

**ODRA-VISTULA FLOOD MANAGEMENT
PROJECT**

**DRAFT FOR PUBLIC CONSULTATION
RESETTLEMENT POLICY FRAMEWORK**

February 2015

DRAFT FOR PUBLIC CONSULTATIONS

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1 List of abbreviations used in the document

AP	Affected Population
PCU	Project Coordination Unit
EIA	Environmental Impact Assessment
BP	Building Permit
PIU	Project Implementing Unit
CAP	Act of 14 June 1960 — Administrative Proceedings Code (consolidated text, Journal of Laws of 2013 item 267 as amended)
LARAP	Land Acquisition & Resettlement Action Plan
LARPF	Land Acquisition & Resettlement Policy Framework
NBP	National Bank of Poland
NGO	Non-Governmental Organization
SAC	Supreme Administrative Court
PAP	Project Affected People
Special Flood Act	the Act of July 8 2010 on special principles of preparation and execution of flood prevention constructions investments (Journal of Laws Nr 143, item 963, as amended)
RPM Law	the Act of 21 August 1997 on real property management (consolidated text, Journal of Laws of 2014, item 906)
EIA Law	the Act of 3 October 2008 on disclosing information on the environment and its protection, public participation in environmental protection and environmental impact assessments (consolidated text, Journal of Laws of 2013, item 1235, as amended)
WB	World Bank
RAC	Regional Administrative Court

2 Introduction

2.1 PROJECT DESCRIPTION

2.1.1 Component 1: Protection against flood of Lower and Middle Odra

The scope of flood control includes securing the areas located along the Lower and Middle Odra riverbed on the section of the free-flowing Odra River from the town of Nowa Sól to the Nysa Łużycka River mouth, the border section of the Odra River, i.e. from the Nysa Łużycka River mouth to its branching into the Odra Zachodnia and Odra Wschodnia Rivers (within the town of Widuchowa), on the section of the Odra Zachodnia and Odra Wschodnia Rivers along with the Międzyodrze area and Dąbie Lake. The entirety of required work has been divided into three sub-components: 1A - Flood protection of areas in Zachodniopomorskie Province, 1B - Protection of Middle and Lower Odra River, 1C - Flood protection of Słubice City.

2.1.1.1 Sub-component 1A - Flood protection of areas in Zachodniopomorskie Province

The main purpose of flood control in Zachodniopomorskie Province is to build a system of integrated water management in the Odra River basin, which will take into account such aspects as flood protection of adjacent areas, protection of the Odra River water quality as well as of the natural and cultural environment. All the tasks under sub-component 1A solve the problems with flood protection comprehensively, covering the areas that are the most exposed to the flood risk. Sub-component 1A comprises the following tasks:

- **1A.1 - Chlewice-Porzecze. Backwater embankment of the Odra River by the Myśla River.** The task objective is flood protection of the towns of Chlewice and Porzecze against high waters of the Odra River and backwaters of the Myśla River (the right-bank tributary of the Odra River) with an embankment around the developed areas of the town of Chlewice.
- **1A.2 - Flood protection of Ognica village on Odra River.** The task objective is to secure the areas adjacent to the Odra River against flood waters and to improve drainage of water from reclaimed agricultural land.
- **1A.3 - Osinów - Łubnica. Modernisation of inter-embankment.** The task objective is to ensure an uninterrupted flow of any high waters and ice down the Odra River and the inter-embankment zone by limiting the conditions conducive to the formation of ice jams that result in the accumulation of flood waters during the spring thaw. The tasks listed above will enhance safety of the near-bank areas in Gryfino District.
- **1A.4 - Flood protection of Radziszewo and Daleszewo villages on Odra River at 726+400-727+960 km** The task objective is flood protection of the towns of Radziszewo and Daleszewo against high waters of the Odra River by building new embankments.

- **1A.5 - Modernisation of the Marwice polder.** The task objective is flood protection of the towns of: Marwice, Krajnik, Krzypnica and part of the town of Gryfino along with the industrial plants, including: Elektrownia Dolna Odra (power plant), Przedsiębiorstwo Usług Komunalnych Gryfino (municipal services company) , Przedsiębiorstwo Energetyki Ciepłej (energy provider) and a sewage treatment plant of a total area surface of 1500 ha. The task is composed of three stages:
 - Stage 1 - Krajnik - Marwice. Modernisation of the embankment on the East Odra River at km 712+100 - 708+862,
 - Stage 2 - Mniszki - Gryfino. Modernisation of the embankment on the East Odra River at km 720+935 - 718+850,
 - Stage 3 - Modernisation of the Krajnik pump station.

- **1A.6 - Restoring natural values of the Lower Odra Valley by improving retention and flood protection capacities of Międzyodrze area.** The task objective is to reach a hydrological balance in the entire Międzyodrze area between the two Odra River distributaries: Odra Zachodnia (West Odra River) and Odra Wschodnia (East Odra River), by making canals, ditches and hydraulic engineering devices operate in such a way as to ensure adequate irrigation and rapid drainage of natural areas while improving the flood safety level in the areas adjacent to the Odra River.

2.1.1.2 Sub-component 1B - Protection of the Lower and Middle Odra River.

The threat of flooding in winter conditions is posed by ice jams formed as a result of run-off ice blockage by the existing barriers, which results in water damming and flooding of the adjacent areas. Due to its specific nature, flood protection of Polish and German riverside localities on the Lower and Middle Odra River boils down to prevention of ice-jam floods and to ensuring a free flow of meltwater. The main objective of the investment is to reduce the possibility of the formation of ice jams and to facilitate icebreaking operations as the most effective tool to minimise the risks of floods in winter. These objectives will be achieved by: renovation and modernisation of existing regulating structures, elimination of jam-conducive areas, standardisation of the conditions of flow and river load movement as well as modification of the existing bridge structures. These actions will ensure safe carriage of ice down the river, and thus reduce the risk of flooding in adjacent areas. Sub-component 1B comprises the following tasks:

- **1B.1 - Reconstruction of river control infrastructure on the Odra River. Adaptation to the conditions of Class III roadway. Stage II.** The task objective is to improve water transport conditions on the free-flowing Odra River section and to adapt it to Class 3 waterway by increasing its average depths and by ensuring a more balanced transport of river load. The free-flowing Odra River from the barrage in Brzeg Dolny to the Nysa Łużycka River mouth is a Class 2 waterway. This 260 km-long section is characterised by the worst technical parameters and navigation conditions. Given the large scope of the undertaking, the planned investment has been divided into two stages: Stage I (in progress) covering the river section in Dolnośląskie Province

and Stage II (planned) covering the Odra River section in Lubuskie Province from the town of Nowa Sól (from km 427+500) to the Nysa Łużycka River mouth (to km 542+400). As part of the investment there are plans to reconstruct the existing regulating structures and de-clog the Odra riverbed. These measures will reduce the amount of jam-conducive areas by standardising the condition of flow and movement of river load, while adaptation of the river to Class 3 waterway will make it possible to implement a winter anti-ice protection programme and introduce icebreakers participating in icebreaking.

- **1B.2 - Modernisation works on boundary sections of Odra River** The border-side Odra River covers the river section from km 542+400 (the Nysa Łużycka River mouth) to km 704+100 (the bifurcation into the Odra Zachodnia and Odra Wschodnia Rivers in the town of Widuchowa). The task objective is to facilitate icebreaking operations (obtaining a standardised depth of at least 1.80 m) and – by stabilising the flow conditions and eliminating jam-conducive areas – to facilitate ice carriage from the Odra River to the Baltic Sea. On the border-side section, the Odra River is a regulated river. The maintenance condition of the regulating structures on both the German side and the Polish side is insufficient. This has led to terrestrialisation and progressing reduction of the waterway depth in the recent decades. On some sections these obstacles make it virtually impossible to carry out ice-breaking operations and to carry ice down the river; this, in turn, poses a significant threat to flood protection. The scope of planned work is based on the existing regulating structures, while no changes will go beyond the existing riverbed. As it was agreed between the Polish and German side, the undertaking has been divided into stages. The first stage comprises the elimination of commonly determined limiting areas (priority), while the subsequent stages will comprise the remaining work in line with the conceptual idea approved by the two parties.

The task is composed of two implementation stages:

- Stage 1 - Modernisation works on boundary sections of Odra River to provide good conditions for ice-breaking in winter,
 - Stage 2 - Reconstruction of river control infrastructure on boundary sections of Odra River.
- **1B.3 - Construction docking-mooring infrastructure.** The task objective is to improve the navigation conditions on the Lower Odra River and border-side Odra River, on the section from the Nysa Łużycka River mouth to Dąbie Lake, by building berth and mooring infrastructure and new signage of the waterway. As part of the task, docking-mooring infrastructure for icebreakers will be built in Szczecin. The target outcome is joint utilisation of the port infrastructure by the Water Management Office, the base of ice-breakers and all the vessels owned by RZGW [Regional Water Management Authority] in Szczecin. In winter, the outcomes of the task implementation will comprise increased efficiency and safety of ice-breaking operations using ice-breakers with a possibility to use the newly established berths.

The task is composed of two implementation stages:

- Stage 1 - Construction of docking-mooring infrastructure,

- Stage 2 - Construction of docking-mooring infrastructure on Lower Odra and on its boundary sections and new marking of the shipping lane.
- **1B.4 - Improvement of flood water-flow from Dąbie Lake in winter.** The task objective comprises deepening of the shipping route on Dąbie Lake to facilitate winter ice protection programmes and navigation of ice-breakers participating in ice-breaking on the lake. Dąbie Lake is the main basin of ice float flowing from the upper sections of the Odra River. Irrespective of the place where the ice jam occurs, each ice-breaking operation on the Odra, Warta and Noteć Rivers must commence on Dąbie Lake to which the ice float from the entire river area must be carried. This task is therefore the key element of winter flood protection on the Odra River.
- **1B.5 - Dredging of Klucz-Ustowo ditch** The Klucz-Ustowo ditch is a branching of the Wschodnia Odra River at km 730.5 which merges with the Odra Zachodnia River at km 29.8. The task objective is to improve the current situation of the waterway by increasing its current depth. In winter the investment will facilitate winter ice protection programmes and operation of ice-breakers participating in ice-breaking on this section of the river.
- **1B.6 - Reconstruction of bridges to ensure a minimum clearance** The task objective is to ensure an adequate clearance for ice-breaking operations involving river ice-breakers by modifying the existing bridge structures crossing the waterway. The existing bridges on the Odra River are a real barrier to winter ice protection programmes and operation of ice-breakers participating in ice-breaking. As part of the task one bridge is to be modified – the one which is the biggest obstacle to effective ice-breaking operations, namely the railway bridge at km 733.7 of the Regalica River in Szczecin.

2.1.1.3 Sub-component 1C - Flood protection of Słubice City

The flood of 1997 was a real threat to Słubice, as a result of which the town inhabitants had to be evacuated. The long-term water emergency condition impaired the embankments in the Słubice area. Potential loss of stability and a break in the embankments would be catastrophic for the town – due to its low altitude almost entire Słubice would be under water. In order to improve flood protection of the town of Słubice, strengthening and widening of the existing embankment along the Odra River are planned, along with a construction of a new encircling embankment securing Słubice from the north – task 1C.1, and reconstruction of the beds of the Czarny Kanał and Racza Struga Canals – task 1C.2.

- **1C.1 - Extension and construction of flood embankments** The task objective is to protect the town of Słubice against flood by reinforcing and widening of the existing embankment along the Odra River (from km 582+500 to km 588+000) and building a new encircling embankment from the north (the embankments starts at km 587+400 of

the Odra River course). The scope of work comprises modification of the existing embankment on the approx. 6.9 km-long section and building a new embankment on the 5.9 km-long section.

