława Sikorskiego	Natural person	B – residential areas	Minor – 6,74 %, but the application for purchasing the entire property has been submitted		Compensation equal to the value of properties restricted in use
6.	352/1 0.2304 ha	Not applicable	Restriction of use	Kostrzyn nad Odrą, 0004 Śródmieście KNO Mostowa 1	Natural person	B – residential areas	Minor – acquisition of 7.70 m2, which equals 1.69 % of total property area	Option to apply for the purchase of entire property	Compensation equal to the value of properties restricted in use
7.	349 0.0706 ha	Not applicable	Restriction of use	Kostrzyn nad Odrą 0004 Śródmieście KNO Władysława Sikorskiego	Natural person	B – residential areas	Minor – acquisition of 15.39 m2, which equals 2.18 % of total property area	Option to apply for the purchase of entire property	Compensation equal to the value of properties restricted in use
8.	348/1 0.0614 ha	Not applicable	Restriction of use	Kostrzyn nad Odrą 0004 Śródmieście KNO Władysława Sikorskiego	Natural person	B – residential areas	Minor – acquisition of 5.30 m2, which equals 0.86 % of total property area	Option to apply for the purchase of entire property	Compensation equal to the value of properties restricted in use
9.	347 0.0687 ha	Not applicable	Restriction of use	Kostrzyn nad Odrą 0004 Śródmieście KNO Władysława Sikorskiego	Natural person	B – residential areas	Minor – acquisition of 16.73 m2, which equals 2.43 % of total property area		Compensation equal to the value of properties restricted in use

							Option to apply for the purchase of entire property	
10.	336/102 0.0030 ha	Not applicable	Restriction of use	Kostrzyn nad Odrą 0004 Śródmieście KNO Władysława Sikorskiego	Natural person	Bp – urbanised areas not developed or under development	Minor – acquisition of 18.50 m2, which equals 60 % of total property area Option to apply for the purchase of entire property	Compensation equal to the value of properties restricted in use

10. INSTITUTIONAL STRUCTURE AND IMPLEMENTATION TEAM

The institutional structure of the team developing this LA&RAP is presented in the following diagram.

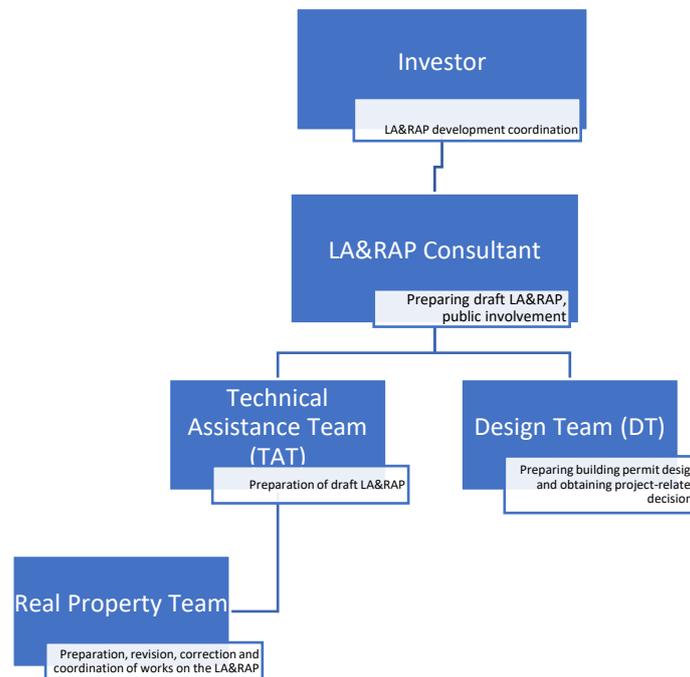


Diagram 2. Institutional structure of LA&RAP implementation

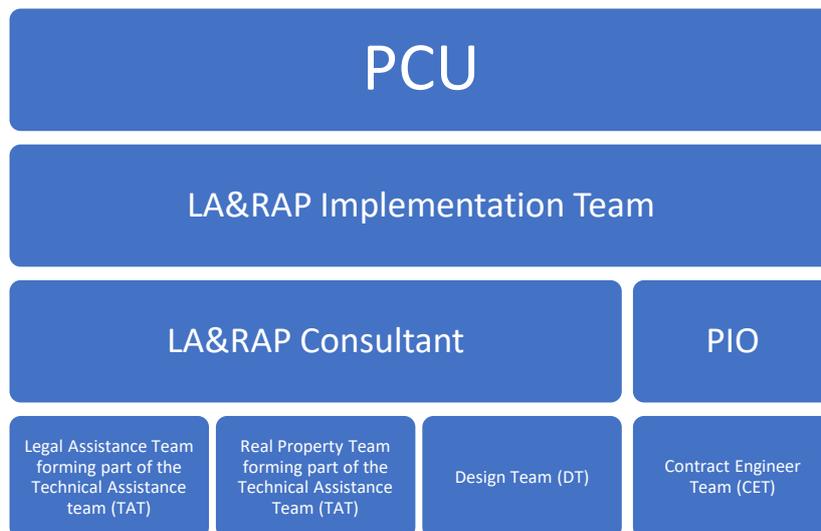


Diagram 3. Institutional structure of LA&RAP implementation, presenting the PCU position