- **1C.2 - Reconstruction of Czarny Kanał and Racza Struga** The task objective is to facilitate proper drainage of the adjacent areas and discharge of surface water to the Racza Struga (Racza Stream) and Czarny Kanał (Czarny Channel) beds by restoring the proper technical condition of the existing hydrotechnical devices. The undertaking comprises the reconstruction of the Racza Struga bed on a 2 km-long section as well as the reconstruction of the Czarny Kanał bed on a 4.1 km-long section.

2.1.2 Component 2 - Flood protection of the Kłodzko Valley

The scope of flood control of the Kłodzko Valley covers flood protection of the inhabitants (approx. 234,000) and of developed areas of a total area surface of 497 ha. It comprises protection of humans and animals along with property. The investment provides for the individual protection of approx. 250 households as well. The flood risk in the Kłodzko Valley is mainly attributable to the insufficient throughput of the river beds and communication structures, insufficient number of flood reservoirs and insufficient number and height of embankments. This is accompanied by the poor technical condition of the existing anti-flood structures which do not ensure flood protection to the inhabitants of the river-bank areas. The scope of work involved in flood protection of the Kłodzko Valley covers active protection actions - sub-component 2A, as well as passive protection actions - sub-component 2B.

2.1.2.1 Sub-component 2A - Active protection

The scope of active protection comprises the construction of four dry detention basins: Boboszów on the Nysa Kłodzka River, Roztoki Bystrzyckie on the Goworówka Stream, Krosnowice on the Duna Stream and Szalejów Górny on the Bystrzyca Dusznicka River. The purpose of the proposed basins is – by reducing the culmination of flood waves and reducing the size of flows – to minimise the risk in the river valleys on which they are located, and indirectly also on the Nysa Kłodzka River and thus throughout the Kłodzko Valley. Currently, there are two dry detention basins in the Kłodzko Valley: Miedzygórze on the Wilczek Stream – max. capacity of 0.83 million cubic m and flooding area at the maximum damming – 6.6 ha, and Stronie Śląskie on the Morawa River: max. capacity of 1.4 million cubic m and flooding area at the maximum damming of 25.0 ha. The number and capacity of the existing basins are insufficient; in order to protect the Kłodzko Valley from flooding it is necessary to take actions enhancing active protection in the area. At the stage of preliminary study work, the location of thirteen flood control reservoirs was analysed. When choosing the most optimal solutions, the following aspects were analysed: the ability to protect large population centres which suffered during the previous floods, especially in 1997 and 1998; the size and nature of the catchment area expressed by the ratio of the reservoir capacity to the catchment area (reduction capacity of the reservoir); topographic opportunities of the reservoir location; quantity and size of collisions with existing infrastructure and land development; local government's attitude

reflected in placing the investment in the local land use plans of municipalities. Sub-component 2A comprises the following tasks:

- **2A.1 - Construction of "Boboszów" - a dry flood control reservoir on Nysa Kłodzka River** The dry detention basin is planned in the Nysa Kłodzka River valley in the towns of Boboszów and Pisary, above the locality of Międzyzlesie. The maximum capacity of the basin is 1.4 million cubic m, while its flooding area at the maximum damming is 21.0 ha. The direct advantage of the basin construction is flood protection of the towns of Boboszów and Międzyzlesie, which suffered during the flood of 1997. The Nysa Kłodzka River is characterised by rapid high waters, while the centenary water flow rate against the annual is approx. 220, i.e. it is very high; this only proves the validity of the basin construction.

The dam length along the crown axis is 230.0 m, while its height in the highest spot is 17.0 m. Water will flow through the dam cross-section via outlets and slope overflows along the right abutment of the dam. In the investment area there are 16 buildings colliding with the planned basin. Five of them are residential buildings, mainly cottages, while other buildings make up farms. The elements which also collide with the investment are an MV line providing power to the villages in the vicinity, an overhead telecommunication line and a county road between the villages of Boboszów and Pisary.

- **2A.2 - Construction of "Roztoki Bystrzyckie" - a dry flood control reservoir on Goworówka stream** The dry detention basin is planned in the Goworówka Stream valley above the Roztoki locality. The maximum capacity of the basin is 2.7 million cubic m, while its flooding area at the maximum damming is 48.0 ha. The direct advantage of the basin construction is flood protection of the town of Roztoki and - in conjunction with the "Boboszów" basin – protection of the town of Bystrzyca Kłodzka, which suffered great damage during the flood of 1997. The Goworówka River is characterised by rapid high waters, while the centenary water flow rate against the annual is approx. 180, i.e. it is very high; this only confirms that the river needs to be tamed before it enters the Nysa Kłodzka River, thus proving the validity of the basin construction.

The dam length along the crown axis is 750.0 m, while its height in the highest spot is 15.5 m. Water will flow through the dam cross-section via outlets and slope overflows along the right abutment of the dam. In the investment area there are no buildings colliding with the planned basin. The elements which collide with the investment are an MV line, gas pipeline and a county road between the villages of Roztoki and Goworów.

- **2A.3 - Construction of "Szalejów Górny" - a dry flood control reservoir on Bystrzyca Dusznicka River** The basin is planned in the valley of the Bystrzyca Dusznicka River near the locality of Szalejów Górny and above the town of Szalejów Górny. The maximum capacity of the basin is 9.9 million cubic m, while its flooding area at the maximum damming is 118.7 ha. The basin is to control 64% of the entire Bystrzyca Dusznicka catchment area, which will significantly affect the flow in the river below the basin and enhance flood protection of the town of Kłodzko.

The dam length along the crown axis is 735.0 m, while its height in the highest spot is 19.3 m. Water will flow through the dam cross-section via an overflow weir and outlets. In the investment area there is one building colliding with the planned basin. There are no utilities in the investment area.

- **2A.4 - Construction of "Krosnowice" - a dry flood control reservoir on Duna stream** The basin is planned in the Duna River valley, in its mouth section, approx. 500 above the town of Krosnowice. The maximum capacity of the basin is 1.9 million cubic m, while its flooding area at the maximum damming is 44.0 ha. The Duna catchment area is only slightly afforested (20%), which increases the rapidity of high flood waters. The centenary water flow rate against the annual is approx. 260, i.e. it is very high; this only confirms that the river needs to be tamed before it enters the Nysa Kłodzka River.

The dam length along the crown axis is 450.0 m, while its height in the highest spot is 15.7 m. Water will flow through the dam cross-section via a slope overflow and outlets. In the investment area there are no buildings colliding with the planned basin. The elements which collide with the investment are an MV line and a telecommunication line.

2.1.2.2 Sub-component 2B - Passive protection

The scope of passive protection covers flood protection of the areas along the four main rivers in the Kłodzko Valley: Nysa Kłodzka, Ścinawka, Biała Łądecka with the main left-side tributary – the Morawka, and Bystrzyca Dusznicka with the main left-bank tributary – the Kamienny Potok River. The built-up areas will be protected as class II or III of importance. Passive protection comprises: modification and renovation of the existing bank protection measures and enhancing the throughput of river and stream beds; construction of new and modification of existing embankments and floodwalls; enhancement of throughput of the existing dams and barrages; enhancement of throughput of the existing bridge and footpath structures; individual protection of households or moving the developed areas that are impossible to protect outside the flooding areas. Sub-component 2B comprises the following tasks:

- **2B.1 - Flood protection of Nysa Kłodzka River Valley** The scope of work related to flood protection of the Nysa Kłodzka River covers the section starting from km 179+500, i.e. the lower design stand of the "Boboszów" reservoir, to km 113+000, i.e. above the locality of Bardo. In total, work will be performed on a 66.5 km-long river section. As part of entire work, in particular the following will be performed: section-based modification and renovation of the existing bank protection measures; enhancing the throughput of river and stream beds; construction of new embankments and floodwalls on the section whose total length is 14.5 km; modification of the existing embankments and floodwalls on the section whose total length is 6.5 km; enhancement of throughput of 38 bridge and footpath structures; enhancement of throughput of 13 dams and barrages; and moving approx. 145 developed areas beyond the flooding areas.

2B.2 - Flood protection of Ścinawka River Valley The scope of work related to flood protection of the Ścinawka River Valley covers the section starting from km 26+850, i.e. from the Polish - Czech border, to km 0+000 i.e. to the Nysa Kłodzka River mouth. In total work will be performed on a 26.8 km-long river section. As part of entire work, in particular the following will be performed: section-based modification and renovation of the existing bank protective measures and enhancing the throughput of river and stream beds; construction of new embankments and floodwalls on the section whose total length is 8.5 km; modification of the existing embankments and floodwalls on the section whose total length is 1 km; enhancement of throughput of 20 bridge and footpath structures; enhancement of throughput of 5 dams and barrages; and moving approx. 105 developed areas beyond the flooding areas.

- **2B.3 - Flood protection of Biała Łądecka River valley and Morawka River.** The scope of work related to flood protection of the Biała Łądecka River Valley covers the section starting from km 36+400, i.e. above the locality of Stronie Śląskie, to km 0+000 i.e. to the Nysa Kłodzka River mouth. The scope of work related to flood protection of the Morawka River Valley covers the section starting from km 6+900, i.e. above the locality of Nowa Morawa, to km 0+000 i.e. to the place where it enters the Biała Łądecka River, at the level of Stronie Śląskie. In total, work will be performed on a 36.40 km-long section of the Biała Łądecka River and a 6.90 km-long section of the Morawka River. As part of entire work, in particular the following will be performed: section-based modification and renovation of the existing bank protective measures and enhancing the throughput of the beds of the two rivers; construction of new embankments and floodwalls on the section whose total length is 25.0 km (for the two rivers); modification of the existing embankments and floodwalls on the section whose total length is 4 km (for the two rivers); enhancement of throughput of 23 bridge and footpath structures (for the two rivers); enhancement of throughput of 9 (for the two rivers) dams and barrages; and moving approx. 60 developed areas beyond the flooding areas. .
- **2B.4 - Flood protection of Bystrzyca Dusznicka River Valley and Kamienny Potok River** The scope of work related to flood protection of the Bystrzyca Dusznicka River Valley covers the section starting from km 30+000, i.e. above the locality of Duszniki Zdrój, to km 0+000, i.e. the place where it enters the Nysa Kłodzka River. The scope of work related to flood protection of the Kamienny Potok River Valley covers the section starting from km 9+900 to km 0+000, i.e. the place where it enters the Bystrzyca Dusznicka River, at the level of Szczytno. In total work will be performed on a 30.00 km-long section of the Bystrzyca Dusznicka section and a 9.90 km-long section of the Kamienny Potok. As part of entire work, in particular the following will be performed: section-based modification and renovation of the existing bank protective measures and enhancing the throughput of the beds of the two rivers; construction of new embankments and floodwalls on the section whose total length is 8.0 km (for the two rivers); modification of the existing embankments and floodwalls on the section whose total length is 6.5 km (for the two rivers); enhancement of throughput of 66 bridge and footpath structures (for the two rivers); enhancement of throughput of 12 (for the two rivers) dams and barrages; and moving approx. 50 developed areas beyond the flooding areas.

2.1.3 Component 3: Upper Vistula

Component 3 Upper Vistula is located in the area of 3 provinces: Małopolskie, Podkarpackie and Świętokrzyskie.

The planned actions comprise the following Components which, at the same time, are the detailed Project objectives:

Component 3.1 – Protection of Upper Vistula towns and Cracow

Component 3.2 – Protection of Sandomierz and Tarnobrzeg

Component 3.3 – Passive and active protection in Raba sub-basin

Component 3.4 – Passive and active protection in San sub-basin

Component 3.1 – Protection of Upper Vistula towns and Cracow

In order for the protection measures in the Krakow agglomeration to be effective, it is necessary to maintain high water levels as low as possible within the city, in the conditions of precipitation water management control and steering their discharge to into river receiving bodies. Such task requires building of adequate protection structures in the city and in the catchment areas as well as in the Vistula River valley above Krakow.

The component will comprise modification of the Vistula River embankments in Krakow on the total length of 21 km in three sections. The embankments to be modified are the last fragments of protection structures that have not been modified since the flood of 2010 in Krakow.

The component also comprises the required supplementary measures in the Vistula River valley above Krakow with respect to additional retention capacity of high waters to lower the water table within the city. Although large water retention capacity exists in the large tributaries of the main Vistula course (147 million cubic m, in the reservoirs on the Mała Wisła, Sola, Skawa Rivers), it fails to meet the expectations of protection of the city itself with respect to flows higher than passive protection throughput in the city. Under such circumstances, additional polder retention is to be created reaching 90 million cubic m of the operating capacity in the Vistula River Valley on the section from Oświęcim to Krakow. As part of this component implementation, the following is planned: development of all the documents and performance of all the administrative procedures as a result of which legally binding administrative decisions will be obtained to commence construction work at the next stage.

To protect part of Krakow and Wieliczka, as part of the component implementation, the construction of retention capacity is planned in the form of four dry detention basins along with the necessary actions to stabilise the Serafa and Malinówka River beds (the Vistula River is the receiving body of these rivers) and modernisation of the existing embankments and construction of supplementary embankments on specific sections. The planned actions will complement an investment which was launched as a consequence of the flood of 2010; construction of the dry detention basin “Bieżanów” on the Serafa River (completion date: August 2015).

The division of Component 3.1 into sub-components and tasks is presented in Table 1.

Table 1. Sub-components and tasks of Component 3.1 – Protection of Upper Vistula towns and Cracow

Sub-components	Tasks
3.1.a Construction of Vistula embankments in Cracow	3.1.a.1 Section 1 – Vistula River left bank from Wanda bridge to Przewóz cascade including backflow embankments of Dłubnia River and Harbour Canal (7.13 km)
	3.1.a.2 Section 2 - Vistula River left bank from Przewóz cascade to Suchy Jar (3.17 km)
	3.1.a.3. Section 3 - Vistula right bank from Dąbie Cascade to Przewóz Cascade (10.66 km)
3.1.b Flood protection in Serafa River Valley	3.1.b.1 Serafa 2 Dry Polder , 9+223 km of Serafa River, Volume 50,000 m ³
	3.1.b.1 Malinówka 1 Dry polder , 0+220 km of Malinówka River, Volume 115,000m ³
	3.1.b.1 Malinówka 2 Dry Polder, 2+320 km of Malinówka River, Volume 55,000 m ³
	3.1.b.1 Malinówka 3 Dry Polder , 3+017 km of Malinówka River, Volume 80,000 m ³
3.1.c. Technical assistance - design work involved in polder construction	3.1.c.1 Feasibility Study and Construction designs for five polders above Kraków City.

Component 3.2 – Protection of Sandomierz and Tarnobrzeg

The lowland region of the towns of Sandomierz and Tarnobrzeg is a Vistula River node and an area of mouths of several important tributaries, including the big San River. The area is protected with embankments the condition and protection effectiveness of which was verified by the flood of 2010 (the largest in the history of the region); the majority of Sandomierz was flooded and significantly destroyed. Under the Component, modernisation of the Vistula River embankments will be performed as well as of the embankments of its tributaries within the Vistula River backwaters; moreover, the necessary modernisation of the pump station system will be performed which protects the landside of the embankment during high water flows. The modernisation also comprises synchronisation of embankment crown coordinates along their course and on both river banks to adapt them to the same safety level on the protected area. Due to historical conditions the current embankment crown coordinates in the area do not match one another.

Division of Component 3.2 – **Protection of Sandomierz and Tarnobrzeg** into sub-components and tasks is presented in the table.

Table 2. Sub-components and tasks of Component 3.2 – Protection of Sandomierz and Tarnobrzeg

Sub-components	Tasks
3.2.a Sandomierz Flood protection (SZMiUW)	3.2.a.1 Flood protection for Atramentówka River estuary, new Kocmierzów Pump Station construction, Kocmierzów floodgate construction
	3.2.a.2 Struga A flood protection including Pump Station Nadbrzezie modernization.
	3.2.a.3 Expansion of embankments protecting glassworks and residential area in Sandomierz City
	3.2.a.4 Protection of Koprzywianka river embankments - left embankment 0+000-12+900, right embankment km 0+00-14+400
	3.2.a.5 Pump Station Szewce construction.
	3.2.a.6 Extension of Zajeziorko Pump Station.
3.2.b Tarnobrzeg flood protection (PZMiUW)	Vistula right bank extension (length: 13.959 km), San right bank extension (length: 2.193 km) and Łęg river left bank extension (0.112 km) in Gorzyce and Radomyśl Municipalities

Component 3.3 – Passive and active protection in Raba sub-basin

The Raba River basin is mountainous farming area. At the same time, the area is highly developed with settlements in the valley of the Raba and its tributaries. Approx. 6410 buildings may be flooded with 500-year water, of which 45% are residential buildings and 214 are industrial structures, along with 399 public utility buildings. There are about 10,000 people at risk in this zone. Given the mountainous nature of the basin, the people and their property are exposed to erosion of the high water bed as well as to flooding of the naturally shaped terrain. These phenomena occur simultaneously during every consecutive damming up in the Raba River basin, causing significant damage, also below the Dobczyce retention reservoir. The increase in the basin area surface of high flood activity below the reservoir frequently reduces the protective impact of the dam. This was the case during the flood of 2010 (the largest flood recorded in the region so far). The current size of flood reserves of the capacity of 33.8 million cubic meters failed to retain flows from the reservoir at the level of non-damaging flow (300 cubic m/s). Therefore, as part of this component, there are plans to increase the amount of the flood reserve of the Dobczyce reservoir from 33.8 million cubic m to 44-54 million cubic m in the period from the beginning of May to the end of September, each year, and to build retention capacity on the Raba River major tributaries downstream of the Dobczyce reservoir, reaching the desired effect for the settlement areas situated in the valley of the Raba River.

Preliminary division into sub-components and tasks of Component 3.3 – Passive and active protection in Raba sub-basin is presented in the table below.

Table 3. Sub-components and tasks of Component 3.3 – Passive and active protection in Raba sub-basin

Sub-components	Tasks (preliminary division)
Passive and active protection in Raba sub-basin	3.3.1 Dobczyce reservoir flood reserve enlargement
	3.3.2 Polder Mikluszowice near Raba river construction
	3.3.3 Krzyworzeka reservoir modernisation
	3.3.4 Tusznicza dry polder construction
	3.3.5 Potok Królewiecki 2 dry polders construction
	3.3.6 Dopływ z Łężkowic dry polder construction
	3.3.7 Porębianka dry polder construction
	3.3.8 Krzczonówka dry polder construction
	3.3.9 Krzyworzeka dry polder construction
	3.3.10 Stradomka 3 dry polders construction
	3.3.11 Raba embankments/ boulevards construction and modernisation
	3.3.12 Poniczanka embankments/ boulevards construction
	3.3.13 Słonka boulevards construction
	3.3.14 Krzczonówka embankments construction
	3.3.15 Bogdanówka embankments construction
	3.3.16 Kaczanka boulevards construction
	3.3.17 Bysinka boulevards construction
	3.3.18 Krzyworzeka embankments construction
	3.3.19 Lipnik embankments construction
	3.3.20 Stradomka embankments construction and modernisation
	3.3.21 Potok Sanecka embankments construction
	3.3.22 Potok Królewiecki upgrading of bridge
	3.3.23 Słomka upgrading of bridge
	3.3.24 Bysinka upgrading of 6 bridges

Component 3.4 – Active and passive protection of the San basin

Under development. The materials about the San River will be attached to the document once the final decision on including the San River in the Project has been made.

2.2 THE POSSIBLE OCCURRENCE OF SIGNIFICANT SOCIAL IMPACT OF THE PROJECT

The key likely temporary or permanent impacts of project-related land take include:

- Loss of land (agricultural, non-agricultural, rural)
- Loss of assets (buildings, irrigation channels, fences, crops, trees, etc)
- Physical displacement of people,
- Loss of community infrastructure or common property resources.

Within the Project two categories of task will be implemented:

- linear (embankments, boulevards) and
- site-specific (dry polders, individual protection of households etc.).

The linear tasks have a minimal impact on any single landholder. Compensation is characterized by a large number of small payments for the temporary loss of assets such as standing crops. If well designed, linear projects can easily avoid or minimize the demolition of permanent structures.

Linear resettlement contrasts with site-specific resettlement because of the problems that frequently arise when resettlement actions have to be coordinated across multiple administrative jurisdictions.

Site-specific resettlement results mostly from a project's acquisition of farm land, pasture, or grazing land or the obstruction of access to natural resources on which affected populations rely for livelihoods (for example sand exploitation from riverbed). Major whitt those resettlement include requirements for restoring income based on land or resources. However there is also a high probability of resettlements connected with building dry polders and a passive protection. Nevertheless, only a few households are taken into account and the action is believed to have little impact on the whole local society.

The most significant costs cover resettlement due to investment and in turn the process of resettlement and adaptation of people affected by the project (PAP) to the new living places. Regardless of compensation, in some cases the resettlement may result in lowering the standards of living by the limited access to:

- Educational institutions in case of children and teenagers at school age;
- Nurseries, kindergartens or day-care services in case of young children and their parents;
- medical centers which can be of great importance for the elderly, the disabled or chronically ill people;
- cultural institutions, recreation areas and sport facilities.

Resettlement is connected with some psychological aspects such as stress related to the loss of previous place of living and adaptation to new circumstances. Thus the support and preventive activities are planned to help the affected people.

The negative effects of permanent acquisition or restricted conditions to the use of land on the former basis are to be counteracted by suitable and adequate compensations prepared thoroughly in the initial stages according to LARPF procedures.

The next costs resulting in compensations are connected with the loss of work or company. People who may lose their working places during the realization of the project may rely on the support to find new jobs. It does not guarantee the demand on the skills of the unemployed beyond their working places and therefore the further training and requalification will be necessary resulting in spending both public and private money. It also concerns people who have or rent farming land in the areas of investment. In case of diminution of usable value of land or its acquisition, the owners are under threat of losing the source of their income. Therefore, they have right to apply for financial compensation or replacement property.

It is highly probable that deterioration of the working conditions for business activities may take place due to communication problems (access of customers to the business, availability for suppliers). Regarding the necessity of temporary acquisition of the property for the purposes of the project, there could occur temporary stagnation or slowdown in farming or other business activity.

However, it is worth mentioning that such limitations deriving from the project are temporary and can be in most cases reversible. The affected farmers or businessmen may experience temporarily the adverse effect on the decrease or even loss of their income. Since most of the business activities run in the area concern sole-proprietorships or small companies employing up to 10 workers, the decrease or loss of income may be crucial in their business.

The project, however, may result in the vast benefits for the local society. The long-term benefits cover:

- limitation or elimination of flood risk,
- land and property protection both private or public, including property assets and farmlands,
- modernization of public infrastructure, mostly on the rivers (weirs, bridges, embankments).

Due to aforesaid changes, the landscape will gain new quality and become attractive enough to organize new recreation areas and resting places (canoe trails, boulevards, bathing beaches) which in turn will attract bigger number of tourists. Improvement in river navigation will lead to further development of water tourism.

2.2.1 Component 1: Protection against flood of Lower and Middle Odra

The works on the Lower and Middle Odra river include tasks of relatively low impact on the affected population. The tasks of the highest potential social impact comprise actions connected with building of embankments/ boulevards, modernizations of embankments and demolition of existing buildings. As a result, business (urban areas) and agricultural (rural areas) activities can be hindered. They can be also consequence of loss of farming including perennial crops. Taking into consideration the fact, that most of the project covers rural areas, the biggest social impact will concern agricultural activities. So far, the preliminary study of the problems has not revealed the need of resettlement of local population from their houses.