The Consultant for this document is Joint Venture Sweco Consulting Sp. z o.o./ Sweco Nederland B.V./ Sweco Engineering Sp. z o.o./ Ekocentrum – Wrocławski Ośrodek Usług Ekologicznych Sp. z o. o

Competencies of the LA&RAP development team are as follows:

1. PGW WP RZGW – LA&RAP development coordination:

- a. supervising the preparation of draft and final LA&RAP,
- b. ensuring the flow of information between LA&RAP Consultant and PCU,
- c. procuring introduction of the amendments found necessary during LA&RAP preparation,
- d. supervising the public consultation,
- e. monitoring the LA&RAP preparation process.

1. Consultant – preparation of draft LA&RAP:

- a. conducting socioeconomic studies and preparing the study report,
- b. gathering and analysing the information on development and use of the property,
- c. drafting the plan of public involvement and consultation; coordinating the public consultation process,
- d. preparing impact mitigation proposals and analysing the proposals; providing RZGW with proposed amendments to the building permit design,
- e. analysing eligibility,
- f. preparing compensation packages,
- g. preparing the draft LA&RAP,
- h. conducting public consultation,
- i. preparing the final LA&RAP.

The Consultant’s LA&RAP development team is not placed in the organisational structure of PGW WP RZGW. Competencies of the LA&RAP implementation team are as follows:

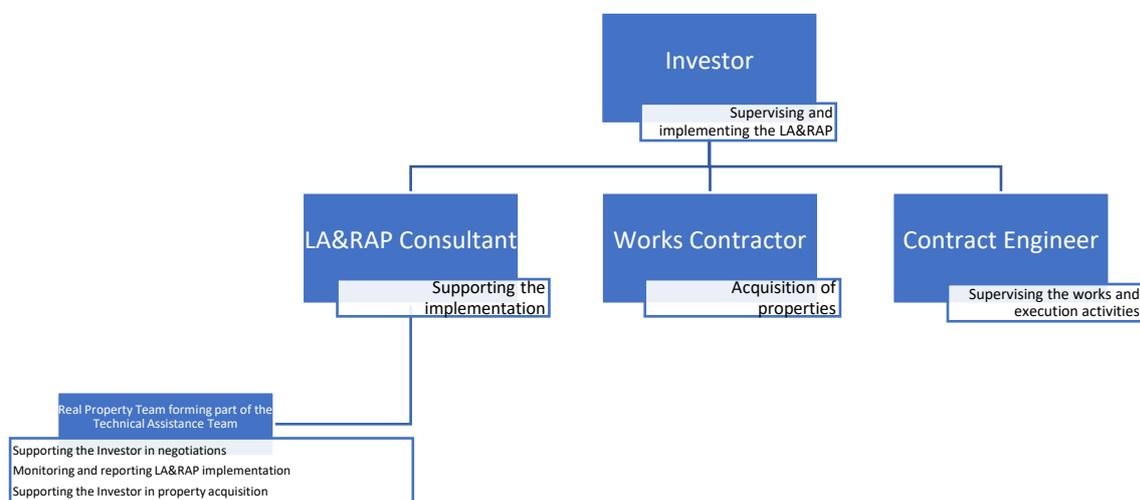


Diagram 4. Institutional structure of LA&RAP implementation during Contract execution

Competencies of the LA&RAP implementation team are as follows:

1. PGW WP RZGW

- a. supervising LA&RAP implementation,
- b. concluding compensation payment agreements based on negotiations,
- c. payment of compensation,
- d. ensuring the flow of information between LA&RAP Consultant, Engineer and Contractor,

- e. acquisition of real properties with the Consultant's support.
- f. ensuring the absence of impact on the properties that were not acquired and compensated for as properties to be used during the works.

2. Consultant

- a. planning and participating in negotiations,
- b. employing appraiser(s) who will carry out appropriate valuations and prepare appraisal reports,
- c. verifying the appraisal reports / valuations made by licensed appraisers in terms of form,
- d. monitoring the implementation of LA&RAP by the Contractor and Engineer,
- e. suggesting remedial actions in case of issues,
- f. supervising the commencement and execution of works,
- g. supervising Contractor's compliance with the obligations stated in the Construction Works Contract, including those related to any temporary acquisition

3. Contractor

- a. acquiring properties for temporary acquisition,
- b. paying compensations for the properties acquired for temporary acquisition,
- c. carrying out works on the properties acquired permanently,
- d. restoring original condition of the properties acquired temporarily.

4. PCU

- a. coordinating the actions taken by the PIO in implementing the Project, including those taken to comply with the LA&RAP,
- b. submitting the draft LA&RAP to the World Bank in order to obtain the 'no objection' clause.