There could be also temporary limitation or restriction in river navigation on the chosen fragments of the Odra river as well as in legal sand exploitation from the riverbed. So the Project could occur temporary stagnation or slowdown in this kind of business activity.

2.2.2 Component 2: Flood protection of Klodzko Valley

The tasks of the highest potential social impact on affected population (AP) within Component 2 comprise actions connected with building of dry polders, building and modernizations of embankments and demolition of existing buildings (see Schedule no.3). It could result in physical displacement a few households and non-residential buildings. Also business (urban areas) and agricultural (rural areas) activities can be hindered.

2.2.3 Component 3: Upper Vistula River

The works on the Upper Vistula river include tasks of different impact on the affected population. The tasks of the highest potential social impact comprise actions connected with building of embankments/ boulevards, modernizations of embankments within subcomponent 3.1 - Protection of Upper Vistula towns and Cracow, subcomponent 3.2 - Protection of Sandomierz and Tarnobrzeg, subcomponent 3.4 - – Passive and active protection in San basin and building dry polders within subcomponent 3.3 – Passive and active protection in Raba sub-basin and subcomponent 3.4 – Passive and active protection in San basin.

For Subcomponent 3.1 - Protection of Upper Vistula towns and Cracow and subcomponent 3.2 Protection of Sandomierz and Tarnobrzeg, there will be also temporary limitation or restriction in river navigation which may be significant for water tourism in form of passenger fleet.

2.3 LARPF OBJECTIVES

The key objective of the Land Acquisition and Resettlement Policy Framework (LARPF) is to establish provisions and principles of resettlement program for the proposed project in accordance with Polish regulations and the World Bank's Operational Policy on Involuntary Resettlement (OP 4.12) and with respect for rights for compensation/assistance for the loss of property/asset in the forms of cash compensation or replacement/allocation. LARPF establishes also organizational solutions and criteria in the process of project design necessary to implement during task realization of the project.

Unless necessary precautions and preventive measures are taken in advance, land acquisition may result in generating hardship to those affected.

The key principles to be followed in the design and implementation of the land acquisition and resettlement program are as follows:

- Land acquisition and resettlement will be minimized or avoided where possible. Where resettlement is unavoidable, the procedures and requirements outlined in this Framework will be followed. Resettlement Action Plans (RAPs) will be designed to minimize adverse impacts.

- Affected persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to levels prevailing prior to the beginning of project implementation.
- All project affected persons (PAPs) will be meaningfully consulted and be active participants in the negotiated settlements and will have access to adequate and accessible grievance redress mechanisms. Consultations will consider all social issues (also gender) and take into account the needs of stakeholders who may be considered vulnerable.

Establishment of framework for effective participation of the affected people and provision of access to legal, fair and accessible proceedings of their appeal to independent authority or court without intentional delay if enforced. Affected people will be consulted on with regard for the needs of groups particularly vulnerable and the needs linked to gender.

2.4 BASIC PRINCIPLES OF LARPF

1. All cases of land acquisitions, either permanent or temporary, will undergo procedures drawn up in LARAP. It also concerns cases of permanent or temporary limitations to the access to the property resulting in the loss of business income (permanent or temporary) or worse standards of living. The implementation of LARAP will be monitored and reported and in the end evaluated. LARAP must be compatible with LARPF.
2. Land acquisition procedures will ensure that the livelihood and living conditions of project-affected people are improved, or at least restored, to pre-project levels.
3. The process of social participation, protective and mitigation actions will be carried out in accordance with fair treatment regardless of age, sex or disability of affected people. Particular attention should be paid to the households of vulnerable groups.
4. The process will be based in ongoing consultations with project-affected people which will be carried out in accordance with good faith, clarity, responsiveness, predictability and mutual respect of affected parties. All remarks and submitted proposals will be thoroughly examined and answered accordingly without delay.
5. Resettlement plan and land acquisition are designed and completed within the Project. All costs connected with implementation of compensation actions will be included in the budget as well as the advantage of the project.
6. Compensation for land acquisition /loss of business income will be received prior to acquisition.
7. A priority is given to the compensation in the form of allocation of alternative land of equivalent productive potential. Cash compensation will be used in the cases where land acquisition has no impact on the use of land for its former purposes as well as in cases where affected person expresses their will in cash compensation.
8. In case of temporary acquisition of the assets, after the works they will be returned in the same condition as beforehand to enable the owners or users the business activities on the same level as before.

All PAPs, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix include in this LARPF. Lack of legal title

should not be a bar to compensation and/or rehabilitation. A detailed procedures of land acquisition, social participation and protective, preventive, compensatory and mitigation measures will be established in LARAP.

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3 LEGAL FRAMEWORK

The Resettlement Policy Framework for the Odra-Vistula Flood Protection Project is based on national laws and legislation relevant to land acquisition and resettlement in Poland and, since it will be financed by the World Bank it must comply with the WB's Involuntary Resettlement Policy (OP/BP 4.12). It must be noted that Loan Agreements between the World Bank and client governments, in this case the Government of Poland, have the legal status of international treaties. By signing the Loan Agreement the Government agrees to abide to the applicable World Bank Environmental and Social Safeguards. Whenever there is a difference between local regulations and WB policies, whichever is more stringent and/or is more favorable to the affected people, will prevail.

3.1 OP 4.12 REQUIREMENTS

OP 4.12 Involuntary Resettlement is carried out if implementation of the Investment requires:

- a) involuntary taking of land resulting in:
 - a) relocation or loss of shelter,
 - b) loss of assets or access to assets,
 - 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 displaced persons.

To address the impacts of these activities, the borrower is obliged to prepare a resettlement plan or a resettlement policy framework. OP 4.12 also states that:

- Involuntary resettlement should be avoided where feasible exploring all viable alternative project design, and if it is not feasible to avoid resettlement, its range and impact should be minimized;
- Resettlement process should be planned and implemented as development activity providing means and assets allowing PAPs to participate in benefits resulting from implementation of the investment. Support should be offered to social groups affected by resettlements in order to improve their economic status, income and livelihood, or at least restore their status;
- The resettled should receive full compensation for incurred expenses, assistance in relocation and support in the transition period;
- Lack of legal title to the ground should not bar compensation;
- Particular attention should be paid to sensitive social groups and individuals (e.g. single mothers, the handicapped, 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;
- Process of resettlements should be closely linked to the schedule of the main investment so that the resettled people receive compensation before the construction or other activities covered by the projects begin;
- Monitoring of resettlement is required as well as evaluation of its efficiency;

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

3.2 POLISH LEGAL CONDITIONINGS

3.2.1 General Requirements

In general, compensation of social impacts resulting from implementation of flood investments is subject to provision of the following laws:

- the Law of 3 October 2008 on access to information on the environment and its protection, public participation in environment protection and environmental impact assessments (consolidated text: Journal of Laws of 2013, pos. 1235 with amendments),
- the Law of 8 July 2010 on specific rules for the implementation of flood structures (Journal of Laws No 143, pos. 963 with amendments) and
- the Law of 21 August 1997 on the real property management (consolidated text: Journal of Laws of 2014, pos. 906, hereinafter the RPM Law).

In accordance with the EIA Law, one of the criteria considered by the organ assessing if the environmental impact assessment (EIA) is required for the investment is the area of the project and number of people affected by its impacts, along with population density. Moreover, during the EIA it is necessary to carry out assessment of impact on the people and material goods as well as to conduct analysis of social conflicts. The EIA Law also imposes an obligation to carry out public consultations in the EIA process and to refer back in detail to the remarks and motions filed during the consultations. EIA is carried out during the first stage of issuing consent for implementation of the investment (as a part of procedure of issuing environmental decision), which allows for early assessment of social impacts associated with implementation of flood investments and for proposing appropriate minimizing and preventive activities.

Mechanisms directly associated with the loss or limitation of the ownership right and other property rights to the real estate as well as the loss or limitation of rights resulting from lease agreements are provided in the provisions of the flood act and the RPM Law. Expropriation of real estate or its part, as well as permanent or temporary limitation of manner of use of the real estate or its part is stated in the Building Permit (BP) issued by the Voivode. Expropriation takes place the moment the BP becomes final.

Prior to issuing BP, a party may demand that the motion for expropriation covers his real estate or its part that will no longer be fit for current use after implementation of the investment. If the investor refuses to expropriate this additional part, the party is entitled to sue him for purchase to an independent common court.

As regards transferring the ownership of the real estate to the State Treasury, the owner or the usufructuary is entitled to financial or land-for-land compensation. The flood act does not indicate any preference for the land-for-land compensation; financial compensation allowing for purchasing similar real estate is rather assumed.

The amount of compensation is determined separately for each real estate, by negotiating individually with the current owner or usufructuary. The negotiations are based on the independent and objective valuation prepared by licensed appraiser.

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

In case the investor and the expropriated party reach agreement as regards the amount of compensation, a written agreement is concluded, determining the amount of compensation, and time and manner of payment. However, if the agreement is not reached within 2 months from the date of issuing final BP, the amount of the compensation is determined by the Voivode. Before issuing decision on the amount of compensation, the Voivode appoints an independent expert appraiser. Also the party is entitled to present opinion of an expert; in such case the Voivode has to account for the opinion presented by the party in the decision determining the amount of compensation. If the party files remarks and motions in the proceeding, the Voivode has to refer to them during the proceeding and subsequently in the issued compensation decision.

The decision issued by the Voivode may be challenged by the party.

3.2.2 Public consultation

Procedure regarding public consultations are provided in the EIA Law. The consultations constitute part of EIA. The assessment is conducted as part of the procedure of issuing environmental decision, and if the investor introduced changes in the project as compared to conditions set out in the environmental decision, EIA will also be carried out within BP.

Additionally, in accordance with the Law of 14 June 1960 – Code of Administrative Procedure (consolidated text: Journal of Laws of 2013, pos. 267 with amendments), parties affected by the implementation of the investment are individually informed on any action undertaken by the organ issuing the decision and on all the documents filed by the investor at all stages of the procedure.

The parties are entitled to actively participate in the proceeding at any stage, file remarks, motions, documents, their own opinions, expert opinions, etc. Entire case file concerning the proceeding are open to the parties and have to be shared on request. The organ is obliged to refer to all remarks, motions, documents, etc. filed by the party. It is also possible to hold administrative hearing, open to the parties, in particular if there are disputes concerning any aspect of the case.

3.2.3 Appeal procedures

In accordance with provisions of CAP, each decision, including BP and decision of the Voivode establishing the amount of compensation for expropriation may be appealed from to the organ of second instance (minister for construction affairs). CAP states that it is obligatory for the organ issuing an administrative decision to add information on the deadline for filing an appeal, organ to which the appeal should be delivered and manner of filing an appeal. Filing an appeal is free of charge.

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

The decision issued in the appeal proceeding may be further contested to the RAC within 30 days from the date of delivery of judgment to the complainant. The ruling of provincial administrative court may be further subject to cassation, which has to be filed for within 30 days from delivery of a copy of the judgment with substantiation to the party.