11. MECHANISMS FOR MANAGING COMPLAINTS AND REQUESTS

This LA&RAP adopts a rule that the PIU shall take all measures to handle any Task-related complaints in an amicable manner. The complaint management procedure must be differentiated for integration with administrative procedures applied at various stages of preparing the Task.

11.1 General rules of managing complaints and requests

The general mechanism for managing complaints and requests will be applied to requests and complaints:

- a) submitted before the RZGW applied for the RCC,
- b) submitted during public consultation over the draft LA&RAP,
- c) submitted directly to the Investor while he was obtaining the RCC or reaching the agreements on the amount of compensation,
- d) submitted after issuing the RCC and/or reaching the agreements on the amount of compensation,
- e) submitted directly to PIO, PCU, SWM, WB or any other entity acting on behalf of PAPs.

With regard to this mechanism, the basic principle adopted by the PIO is that the right to file a complaint or request concerning the Task is enjoyed by all persons, whether or not their property, rights or goods are located on the site of the Contract.

The submission of complaint is not subject to any fee. Additionally, the person submitting a complaint or request may not be exposed to any detriment or charge due to the submission.

Complaints and requests may be filed in writing, in electronic form or verbally for the record. They may be submitted directly at the premises of the PIO (at the address of the RZGW in Szczecin, ul. Tama Pomorzańska 13A, 70-001 Szczecin, by phone: +48 91 441 12 00 or by e-mail: projektBS@wody.gov.pl), the Consultant (to the following address: SWECO Consulting Sp. z o.o. ul. Łyskowskiego 16, 71-641

Szczecin, by phone: +48 605 071 242 or by e-mail: odra.szczecin@sweco.pl) and the Contractor to be selected for the Task.

Complaints and requests will be archived in a separate register, including the dates of submission, dates of response and manner of handling.

If the consideration of a request or complaint requires a previous explanation, the process will include collection of materials as well as analysis, studies, etc. In such an event, a reply to the complaint or request will be given in 14 days from the date of submission. Where no explanatory procedure is required, a reply to the complaint or request will be given in 7 days from the date of submission.

In particularly complex cases or if acceptance of the request or complaint requires amendments to the LA&RAP, the time limit for replying to the complaint or request will be extended to 30 days. If that period is too short, the party will be notified of the reason for failure to meet the time limit for reply, along with a new term in which the reply will be sent. If the demands expressed in the complaint or request are rejected, the person lodging the complaint or request will be exhaustively informed of the reasons. The diagram of the general mechanism for managing complaints and requests is presented below.

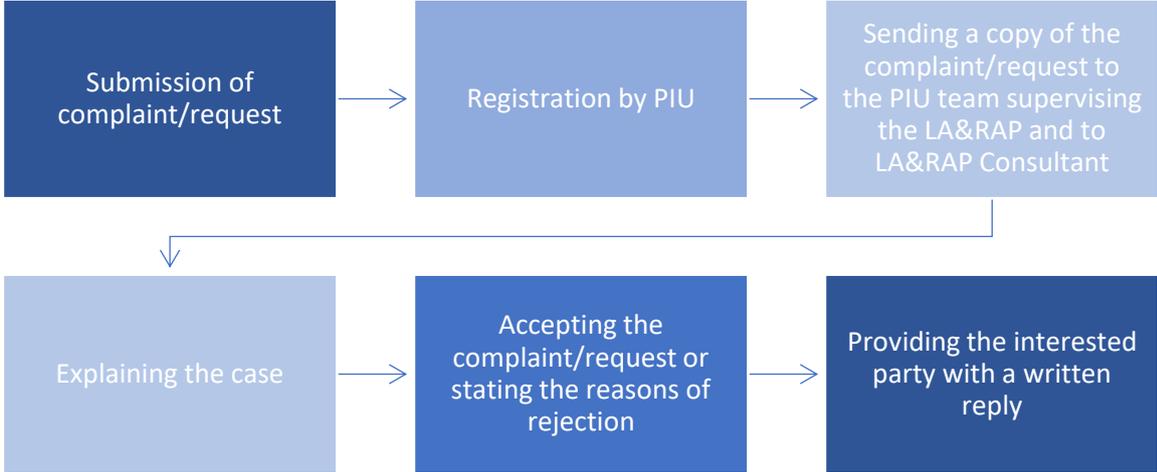


Diagram 5. General mechanism for managing complaints and requests.

11.2 Special mechanisms for managing complaints and requests

Special mechanisms for managing complaints and requests are directly linked with the procedure for issuing the RCC and setting the amount of compensation for the lost title to the property and related goods (such as civil-law profits, appurtenances or machinery and equipment which are unsuitable in another location). They will be used during the procedure for issuing the RCC, in the negotiations on the compensation to be conducted once the RCC is issued, in the procedure for issuing the province governor's decision setting the amount of compensation, and in appeal and judicial procedures regarding the RCC and compensation.

The persons whose properties are situated on the site of Task 1B.5/2 are parties to the procedure for the issue of RCC. They are entitled to actively participate, free of charge, in the procedure for issuing the RCC, including to file comments and requests in the case, directly to the Governor of Lubuskie Province. We should note that the comments and requests submitted in the procedure do not always require the Investor to respond. However, if such a response is required, the Investor will forthwith take a stance on the matter and send it to the Governor of Lubuskie Province.

The Investor's responses will be delivered to the parties by the Governor of Lubuskie Province. Should the parties be dissatisfied with the decision issued by the Province Governor, they will have the right to appeal to the minister competent for construction (currently the Minister of Development). All statements, motions and evidence submitted in the proceedings before the minister competent for construction must be admitted and taken into account when issuing the decision.

Should the parties be dissatisfied with the minister's decision, they will have the right to complain to the Provincial Administrative Court. The PAC will examine whether the province governor and minister conducted the proceedings in an appropriate and fair manner, including whether the observations, conclusions and evidence submitted by the parties have been taken into consideration. In accordance with applicable law, a complaint is subject to a court fee of PLN 500. In addition, the losing party must reimburse the other party for the costs of judicial proceedings. In case the decision by PAC is unsatisfactory to a party, it has the right to file a cassation appeal to the Supreme Administrative Court (SAC). The SAC will examine not only the correctness and legality of the proceedings conducted by the province governor and the minister, but also the decision made by the PAC. The cassation appeal is subject to a fee of PLN 250. In addition, the losing party must reimburse the other party for the costs of judicial proceedings.

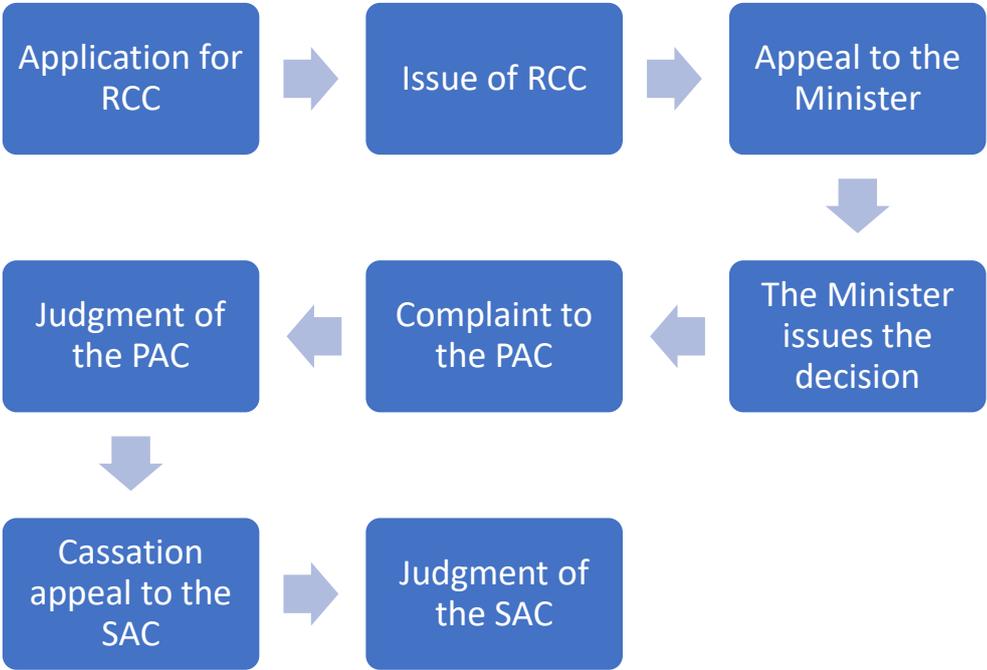


Diagram 6. Mechanism of managing complaints at the stage of RCC

11.2.2 Proceedings for determining the amount of compensation

Once the final RCC has been issued, the Investor will negotiate with the persons who lost their title to a property or good (such as civil profits, appurtenances or machinery and equipment which are unsuitable in another location) as to the form of compensation and acquisition of property. Any reservations submitted by the Parties during the negotiations will be archived in the minutes of negotiation. We should emphasize that the Road Act does not provide for negotiations on the amount of compensation.

The rights of PAPs in the procedure for issuing the decision setting the compensation amount are similar to those in the procedure for the RCC. This means that the PAPs may actively participate free of charge in the procedure, submit their comments and motions, appeal against the decision issued by the Province Governor, and file a complaint against the decision on the appeal issued by the Minister of Development, with the Provincial Administrative Court and then with the SCA. However, according to applicable regulations and judicial opinions, unlike in the procedure for issuing the RCC, a complaint to the PAC against the decision setting the amount of compensation, in cases where the complaints

regards pecuniary receivables, is subject to a charge / proportional fee (see: Order of the SAC of 05/11/2012, ref. II FZ 796/12) whose amount depends on the amount of the pecuniary receivable covered by the decision complained against, which amounts to:

- up to PLN 10,000 – 4 % of the value of the object of complaint, but no less than PLN 100;
- over 10,000 up to PLN 50,000 – 3 % of the value of the object of complaint, but no less than PLN 400;
- over 50,000 up to PLN 100,000 – 2 % of the value of the object of complaint, but no less than PLN 1,500;
- over PLN 100,000 – 1 % of the value of the object of complaint, but no less than PLN 2,000 and no more than PLN 100,000.