3.3 ANALYSIS OF INCONSISTENCIES AND CORRECTIVE MEASURES

OP 4.12	Polish laws	Corrective action
Lack of legal title to the land should not bar compensation. People without legal title are eligible for compensation.	Polish legal system does not account for the right to compensation of the occupants/users of the land that do not hold legal title to it (except for the people whose legal title to the real estate was lost or who acquired the title by usucaption (method by which ownership of property (i.e. title to the property) can be gained by possession of it beyond the lapse of a certain period of time).	<p>Construction of Polish legal system as a rule does not allow for financial compensation. Each case should however be analyzed individually for the possibility of applying general compensation mechanisms from the Civil Code.</p> <p>As per OP 4.12 affected people without legal titles will be not eligible to receive compensations for the land. However, they will be eligible for compensation for any structures, crops or improvements to the land that were done before the cut-off date and to receive adequate solutions in cases where they have to be physically or economically displaced.</p> <p>It is allowed to apply nonfinancial supporting measures, like in the case of people holding legal title to the real estate.</p>
WB Policy requires compensation for the loss of income resulting	Provisions of Polish law do not provide compensation for the loss	Persons who lost income or employment will receive support (health insurance, professional

<p>from taking of land that generates the displacement of economic activities (e.g. business, agriculture, etc).</p>	<p>of income resulting from land take required for an investment.</p>	<p>trainings etc.) from the employment offices.</p> <p>In case of entrepreneurs or agricultural activities, it is possible to apply general compensation mechanisms from the Civil Code (covering <i>damnum emergens</i> and <i>lucrum cessans</i>).</p>
<p>Particular attention should be paid to sensitive social groups, such as the poor, the elderly, women, children, ethnic minorities.</p>	<p>Polish law does not require planning specific measures aimed at additionally assisting sensitive social groups (the elderly, the handicapped, the poor, and other groups with special needs).</p>	<p>It is recommended to grant to the expropriated people any help in obtaining assistance from offices and institutions.</p> <p>Additional protective measures may be implemented as good practice, within implementation of LARAP.</p>
<p>WB Policy requires compensation for expenses incurred by PAP as a result of physical relocation and assistance in implementing the resettlement.</p>	<p>Assistance regarding incurring costs of relocation and other similar costs resulting from the necessity to move to a new location by the citizens and enterprises is not provided in the provisions of law.</p>	<p>In order to cover costs of relocation and other similar costs it is possible to apply general compensation mechanisms from the Civil Code.</p>
<p>The compensation should be paid prior to physical occupation of the land for the purposes of implementation of the investment.</p>	<p>The flood act allows for occupying the land and commencing works before the compensation is paid.</p>	<p>In all cases, no work will begin until there is documented evidence that the project-affected person has been informed well in advance, compensation has been paid and it has granted permission to enter the land.</p> <p>The only exceptions are cases where the process is taken to the courts because negotiations fail or other reason or cases were absentee owners cannot be found. In these cases, as per Polish regulations, the compensation amount will be put into an escrow account and the money will be available to affected people once the court makes a decision or the owner is located..</p> <p>To minimize the risk of starting works before compensating for losses the project will plan and conduct land acquisition well in advance of starting construction</p>
<p>Compensation for the loss of goods is based on their market value</p>	<p>Applied methods of valuation may lead to lowering the value of the real estate as compared to prices of</p>	<p>It is recommended to commission valuation of the real estate to an independent and experienced</p>

<p>plus any transaction costs (e.g. taxes and registration fees) and the objective is for the compensation to be enough to effectively replace the affected asset (replacement value).</p>	<p>similar real estate on the local market.</p>	<p>appraiser. Expert opinion should be verified by PIU. The expropriated party should be granted proper amount of time to get familiar with the appraiser's opinion. Should there be any doubts regarding the sufficiency of the due amount of compensation, value of the real estate should be estimated by an independent appraiser in the proceeding with the Voivode. In all cases effective replacement value must be achieved.</p>
<p>Requires to prepare a socio-economic baseline, Resettlement Action Plan and monitor of compensation, resettlement and livelihood restoration measures as well as evaluation of their efficiency.</p>	<p>Provisions of polish law do not account for obligation to gather a socio-economic baseline and prepare a resettlement plan as such and there is no obligation of monitoring or evaluation of their efficiency.</p>	<p>Socio-economic baselines and resettlement plans will be prepared, monitored and evaluated as a good practice and in line with OP 4.12.</p>

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4 VALUATION METHODS

4.1 VALUATION PRINCIPLES

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

In all cases compensation must meet the principle of replacement value, which means the market value of the land, assets and other (e.g. crops) plus any transactions costs required to replace it, such as taxes and registration fees. Compensation is determined on the basis of a valuation by a valuation expert, and other experts (e.g. agricultural expert) as required.

According to the OP 4.12, with regard to land and structures, "replacement cost" is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where Polish law does not meet the standard of compensation at full replacement cost, compensation under Polish law is supplemented by additional measures so as to meet the replacement cost standard, such as support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living, etc.

The amount of compensation paid by the State Treasury or the local government entity, respectively, is determined by the investor and the current owner perpetual usufruct or other legal holder through negotiations based on a valuation conducted by a certified real estate and assets valuation committee/expert appointed by PIU. In all cases the results of the negotiations should achieve compensation at replacement value, or higher.

Should the investment concern garden allotments established pursuant to the Act on family garden allotments, the investor shall:

- pay the garden allotment holders compensation for the plants, assets and objects belonging to the allotment holders and located in the allotment;
- pay the garden allotment holders' association compensation for assets, buildings and structures located in the family allotment for the purpose of shared use by the allotment users and ensuring the proper functioning of the allotment;
- secure replacement real property for the purpose of restoration of the family allotment.

The amount of compensation in the case of flood protection measures is determined according to the state of the real property as of the day of the investment realisation permit

issued by the body of first instance and according to the real property's value as of the day on which the amount of compensation is determined; which is also the cut-off date after which no further occupation or improvements on the land is not eligible for compensation and/or resettlement assistance. Compensation is subject to indexation as of the day of payment according to the principles applicable in the case of return of expropriated property.

4.2 REAL PROPERTY VALUATION

The amount of compensation is determined on the basis of the market value of the real property. While ascertaining the market value of the real property, the following factors in particular are taken into consideration: its type, location, use and zoning, existing technical infrastructure, overall condition and current market prices. Should the zoning in accordance with the purpose of the investment decrease the real property's value, its market value will be ascertained according to the current use and not the less valued use. If the data from the local or regional real property market allow the valuer to ascertain the market value of the property, they should apply one of the market approaches, i.e. the sales comparison approach, the income capitalisation approach or the combined approach. Should the zoning in accordance with the purpose of the investment increase the real property's value, its market value is ascertained according to the alternative use resulting from the zoning. If the data from the local or regional real property market does not allow the value to ascertain the market value of the property, they should ascertain the replacement value of the real property on the basis of the cost approach.

Should the current owner or perpetual usufructuary of the real property subject to the investment realisation permit deliver the property or deliver the property and vacate the premises as well as other rooms within 30 days, respectively, the amount of compensation is increased by 5% of the value of the real property or of the value of the title to perpetual usufruct.

In addition to market value, any transaction costs will be considered.

4.3 VALUATION OF OBJECTS NOT FIXED TO REAL PROPERTY

The valuer appraises objects not fixed to real property (e.g. machines and appliances) on the basis of the following data: brand, model and type, year of production, producer, place and date of production, as well as other data necessary to identify the object.

The book value of such fixed assets may increase or decrease in the process of valuation. The causes of the decrease may be in particular technical (wear and tear), functional (modifications in terms of material or construction) or economic (lack of particular material or workforce, changes in legal provisions, decreased demand). The valuer shall apply the cost approach or the sales comparison approach. In this case the replacement value applies and must allow to allow for the object to continue providing the service it provided pre-project.

4.4 VALUATION OF PLANTS AND CROPS

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

The valuation of fields of perennial plants involves the valuation of the costs of establishing the field and its maintenance until the first crop as well as of the lost profit in the period from the day of expropriation until the completion of the full yield. The aggregate of costs and the value of lost profits are reduced by the sum of the yearly depreciation charge resulting from the period of using the field from the first year of yield until the day of expropriation. The valuation of crops, cultivation and other yields of annual plants involves the valuation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the harvest of the crops.

4.5 VALUATION OF THE REMAINING ASSETS

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

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

5 ELIGIBILITY CRITERIA AND CATALOGUE OF BENEFICIARIES

5.1 ELIGIBILITY

Each Project Implementation Unit (PIU) must follow the eligibility criteria of affected persons for compensation and other assistance in connection with the expropriations described in this Framework which is based on Polish regulations and the WB OP 4.12. This criteria must be included in each LARAP required for the subprojects and it must be disclosed through consultations with individual PAPs, households, leaders of the local communities and, where appropriate, NGOs.

According to the policy of the World Bank, the following two groups of people are eligible for compensation and assistance in connection with involuntary attachment of real property resulting in Resettlement or loss of residence, loss of goods or access to goods or loss of income sources or decline of the standard of living:

- a) those who have formal legal rights to land or assets affected by the Project (including legal holders with the right to the usucaption of a particular right);
- b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets

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

It ought to be noted that persons who have no title in land are few. Moreover, persons who use land without a title are aware of the illegality of their actions and of the fact that the property may return to the rightful owner at any time and without financial compensation. However it should be noted, that It is allowed to apply nonfinancial supporting measures, like in the case of people holding legal title to the real estate.

The following sections determine the categories of adverse impact on PAPs, the categories of PAPs and the eligibility criteria for each category. In addition, the rights of each category of PAPs have been set forth. Principally the central eligibility criterion is the location of the PAPs' real property or other goods within the area of the Project prior to the cut-off date, which is determined following the completion of the census. Legal persons and unincorporated associations who possess real property or goods within the area of the project must have their registered seat in this area or their activity in the area must be well documented and known to the local community. Particular attention ought to be paid to the verification of claims which might result in harm to particularly vulnerable groups of PAPs. In the case of any doubt, local authorities or leaders of the local community ought to be consulted.

Eligible for compensation are persons present in the area of the project's implementation before the cut-off date, unless it is proven that the owners of real property in the area or the farmers who have their crops in the area have already received adequate compensation. The cut-off date will be communicated to the public through direct mail to those affected, flyers and posters in local municipality, website, newspaper advertisement, site notice).

The following groups of PAPs are deemed eligible for compensation or protective measures in connection with the implementation of the Project:

- a) owners and perpetual usufructuaries of real property (including buildings), owner-like possessors, persons who hold real property like possessors, perpetual usufructuaries or owner-like possessors, yet without a legal title,
- b) lessees, tenants, life annuitants and other dependent possessors of real property and persons who hold real property like dependent possessors, yet without a legal title,
- c) persons who have a limited property right in the real property, such as easement, mortgage, pledge, usufruct and a cooperative member's ownership right to premises, as well as persons who exercise such rights in real property without a legal title,
- d) owners of crops, plants, structures and other constructions attached to the land,
- e) PAPs who lose their income, workplace, pay or ability to carry out business activity as a result of Project-related land requirements.

In the temporal aspect, eligibility for compensation shall be limited by the cut-off date determined for each task separately and approved by the World Bank. The cut-off date shall be set on the day when the census is finalized and shall be publicly announced. While determining the cut-off date, it ought to be taken into consideration that under Polish law PAPs who have legal titles in the expropriated real properties are entitled to compensation in the form of monies or according to the rule "land for land" under the condition that they held these legal titles on the day on which the investor submitted the application for the investment realisation permit.

Persons who do not possess real property, crops, plants, buildings, structures or flats or do not carry out business activity in the Project's area as of the cut-off date shall not be eligible for compensation and assistance according to LARAP. These persons shall be notified of the project's implementation prior to its commencement and of the necessity to collect the crops and plants and to deconstruct the structures erected on real property.

Again, persons who possess real property in the project's area, yet whose place of residence or stay cannot be ascertained, remain eligible for compensation. Therefore all possible and legally permissible measures shall be taken in order to ascertain their place of stay and to offer them compensation. Should it be impossible to ascertain their place of stay or residence, the compensation shall be placed in a deposit, whence it can be retrieved by the entitled person at any time.

5.2 ENTITLEMENTS

Eligibility for compensation shall be ascertained according to the following principles:

- legal possessors of real property in the project's area shall receive full compensation with due account of the rule "land for land",
- lessees, tenants, life annuitants and other dependent possessors of real property in the project's area shall receive full compensation for the loss of these rights,
- possessors of limited property rights in real property in the project's area shall receive full compensation for the loss of these rights,
- owners of crops, plants, structures and other constructions attached to the land shall receive compensation for the crops, plants, structures and constructions,

- residents of houses and flats subject to Resettlement 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 income, pay or ability to carry out business activity shall receive adequate compensation and, if necessary, a package of individually selected protective measures,
- illegal possessors of real property in the project's area who have no legal title and no expectant right to obtain a legal title in the property shall receive no compensation for the expropriation from the real property, as that is not possible under Polish law. Yet these persons shall receive compensation for plants and constructions owned by them and, if necessary, a package of assistance required to improve, or at least restore, living conditions and livelihood.

PAP shall be entitled to receive compensation for the following categories of effects/losses:

- **Permanent loss of real property used of agricultural and non-agricultural purposes** - where possible and where PAP express such a will, the loss will be compensated in the form of "land for land" by way of granting the real property of a similar value, location and functions as the expropriated real property. If finding a real property that meets the criteria of adequate compensation is not possible, PAP will not express an intention to receive compensation in the form of "land for land", or if only a small part of the plot is subject to attachment, the compensation will be paid in cash and will correspond to the market value of the expropriated real property or any part thereof. In addition, for the immediate release of the property it will be possible to increase the compensation by an amount corresponding to 5% of the value of the expropriated property under the terms of the Special Flood Act. PAP not being owners or perpetual usufructuaries but having legal title to the property will receive compensation corresponding to the value of the expropriated rights. At the request of PAP, the investor takes over the real property in its entirety and compensate for the acquisition of the property according to the aforementioned principles. Any and all transaction costs, including taxes related to the granting of compensation for expropriation, will be covered by the investor. PAP who possesses properties within the area covered by the project without any legal title (illegally) shall not be granted any compensation for the expropriation of the property. However, they will receive compensation for plants, plantings and structures belonging to them and, if necessary, the package of assistance required to improve, or at least restore, living conditions and livelihood.
- **Permanent restriction of use of real property for current purposes** as a rule, it will be compensated in cash, taking into account the loss of the market value of the real property. Depending on the case, specially selected protective measures will also be offered. At the request of PAP, the property, where permanent restriction of use of real property for current purposes is to occur, is expropriated and PAP will receive compensation under the terms applicable to the permanent loss of the property;
- **Residential buildings** – compensation will be carried out on the same basis as for permanent loss of the property. In addition, the relocated PAP will receive an additional

payment in the amount of PLN 10 000. Depending on the case, such people will be granted replacement residential accommodation by the Investor. As for squatters, they are not entitled to compensation, however, in certain cases the investor is obliged to grant them 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 actions 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, owners and users of these buildings and structures are compensated on the basis applicable to the permanent loss of property. Within the framework of the protective measures the investor will propose the reconstruction of infrastructure networks - and where appropriate – of structures and buildings at the expense of investor. In the case of illegitimate users monetary compensation will not be possible. In this case, they will be offered specially selected protective measures. In addition, in the case of local government units which have implemented or are implementing the affected buildings and structures by use of funds from the budget of the European Union or other foreign sources, financial compensation will be increased by the amount of the refundable funds of co-financing together with accrued interest;
- **Loss of plantings** will be compensated to the benefit of legitimate property holders in cash, taking into account the costs of making and maintenance of plantings, as well as the value of lost fruits in the period from the date of expropriation until the end of the full yield,
- **Loss of tree stand** will be compensated on the basis applicable to the loss of plantings. Depending on the case, compensation may also be made according to the estimate of the value of wood that could be obtained;
- **Impact on enterprises** will be compensated in cash by compensation for the damage actually incurred by an enterprise and a profit lost as a result of the Project. Billing and accounting documents or corporate income tax returns should be the grounds for the determination of such values. Should employees lose their work, they will receive unemployment benefits. Both employees as well as contractors working under civil-law contracts, in case of loss of earning capacity, will receive free-of-charge health insurance, assistance in search for work and help in the form of retraining vocational training aimed at finding new employment;
- **Loss or limitation in access to the social infrastructure** will be compensated as much as possible by restoring the infrastructure in the new appropriately located site. In the absence of possibility or the lack of the need to restore the infrastructure in the new site, PAP will have access to existing social infrastructure;
- **Transport resulting from the Resettlement of households** – in order to cover the costs of household Resettlement, PAP will receive the amount of PLN 10 000. They will also be offered the package of protective measures including, if necessary, assistance in search for the transport company and coverage of transport costs exceeding the amount of PLN 10 000;
- **Vulnerable groups** will be covered by protective measures specially adjusted to their needs (schedule of measures' implementation in this field will be determined individually). With reference to children and school teenagers, the assistance will cover

help in finding such a location, which will enable them to continue education in the current school; the same rule applies for children attending nurseries and kindergartens. The elderly will be relocated to places devoid of architectural barriers which hinder movement and have 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 from non-governmental organisations competent in the scope of their problems.

- **Temporary attachment of real property** will be compensated in cash through the payment of monthly amounts corresponding to market prices of tenancy or lease of the real property. Moreover, in the case when due to the temporary occupation of the property PAP incur 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 related to construction works** will be compensated according to their nature in order to make the restoration of the full substance of the affected object or the purchase of a new one possible. Depending on the situation, appropriate rules for the payment of compensation to the above influences will be applied.

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5.2 MATRIX OF COMPENSATION MEASURES

Category of measures	Impact / damages	Application	Determination of PAP	Compensation
Acquisition of properties				
1. Construction of dry reservoirs 2. Construction of embankments / boulevards 3. Modernization of embankments 4. Construction of polders 5. Construction of a pumping station 6. Demolition of structures 7. Reconstruction and modernization of hydraulic structures (automatic gates, weirs and barrages)	Permanent loss of properties used for agricultural and non-agricultural purposes	Expropriation of properties of their parts	Owners, perpetual users, owner-like possessors of properties	<ul style="list-style-type: none"> • “Land for land” compensation • If “land for land” compensation is not feasible or not wanted then cash compensation • Coverage for all transactional costs
			Leaseholders, users of properties	<ul style="list-style-type: none"> • Cash compensation, • Coverage for all transactional costs
			Illegal holders of properties	<ul style="list-style-type: none"> • Cash compensation for plants, planting and constructions remaining their ownership and left at the property
			Holders of easement, mortgage, lien upon properties	<ul style="list-style-type: none"> • Cash compensation, • For land easement holders – support in finding a solution allowing for using their property (holding the expropriated property) • Coverage for all transactional costs

			Illegal easement holders	<ul style="list-style-type: none"> • Cash compensation for plants, planting and constructions remaining their ownership and left at the property, • For illegal easement holders - support in finding a solution allowing for using their property (holding the expropriated property).
<ol style="list-style-type: none"> 1. Construction of dry reservoirs 2. Construction of embankments / boulevards 3. Modernization of embankments 4. Construction of polders 5. Construction of a pumping station 6. Demolition of structures 7. Redevelopment of bridges 8. Reconstruction and modernization of hydraulic structures (automatic gates, embankment locks and culverts, weirs and barrages) 	Permanent limitation in using properties	Permanent limitation of the possibility of using properties according to their previous usage	Owners, perpetual users, owner-like possessors of properties	<ul style="list-style-type: none"> • Cash compensation, • Coverage for transactional costs, • Proposing an institutional support and advising in the scope of possibilities of other use for properties
			Illegal holders of properties	<ul style="list-style-type: none"> • Proposing an institutional support and advising in the scope of possibilities of other use for properties,
			Leaseholders, users of properties	<ul style="list-style-type: none"> • Cash compensation, • Coverage for transactional costs, • Proposing an institutional support and advising in the scope of possibilities of other use for properties
			Easement holders	<ul style="list-style-type: none"> • Support in finding a solution allowing for using their property (holding the expropriated property), • Cash compensation,

				<ul style="list-style-type: none"> • Coverage for transactional costs
			Illegal easement holders	<ul style="list-style-type: none"> • Support in finding a solution allowing for using their property (holding the expropriated property)
Buildings and structures				
<ol style="list-style-type: none"> 1. Construction of dry reservoirs 2. Demolition of structures 	Residential buildings	Expropriation of properties with residential buildings	Building owners	<ul style="list-style-type: none"> • “Land for land” compensation • If “land for land” compensation is not feasible or not wanted then cash compensation, • Coverage for all transactional costs, • Coverage for costs associated with resettlement process, • In case of cash compensation – support in finding settlement site or assurance of an apartment by the investor, • Institutional and social support for resettled people.
			Illegal owner-like possessors of the building	<ul style="list-style-type: none"> • support in finding settlement site or assurance of an apartment by the investor, • Institutional and social support for resettled people.
			Leaseholders, tenants, users of properties	<ul style="list-style-type: none"> • Cash compensation, • Coverage for all transactional costs,

				<ul style="list-style-type: none"> • Coverage for costs associated with resettlement process, • In case of cash compensation – support in finding settlement site or assurance of an apartment by the investor, • Institutional and social support for resettled people.
			Squatters	<ul style="list-style-type: none"> • support in finding settlement site or assurance of an apartment by the investor, • Institutional and social support for resettled people.
			<p>Holders of easement, mortgage, lien upon properties</p>	<ul style="list-style-type: none"> • Cash compensation, • Coverage for transactional costs, • For possessors of dwelling easement - support in finding settlement site or assurance of an apartment by the investor, • Institutional and social support for resettled people.
<ol style="list-style-type: none"> 1. Construction of dry reservoirs 2. Construction of embankments / boulevards 3. Modernization of embankments 4. Construction of a pumping station 5. Redevelopment of bridges 	<p>Non-residential buildings and structures (stables, fences, technical infrastructure, etc.)</p>	<p>Expropriation of properties, where non-residential buildings and structures and technical facilities other than ones owned by transmission companies are located</p>	<p>Owners, perpetual users, owner-like holders of buildings and structures</p>	<ul style="list-style-type: none"> • “Land for land” compensation, • If “land for land” compensation is not feasible or not wanted then cash compensation, • Coverage for transactional costs, • Institutional and social support for expropriated parties

6. Demolition of structures 7. Demolition and redevelopment of colliding infrastructural elements 8. Reconstruction and modernization of hydraulic structures (automatic gates, embankment locks and culverts, weirs and barrages)			Illegal possessors of buildings and structures	<ul style="list-style-type: none"> • Compensation for structures and buildings owned by illegal possessors and left at properties, • Institutional and social support for expropriated parties.
			Leaseholders, tenants, users of buildings and structures	<ul style="list-style-type: none"> • Cash compensation, • Coverage for transactional costs, • Institutional and social support for expropriated parties.
Loss of Income and Livelihood				
1. Construction of dry reservoirs 2. Construction of embankments / boulevards 3. Construction of polders 4. Modernization of embankments 5. Demolition of structures 6. Reconstruction and modernization of hydraulic structures (automatic gates, embankment locks and culverts, weirs and barrages)	Loss of planting	Expropriation of properties, permanent limitation of the possibility of using properties according to their previous usage	Owners, perpetual users, owner-like possessors of properties	<ul style="list-style-type: none"> • Cash compensation, including costs for arranging and curing of the planting and for lost crops, • Allowing for collection of crops
			Leaseholders, tenants, users of properties	<ul style="list-style-type: none"> • Cash compensation, including costs for arranging and curing of the planting and for lost crops, • Allowing for collection of crops
			Illegal possessors of properties	<ul style="list-style-type: none"> • Allowing for collection of crops
1. Construction of dry reservoirs	Loss of trees	Expropriation of properties, permanent limitation of the possibility of using properties	Owners, perpetual users, owner-like possessors of properties	<ul style="list-style-type: none"> • Cash compensation, including costs for arranging and curing of trees and for lost crops, if necessary

<ol style="list-style-type: none"> 2. Construction of embankments / boulevards 3. Modernization of embankments 4. Construction of a pumping station 5. Redevelopment of bridges 6. Demolition of structures 7. Reconstruction and modernization of hydraulic structures (automatic gates, embankment locks and culverts, weirs and barrages) 		<p>according to their previous usage</p>	<p>Leaseholders, tenants, users of properties</p>	<ul style="list-style-type: none"> • Cash compensation, including costs for arranging and curing of trees and for lost crops, if necessary
<ol style="list-style-type: none"> 1. Construction of dry reservoirs 2. Construction of embankments / boulevards 3. Demolition of structures 4. Reconstruction and modernization of hydraulic structures (automatic gates, embankment locks and culverts, weirs and barrages) 	<p>Impact on entrepreneurs and on employment</p>	<p>Expropriation of properties where companies or their assets are located, permanent limitation of the possibility of using properties according to their previous usage</p>	<p>Sole traders</p>	<ul style="list-style-type: none"> • Cash compensation, • Institutional support for people closing their business.
<ol style="list-style-type: none"> 1. Construction of dry reservoirs 2. Regulatory and maintenance works 		<p>Temporary limitation of navigational possibilities in reaches covered by the project</p>		<ul style="list-style-type: none"> • Cash compensation, • Institutional support for people closing their business.