The fee for cassation appeal filed with the SAC equals a half of the fee for complaint to the PAC, but no less than PLN 100.

In the event the procedure for issuing the decision setting the compensation amount is lengthy, the Investor will offer the PAPs the payment of compensation for the dispossessed property, equal to 70% of property value according to an appraisal report made at Investor's request, irrespective of the pending administrative procedure for setting the amount of compensation. Such indisputable part of compensation will be paid upon agreement between the PAP and the Investor. If the amount of compensation set in the administrative decision exceeds the compensation offered by the Investor, the remainder of the compensation (up to the amount set in the decision) will be settled and paid to the PAP once the decision becomes final. What is important, if the part of compensation offered by the Investor is accepted, this does not imply the acceptance of the amount of compensation determined in the appraisal report made at Investor's request, and has no effect on the procedure for setting the amount of compensation for the dispossessed property.

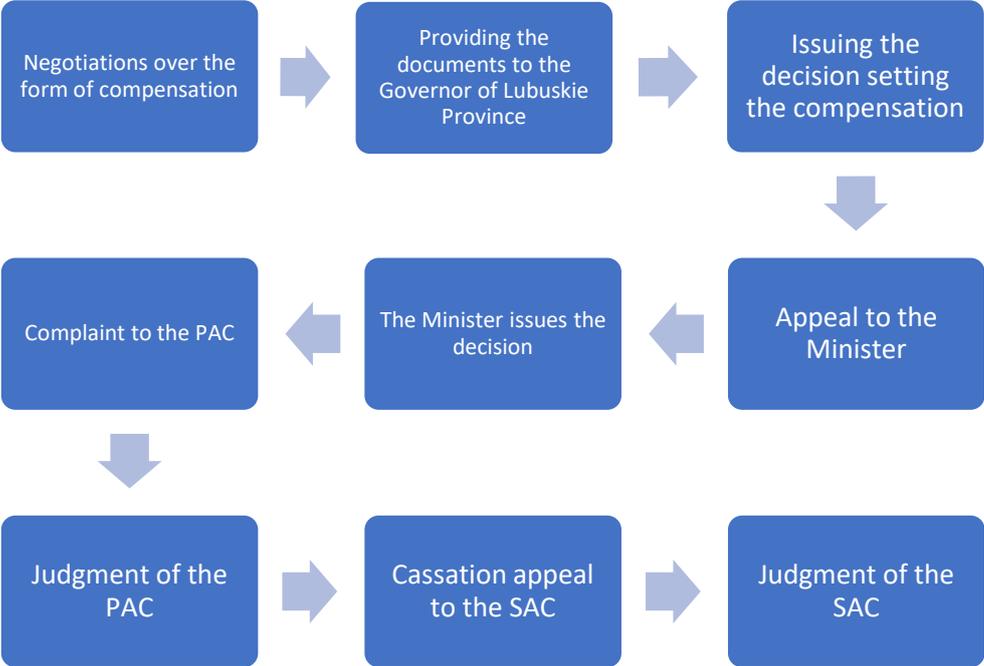


Diagram 7. Mechanism of managing complaints at the stage of issuing the decision setting the amount of compensation for properties expropriated under the RCC

12. MECHANISM FOR THE SUBMISSION OF COMPLAINTS AND REQUESTS CONCERNING THE EXECUTION OF THE WORKS CONTRACT

The mechanism for filing complaints and requests regarding the construction and erection works carried out by the Contractor will be implemented at the beginning of the whole process, and will apply throughout the time of execution, functioning and closing of the Investment Project.

12.1 Place for filing complaints

A party may file a complaint or request in one of the following three places:

1. Directly at the Project main office, which will also serve as a point of consultation: Office of the Consultant Engineer:

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

2. Directly at the Employer's office:

State Water Management Polish Waters
Regional Water Management Authority in Szczecin
ul. Tama Pomorzańska 13A,
70-001 Szczecin

3. Directly at the site office (the address will be published on the Investment Project website, 1 month before the commencement of works).

Additionally, complaints and requests may be submitted:

By post to the addresses indicated above; or

Via Internet:

e-mail: projektBS@wody.gov.pl

e-mail: odra.szczecin@sweco.pl

There will be also a telephone information line – complaints may be submitted by calling at: +48 91 430 50 70 fax: +48 430 50 80

12.2 Time limits for considering complaints and requests

Time limits for considering complaints and requests:

written confirmation of receipt: 7 days from delivery;

proposed solutions:

- if the examination of a request or complaint requires a previous explanation, the process will include collection of materials as well as analysis, studies, etc. In such an event, a reply to the complaint or request will be given in **14 days** from the date of submission;
- where no explanatory procedure is required, a reply to the complaint or request will be given in **7 days** from the date of submission;
- in particularly complex cases or if acceptance of the request or complaint requires amendments to the RAP, the time limit for replying to the complaint or request will be extended to **30 days**.