<p>3. Redevelopment of bridges</p> <p>4. Reconstruction and modernization of hydraulic structures (automatic gates, embankment locks and culverts, weirs and barrages)</p>				
<p>1. Construction of dry reservoirs</p> <p>2. Construction of embankments / boulevards</p> <p>3. Modernization of embankments</p>		<p>Expropriation of agricultural entity/orchard or its part, and further agricultural /orchard business is not profitable</p>		<ul style="list-style-type: none"> • “Land for land” compensation under conditions allowing for continuing agricultural / orchard business or cash compensation, • Cash compensation allowing for undertaking agricultural / orchard business actions within a new property.
<p>1. Construction of embankments / boulevards</p> <p>2. Modernization of embankments</p>		<p>Expropriation of properties where companies or their assets are located, permanent limitation of the possibility of using properties according to their previous usage</p>	<p>Non-governmental organizations</p>	<ul style="list-style-type: none"> • “Land for land” compensation or cash compensation, • Awarding cash compensation in an amount allowing for undertaking actions within a new property.
<p>1. Construction of embankments / boulevards</p> <p>2. Modernization of embankments</p>		<p>Expropriation of properties where companies or their assets are located, permanent limitation of the possibility of using properties according to their previous usage</p>	<p>Micro-enterprise (employing up to 10 employees)</p>	<ul style="list-style-type: none"> • “Land for land” compensation under conditions allowing for continuing business or cash compensation, • Cash compensation allowing for undertaking business actions within a new property.
<p>1. Regulatory and maintenance works</p> <p>2. Redevelopment of bridges</p>		<p>Temporary limitation of navigational possibilities in</p>		<ul style="list-style-type: none"> • Cash compensation, • Institutional support for people liquidating their business.

<p>3. Reconstruction and modernization of hydraulic structures (automatic gates, embankment locks and culverts, weirs and barrages)</p>		<p>reaches covered by the project</p>		
<ol style="list-style-type: none"> 1. Construction of dry reservoirs 2. Construction of embankments / boulevards 3. Construction of polders 4. Modernization of embankments 5. Construction of a pumping station 		<p>Expropriation of agricultural entity / orchard or its part, and further agricultural / orchard business is not profitable</p>		<ul style="list-style-type: none"> • “Land for land” compensation under conditions allowing for continuing agricultural / orchard business or cash compensation, • Cash compensation allowing for undertaking agricultural / orchard actions within a new property.
<ol style="list-style-type: none"> 1. Regulatory and maintenance works 2. Redevelopment of bridges 3. Reconstruction and modernization of hydraulic structures (automatic gates, embankment locks and culverts, weirs and barrages) 		<p>Temporary limitation of navigational possibilities in reaches covered by the project</p>	<p>Small enterprises (employing from 10 to 50 employees)</p>	<ul style="list-style-type: none"> • Cash compensation.

1. Construction of embankments / boulevards 2. Demolition of structures		Expropriation of properties where companies or their assets are located, permanent limitation of the possibility of using properties according to their previous usage	People working under civil-law contracts	<ul style="list-style-type: none"> Awarding entrepreneurs with compensation allowing for maintaining the highest possible number of work places, Institutional and social support for unemployed people.
		Expropriation of properties where companies or their assets are located, permanent limitation of the possibility of using properties according to their previous usage	People working under employment contracts	Awarding entrepreneurs with compensation allowing for maintaining the highest possible number of work places, Institutional and social support for unemployed people,
		Expropriation of agricultural entity / orchard or its part, and further agricultural / orchard business is not profitable		
Loss of Community Infrastructure/Common Property Resources				
1. Construction of dry reservoirs	Loss of or limited access to social facilities	Loss of recreational sites, permanent limitation of the possibility of using properties according to their previous usage	All PAP living in the area covered with project implementation effects	<ul style="list-style-type: none"> Reproduction of social facilities within another area, If reproduction of facilities within another area is not feasible or groundless, then assure the

<ul style="list-style-type: none"> 2. Construction of embankments / boulevards 3. Construction of polders 4. Demolition of structures 		<p>Temporary loss of recreational use of properties</p>		<p>access to the existing social facilities.</p> <ul style="list-style-type: none"> • Temporary assurance of recreational sites
<ul style="list-style-type: none"> 1. Construction of dry reservoirs 2. Construction of embankments / boulevards 3. Modernization of embankments 4. Demolition of structures 	<p>Community Assets</p>	<p>Expropriation of properties, permanent or temporary limitation of the possibility of using properties according to their previous usage</p>	<p>Community</p>	<ul style="list-style-type: none"> • Reconstruction or replacement of the lost structure in consultation with community
<p>Temporary use of land</p>				
<ul style="list-style-type: none"> 1. Construction of dry reservoirs 2. Construction of embankments / boulevards 3. Modernization of embankments 4. Regulatory and maintenance works 5. Construction of a pumping station 6. Modernization of a pumping station 	<p>Temporary acquisition of properties</p>	<p>Temporary acquisition of properties or their parts for the purpose of project implementation</p> <p>Temporary limitation of the possibility of using properties according to their previous usage</p> <p>Temporary acquisition of properties or their parts for the purpose of project implementation</p> <p>Temporary limitation of the possibility of using</p>	<p>Owners, perpetual users, owner-like possessors of properties</p> <p>Illegal possessors of properties</p>	<ul style="list-style-type: none"> • Cash compensation, • Reinstatement of the property to its previous status. • Reinstatement of the property to its previous status

7. Redevelopment of bridges 8. Demolition of structures 9. Demolition and redevelopment of colliding infrastructural elements 10. Construction and modernization of infrastructural elements associated with navigational operations 11. Reconstruction and modernization of hydraulic structures (automatic gates, embankment locks and culverts, weirs and barrages)		properties according to their previous usage		
		Temporary acquisition of properties or their parts for the purpose of project implementation		
		Temporary limitation of the possibility of using properties according to their previous usage	Leaseholders, users of properties	<ul style="list-style-type: none"> • Cash compensation, • Reinstatement of the property to its previous status.

Allowances

Construction of dry reservoirs Demolition of structures	Transportation due to physical resettlement of households	Expropriation of properties with residential buildings	PAP from resettled households	<ul style="list-style-type: none"> • Coverage for move's costs, • Support in moving.
Construction of dry reservoirs Demolition of structures	Especially vulnerable groups	Expropriation of properties with residential buildings	Children and youth in school-age	<ul style="list-style-type: none"> • Resettlement to a location not affecting the availability to the previous school, • Eventual support in finding a settlement site with a similar availability to the school, as in case of the expropriated site.

			Disabled people	<ul style="list-style-type: none"> Resettlement to a location with equal or easier access to medical care, as in case of expropriated household, eventual support in finding a household with such a location, Resettlement to a location without architectural barriers or support in finding a proper house
			Poor people	<ul style="list-style-type: none"> Support in obtaining additional institutional support for the purpose of improving living conditions.
			Seniors	<ul style="list-style-type: none"> Resettlement to a location with equal or easier access to medical care, as in case of expropriated household, eventual support in finding a household with such a location, Resettlement to a location without architectural barriers or support in finding a proper house, Resettlement to a location allowing for keeping the previous lifestyle or support in finding a household with such a location.
Construction impact not related to land acquisition				
<ol style="list-style-type: none"> Construction of dry reservoirs Construction of embankments / boulevards Modernization of embankments Construction of polders 	Damages to houses, buildings and structures due to the construction works	Demolition and redevelopment of infrastructural networks and other facilities (pavements, roads, barriers, etc.)		<ul style="list-style-type: none"> Establishing methods for demolition and redevelopment with the owner / user of the network and facilities, Handing over the redeveloped network and facilities to their previous owner / user

<ul style="list-style-type: none"> 5. Regulatory and maintenance works 6. Construction of a pumping station 7. Modernization of a pumping station 8. Redevelopment of bridges 9. Demolition of structures 10. Demolition and redevelopment of colliding infrastructural elements 11. Reconstruction and modernization of hydraulic structures (automatic gates, embankment locks and culverts, weirs and barrages) 				
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6 DEVELOPMENT OF RESETTLEMENT PLANS (LARAP)

6.1 INSTITUTIONAL STRUCTURE AND IMPLEMENTATION TEAM LARAP

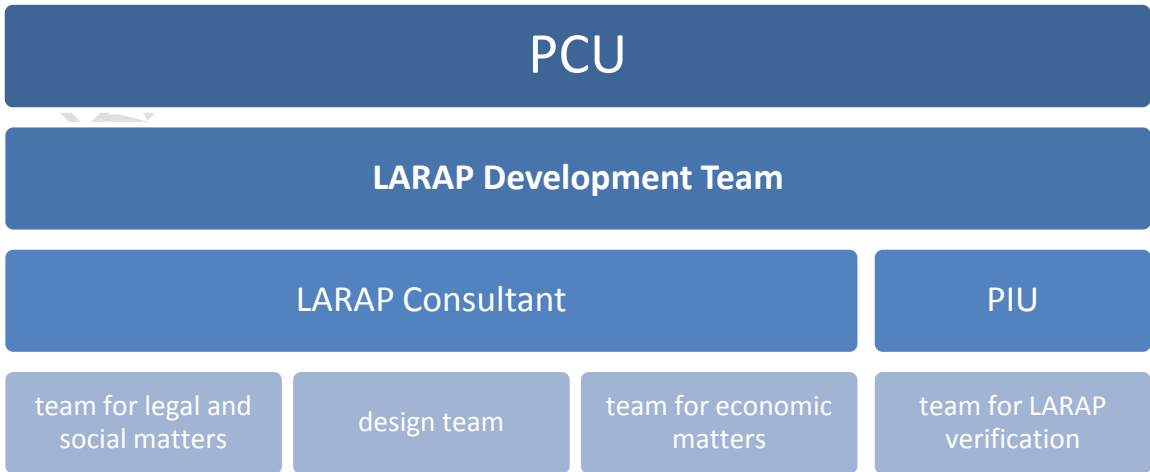
In order to use the knowledge and experience obtained during the implementation of the Odra River Basin Flood Protection Project, all the work on LARAP should be consulted with the Project Coordination Unit (PCU), which boasts extensive experience in implementing flood projects in Poland with the use of resources from the World Bank as well as in-depth knowledge of the procedures in place at the World Bank.