The proposed complaint registration form is presented in Appendix 2.

12.3 Persons responsible for considering complaints and requests

PGW RZGW Szczecin will designate its employees (Social Matters Consultants), who will be responsible for communication with the public and for handling complaints. There will also be one person designated in the Consultant Engineer's team, having competence and experience in the field.

12.4 Audits and independent appeal procedure

We assume periodic internal audits (to be conducted once every six months) of the 'complaint mechanism', aimed at checking whether the implemented system is effective.

13. PROJECT-SPECIFIC DATA PROTECTION POLICY

The following principles, to be applied during the Task, aim to ensure transparency, protection and security of collected personal data of the Project Affected Persons (PAP).

Data controller

The controller of personal data is the State Water Management Authority Polish Waters – Regional Water Management Authority in Szczecin, ul. Tama Pomorzańska 13A, 70-001 Szczecin. The controller is responsible to use the data safely and in accordance with applicable laws, in particular with the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.

Contact details of the data protection officer

If you have any questions about the manner and scope of processing your personal data in connection with PGW WP operations, or about your rights, you may contact the Data Protection Officer of PGW WP on iod@wody.gov.pl.

Legal basis of processing

The legal basis for processing personal data is Art. 6(1)(e) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC in connection with Art. 6 of the Act of 21 August 2017 on real property management.

What personal data may be collected and for what purpose

Personal data are any information of personal nature, which allows for identification of a particular person. PGW WP RZGW Szczecin only collects such data which are necessary to implement the investment projects carried out by PGW WP RZGW Szczecin (in this case, the Works Contract No. 1B.5/2, Task titled 'Construction of mooring base for icebreakers'). Such data are processed only in the scope specified by the PAPs, based on their voluntary consent expressed by an appropriate form, and may cover:

- a) identity data: full name, surname and date of birth,
 - b) contact data: telephone number, address of residence and/or legal domicile, e-mail,
 - c) data related to the payment of compensation for permanent seizure of property: Personal Identification Number (PESEL), series and number of identity card, parents' names, account number.
- The consent for the storage and processing of personal data is voluntary, but its refusal may prevent the payment of compensations or notifying the PAPs of the commencement and course of construction works.

PGW WP RZGW Szczecin only stores the current personal data of PAPs, and the PAP should inform PGW WP RZGW Szczecin of any change in their data.

Which personal data have been acquired otherwise than from the data subject and from which source(s).

To identify the owners / perpetual usufructuaries / possessors and other persons entitled to the properties that will be subject to permanent acquisition or restriction on use, PGW WP RZGW Szczecin has acquired personal data from the Land and Building Register, the electronic system of Land and Mortgage Registers and the register of inhabitants and payers of property tax maintained by the municipal offices competent for the PAP's place of residence. Such acquired data include:

- a) identity data: full name, surname, parents' names (if provided in the LBR), PESEL number (if provided in the Land and Mortgage Register),
- b) changes in the data listed above: changes of surname, information about death, changes or updates of the place of residence,
- c) contact details: address of legal domicile (if provided in the LBR).

Who may be provided personal data

The personal data of PAPs may only be disclosed to:

- a) authorised public entities, for the purposes of their proceedings, if PGW WP RZGW Szczecin is required to provide such data under relevant regulations and documents (such as court summons, judicial order or another legal or administrative procedure),
- b) the entities involved in implementing Works Contract No. 1B.3/1, Task titled 'Construction of mooring base for icebreakers', only insofar as necessary to carry out a particular action,
- c) postal operators, in order to notify PAPs,
- d) Consultant's representatives and lawyers, in order to support implementation of the Works Contract and to pay compensations.

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

Rights of data subjects

Each PAP has the following rights:

- a) right of access to his or her personal data, their update and rectification,
- b) right to erasure ('right to be forgotten') or transmit the data to another controller,
- c) right to restriction of processing of his or her personal data – some data may be designated as restricted for processing only in certain circumstances,
- d) right to lodge a complaint for the processing of his or her data by PGW WP RZGW Szczecin, with the data processing supervisory authority, if the PAP considers that the processing of his or her personal data infringes the provisions of the General Data Protection Regulation of 27 April 2016 (as defined above),
- e) withdraw at any time the authorisation for PGW WP RZGW Szczecin to process his or her personal data.

Data of the PAPs will not be subject to automated decision-making (profiling).

Contact details of the supervisory authority competent for receiving complaints

Prezes Urzędu Ochrony Danych Osobowych
ul. Stawki 2
00-193 Warsaw
tel. 22 531 03 00 fax 22 531 03 01
Office hours: 8.00 a.m. – 4.00 p.m.

Helpline: 606-950-000 available on business days from 10.00 a.m. to 1.00 p.m.

Period of retention of personal data

Personal data will be retained until the date of prescription of PAP's claims for damages.

14. MONITORING AND ASSESSMENT

The monitoring of LA&RAP implementation is an integral part of the Contract monitoring and management system. In consequence, the monitoring process will use tools applied in monitoring the implementation of the Contract, which is aimed at reporting to sponsoring undertakings and delivering current information about any issues, contingencies and irregularities. The LA&RAP is an integral part of the investment process, which allows for an immediate reaction in the event of problems or irregularities. It is also fundamentally important to ensure appropriate cooperation between the Consultant, PIU and PCU. The information flow within the monitoring is presented in the following diagram. General monitoring and assessment procedures are elaborated in the 'Land Acquisition and Resettlement Policy Framework', available on

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



Diagram 8. Monitoring of LA&RAP implementation

An essential role for monitoring the LA&RAP implementation is played by Consultant's and PIU's recording of facts and events, in particular through a register of correspondence, register of complaints, register of progress in acquiring titles to dispose of the property for construction purposes, and register of progress in compensation payment. The information contained in the registers are taken into account when preparing a data summary on the quantity of acquired properties and the amount and type of compensations paid. Any changes must be recorded in the registers. The registers are used to thoroughly monitor the following parameters:

- a) the number of properties to be expropriated and already expropriated,
- b) the number of persons to be resettled and already resettled,
- c) the number of properties to be temporarily acquired (planned and achieved),
- d) the amount of all expenses on the resettlement process (planned and achieved),
- e) compensations paid for the loss of title to property,
- f) compensations paid for the loss of income source,
- g) other compensations paid in connection with the investment project,
- h) the degree and status of protective measures,
- i) substitute properties acquired and awarded,

j) the number of complaints.

The LA&RAP monitoring system so shaped allows for a rapid response in the event of issues and for smooth reporting within the existing Contract management systems. The document will be updated quarterly. The main indicators to be monitored with regard to the Contract carried out by PGW WP RZGW Szczecin as part of Task 1B.5/2 are shown in the following table.

Indicator	Information source	Monitoring frequency	Progress indicator
Parameters assumed			
The number of properties acquired	Civil-law contracts , Consultant's Records	Monthly/Quarterly	Quantity (pcs.)
The number of Project Affected Persons (PAP)	Land and Mortgage Registers, excerpts from land register, lease contracts concluded, visits on task site	Continuous updates during the arrangement and payment of compensations	Quantity
The amount of all expenses on resettlement, including compensations (planned)	Consultant's Records	Monthly/Quarterly	PLN
Parameters achieved			
The amount of all expenses on resettlement, including compensations (actual)	Investor's financial records	Monthly/Quarterly	PLN
The number of properties acquired	Investor's/Consultant's Records	Monthly/Quarterly	Quantity (pcs.)
Performance indicators			
Number of complaints	Investor's/Consultant's Records	Monthly/Quarterly	Quantity (pcs.)
Number of complaints examined	Investor's/Consultant's Records	Monthly/Quarterly	Quantity (pcs.)
Compensations paid, other	Investor's financial records	Monthly/Quarterly	PLN

The results of the monitoring will be presented in monthly and quarterly reports. The *ex-post* assessment will be conducted six months after complete implementation and achieving the objectives of the LA&RAP; it will be evaluated and will cover the documenting of actions which directly affected the PAPs, to check whether we managed to restore a level of life equal to or higher than that from before the Project.

15. COSTS AND BUDGET

Item	Compensation amount	Total in PLN
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Expenses incurred on the property, including any structures, plantings and improvements	No data*	No data*
Removal expenses	No data*	No data*
Costs of renovating the acquired premises	No data*	No data*
Court fees	No data	No data
Costs of the LA&RAP execution**	Not applicable	No data

* The compensation amount will be set by an independent property appraiser and paid prior to the actual taking of land.

** The cost of information campaign (correspondence with PAPs), the cost of postal orders sent to persons not having a bank account, etc.

The funds will be acquired from the International Bank for Reconstruction and Development, the Council of Europe Development Bank and the State Budget.

Compensations will be paid by the Investor – PGW WP RZGW Szczecin. The funds are guaranteed by the State Treasury and distributed to Polish Waters through the Ministry of Finance and the Ministry of Maritime Economy and Inland Waterways.

If the GDDKiA signs an agreement with a person being an applicant in the administrative procedure for issuing the Road Construction Consent (RCC), the compensation amounts paid by PGW WP RZGW Szczecin will be transferred to the PAP through the GDDKiA. A detailed method of transferring the funds intended for payment by the GDDKiA and the dates of making such funds available will be settled in the agreement. The method of payment will meet the WB requirements defined herein.

A PAP receives compensation by transfer made to a specified bank account or, if the PAP does not have a bank account, by a cheque which the PAP uses to collect cash directly from the bank.

16. LA&RAP IMPLEMENTATION SCHEDULE

The following table presents all steps necessary to prepare and implement the LA&RAP, according to the LA&RPF.

LA&RAP PREPARATION			
Steps	Activity	Responsibility	Verification of activities
1	Preliminary assessment of the Task's social impacts	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team
2	Setting the final scope of expropriation and drafting the building permit design	Designer/Consultant	PGW WP RZGW – LA&RAP Verification Team
3	Setting the framework of coordinating LA&RAP implementation with competent state authorities	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team
4	Collecting excerpts from the LBR and from land development plans	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team
5	Assessing the social effects of the Task	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team

6	Verification and update of collected materials, impact reports and economic analyses	Consultant – Real Property Team	PGW WP RZGW – RAP Verification Team
7	Preparation of draft LA&RAP	Consultant – Real Property Team	PGW WP RZGW – RAP Verification Team
8	Public consultation on the LA&RAP upon the Bank's approval	Consultant – Real Property Team	PGW WP RZGW – RAP Verification Team
9	As far as the comments and requests on the LA&RAP are accepted – verification and update of collected materials, impact reports and economic analyses	Consultant – Real Property Team	PGW WP RZGW – RAP Verification Team
10	As far as the comments and requests on the LA&RAP are accepted – amending the LA&RAP	Consultant – Real Property Team	PGW WP RZGW – RAP Verification Team
11	Submitting the LA&RAP to the World Bank	PIO, PGW WP RZGW	PCU
12	No comments by the World Bank	WB	-
13	Publication of the LA&RAP	PIO, PGW WP RZGW	-

LA&RAP Implementation			
Steps	Activity	Responsibility	Verification of activities
1	Setting a detailed schedule of LA&RAP implementation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
2	Submitting the application for the Investment Project Implementation Permit	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
3	Obtaining the Investment Project Implementation Permit	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
4	Notifying PAPs of the acquisition of IPIP, related effects and further actions planned by the Employer	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
5	Valuation of outlays on property performed by independent property appraisers according to applicable laws, and verification of the valuation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
6	Providing the Project Affected Persons with appraisal reports and carrying out negotiations (contractless users)	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
7	If the negotiations are unsuccessful, notifying the PAPs of the option to bring action to a common court for setting the amount of compensation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
8	Payment of compensation or providing substitute properties, launching other compensation and protection measures provided for in the RAP	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Monitoring & Implementation Team

9	Actual takeover of the acquired properties and commencing works under a civil-law contract and the building permit	PGW WP RZGW supported by Consultant Engineer	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
10	Evaluating LA&RAP implementation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team

RECURRING TASKS			
Steps	Activity	Responsibility	
1	Continuous internal monitoring of LA&RAP implementation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
2	Reporting to the World Bank	PGW WP RZGW – LA&RAP Monitoring & Implementation Team	PCU
3	Continuous coordination with state and local government authorities	PGW WP RZGW – LA&RAP Monitoring & Implementation Team	PCU
4	Ongoing communication with PAPs	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team

FOLLOW-UP TASKS			
Steps	Activity	Responsibility	Verification of activities
1	Evaluating LA&RAP implementation	Independent external auditor	World Bank

17. Attachments number 2 FORM FOR THE SUBMISSION OF COMPLAINTS TO THE CONSULTANT (BASED ON GUIDELINES OF THE WB)

Ref. number	
Full name <i>Note: the complaint may be filed on an anonymous basis or you may demand that your data not be disclosed to third parties without your consent</i>	Complainant's first name _____ Complainant's surname _____ I would like to file the complaint anonymously _____ I demand that my personal data not be disclosed without my consent
Contact details <i>Please indicate the method you should be contacted (e-mail, telephone, regular mail)</i>	Post (please provide your correspondence address) _____ _____ _____ Telephone: _____ E-mail: _____
Preferred language of communication	Polish German English Other (please specify)
Description of the subject matter of occurrence, involved in the case and the effects of the	Subject-matter of the case/complaint, including the time location concerned by the case/complaint, persons event

Date the case / subject-matter occurred	
	One-off event / complaint (date: _____) The event occurred more than once (please specify how many times: _____) Ongoing (the issue exists now)
What measures would solve the issue in our opinion?	
Signature: _____ Date: _____ Please provide this form to: [Last name] OHS Inspector [Name of the company] Address _____ Tel.: _____ or e-mail: _____	

Appendices:

1. Appendix 1 – List of persons entitled or possibly entitled to compensation (two copies). [\(*this appendix will not be publicly disclosed*\)](#)
2. Appendix 2 – Complaint form (contained in Section 17 of the LA&RAP).
3. Appendix 3 – Anonymous socioeconomic study questionnaires.
4. Appendix 4 – List of plots located on the project site.
5. Appendix 5 – List of plots located within the project impact range.
6. Appendix 6 – Consultation Report for Task 1B.5/2.