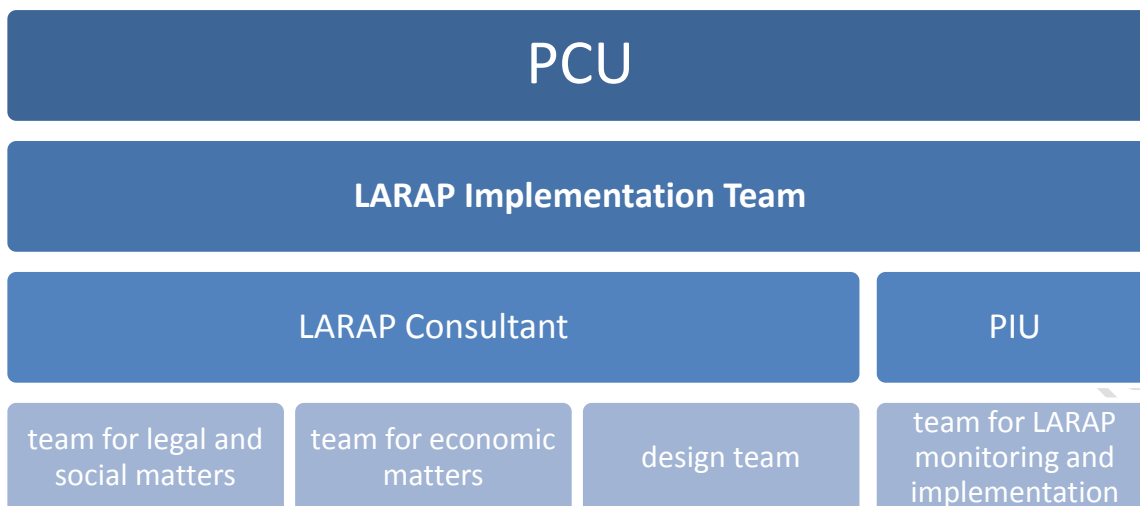
PCU will be cooperating with the relevant Project Implementing Units (PIU). The Project Implementing Units will be responsible, among others, for the preparation of the entire investment process, including LARAP, formal and legal documents related to the undertaking implementation (including obtaining the necessary permits and administrative decisions), preparation and tendering for work and services, entering into contracts for work and services, monitoring progress in implementation, financial management and accounting, preparation of necessary reports for monitoring the implementation, and coordination of the work of all services involved in the preparation and implementation of the undertaking to its final implementation, settlement and commissioning.

In order to effectively prepare and implement LARAP there will be separate organisational cells established within PIU to handle LARAP verification, and then to implement and perform it. In the process of LARAP development and performance, PIU will be supported by a Consultant selected in line with the relevant procedure of the World Bank.

The Consultant will support PIU at all stages of LARAP- related work – from its development to completion and settlement. In order to effectively support PIU, it will be necessary to establish a project team in the Consultant structure along with a team for legal and social matters and a team handling economic matters.

The institutional structure of the LARAP implementation and performance is presented on the graphs below. They take into account the PCU role as an entity coordinating the development of LARAP documents, their implementation and their submission to the World Bank.





6.2 THE PROCESS OF LARAP DEVELOPMENT AND APPROVAL

DEVELOPMENT OF LARAP			
Steps	Action	Responsibility	
1	Preliminary social impact estimation	LARAP Consultant - team for legal and social matters	PIU – team for LARAP verification
2	Determination of the final scope of expropriation and development of a construction plan	LARAP Consultant - design team	
3	Development of a socio-economic study (census and baseline)	LARAP Consultant - team for legal and social matters, team for economic matters	
4	Determination of coordination framework for LARAP implementation with relevant government administration bodies		PIU – team for LARAP verification
5	Collection of written and graphic extracts from land and building register and from spatial management plans	LARAP Consultant - team for legal and social matters	PIU – team for LARAP verification
6	Preliminary social impact assessment	LARAP Consultant - team for legal and social matters	

7	Estimation of loss and damage as well as replacement value thereof in line with the relevant regulations	LARAP Consultant - team for economic matters	PIU – team for LARAP verification
8	Verification and update of collected materials, impact analyses and economic analyses (Detailed Measurement Survey)	LARAP Consultant - team for legal and social matters, team for economic matters	PIU – team for LARAP verification
9	Development of LARAP project	LARAP Consultant - team for legal and social matters, team for economic matters	PIU – team for LARAP verification
10	LARAP public consultations	LARAP Consultant - team for legal and social matters, team for economic matters	PIU – team for LARAP verification
11	Introduction of changes into the construction plan as a result of the consultations with the public	LARAP Consultant - design team	PIU – team for LARAP verification
12	In the scope resulting from taking into consideration comments and motions to LARAP - verification and update of collected materials, impact analyses and economic analyses	LARAP Consultant - team for legal and social matters, team for economic matters	PIU – team for LARAP verification
13	In the scope resulting from taking into consideration comments and motions to LARAP - introduction of changes to LARAP	LARAP Consultant - team for legal and social matters, team for economic matters	PIU – team for LARAP verification
14	Submission of LARAP to the World Bank	JRP – team for LARAP verification	PCU
15	World Bank's no objection	WB	
16	Publishing of LARAP locally (Note: The LARAP will also be disclosed in the WB's website)		PIU – team for LARAP verification
LARAP IMPLEMENTATION			
Steps	Action	Responsibility	
1	Determination of a detailed LARAP implementation schedule	LARAP Consultant - team for legal and social matters	PIU - team for LARAP monitoring and implementation
2	Filing motions for Building Permit		PIU - team for LARAP monitoring and implementation

3	Informing persons affected by the undertaking about the possibilities of compensation and buyout of real properties which are not planned to be taken up by the investment		PIU - team for LARAP monitoring and implementation
4	Processing of the motions to buy the real properties under BP and - respectively - update of the construction plan and update of LARAP	LARAP Consultant - team for legal and social matters, team for economic matters, design team	PIU - team for LARAP monitoring and implementation
5	PIU's acquisition of real property that will be handed over as replacement	LARAP Consultant - team for legal and social matters	PIU - team for LARAP monitoring and implementation
6	Obtaining of BP		PIU - team for LARAP monitoring and implementation
7	Informing the persons affected by the project implementation about obtaining of BP, its ratifications and the investor's planned actions		PIU - team for LARAP monitoring and implementation
8	Appraisal of real property by independent and objective auditors, in line with the law in force, and appraisal verification	LARAP Consultant - team for legal and social matters, team for economic matters	PIU - team for LARAP monitoring and implementation
7	Delivery of the appraisal studies to the expropriated persons and performance of negotiations	LARAP Consultant - team for legal and social matters, team for economic matters	PIU - team for LARAP monitoring and implementation
8	Should negotiations fail – obtaining a decision from the province governor on compensation		PIU - team for LARAP monitoring and implementation
9	Payment of compensation or handover of replacement property, commencement of other compensation and protection measures stipulated in LARAP		PIU - team for LARAP monitoring and implementation
10	Physical takeover of expropriated property and commencement of work		PIU - team for LARAP monitoring and implementation
11	Evaluation of LARAP implementation	LARAP Consultant - team for legal and social matters, team for economic matters	PIU - team for LARAP monitoring and implementation
12	Evaluation of LARAP	Independent external auditor	

CYCLIC TASKS

Step	Action	Responsibility	
1	Internal permanent monitoring of LARAP implementation	LARAP Consultant - team for legal and social matters	PIU - team for LARAP monitoring and implementation
2	Reporting to the World Bank	LARAP Consultant - team for legal and social matters	PIU - team for LARAP monitoring and implementation
3	Permanent coordination with the bodies of state and local government administration		PIU - team for LARAP monitoring and implementation
4	Permanent communication with the persons affected by the project implementation	LARAP Consultant - team for legal and social matters	PIU - team for LARAP monitoring and implementation
POST-IMPLEMENTATION TASKS			
Step	Action	Responsibility	
1	Evaluation of LARAP implementation	Independent external auditor	

6.3 CRITERIA AND PROCESS OF REAL PROPERTY INVENTORY

Inventory will be taken on the real property situated in the area of the project implementation and the property whose owners applied for buyout on the grounds that they lost the possibility to use the property as usual due to the implementation of the project. The real property will be inventoried for both temporary and permanent occupation.

Before inventory commences, data on the real property will be obtained from the land and mortgage register and the real property cadastre (register of land and buildings). A land and mortgage register is maintained separately for each real property, while the basis for marking thereof is the data in the cadastre. The data from the register of land and buildings include the following information:

- 1) about lands – their location, boundaries, area surfaces, types of arable land and soil classes, marking of the land registry or collections of documents, if they are maintained for the property comprising the land in question
- 2) about buildings – their location, purpose, utility functions, general technical data;
- 3) about premises – their location, utility functions and floor space.

The register of land and building also indicates the owner (and the owner's place of residence). Also information about entry into the register of monuments and about property value is included.

Having obtained the data from the land and mortgage register, from the register of land and buildings as well as from BP, the inventory of the factual property condition will be performed. The real property condition will be assessed based on the level of management, legal status,

technical and utility condition, amount of available technical infrastructure devices. The current real property classification will be established on the basis of the local spatial plan, or, if none exists, on the basis of the study of conditions and directions of spatial development for the municipality, or on the basis of a planning permission. Should no study or permission be available, the actual method of the real property utilisation will be taken into account. Moreover, the condition of the real property surroundings will be taken into account, including the size, features and degree of urbanisation of the town where the real property is located. Such inventory will be required to establish the real property value by the appraiser.

On the basis of the appraiser's opinion the amount of compensation will be established which should correspond to the real property market value, i.e. the value obtainable on the market. If the data from the local and regional market are insufficient to determine the real property market value, then the value will be determined in the cost approach, i.e. based on the costs of its replacement less the real property wear value.

In applying this valuation to meet the replacement cost criteria, depreciation of structures and assets should not be taken into account.

6.4 CRITERIA AND PROCESS OF CENSUS AND SOCIO-ECONOMIC STUDIES FOR THE PURPOSE OF LARAP

The resettlement plan should be based on the up-to-date information about the anticipated scale and type of Project impacts on the public involved (affected by the Project implementation), and in particular – the affected population. Therefore, for the purpose of accurate forecasting of such impact and for the purpose of determining the adequate and effective compensation, protection and – where applicable – preventive measures (as regards the impact on the public involved), it will be necessary to carry out socio-economic studies. The studies should allow one to describe the standard features of the resettled households. In addition, such studies are to provide the following information:

- exact size of resettlement,
- full information about the basis of population affected by the Project impact, including their sources of income from agricultural and non-agricultural activity,
- determination which groups within the population will be affected by the total or partial loss of property
- indication which public and social infrastructure will be affected by the Project impact,
- determination of formal and informal organisations (such as local organisations, religious associations, etc.) that may be involved in the development and implementation of resettlement plans,
- attitude of the people affected by the impact of the Project to proposed resettlement options.

Therefore the socio-economic study will be divided into two parts. The first part is to recognise the economic and social situation of PAP in detail. It will comprise Project-affected people (PAP), i.e. persons residing, owning land, or companies in the investment area or its vicinity.

The questionnaire comprising parts 1, 2, and 3 will be performed by pollsters, during direct interviews with household members.

The second part of the survey will cover the local communities among which households will be randomly chosen; the household will be sent part 2 and 3 of the questionnaire with a reply paid envelope. Given the low reply rate of mail questionnaires, the number of the questionnaires in question will be three times higher than the size of the representative research sample.

6.5 CONSULTATIONS WITH THE PUBLIC

The undertakings resulting in physical or economic resettlement must include consultations with those affected and other stakeholders. Consultations held at the earliest possible stage will help determine the expectations related to the project implementation and the benefits thereof. Consultations also offer the opportunity to negotiate contents of the compensation package, eligibility criteria for receiving compensation, scope of assistance during resettlements and optimum time of their execution. Consultations for the purpose of LARAP development and implementation are obligatory.

6.5.1 Stakeholders

For the purposes of the resettlement plan, the term “stakeholder” is understood as an entity or group of entities within the project impact that may have a significant, positive and negative effect on the shape or the implementation of the project.¹

Taking any of the project activities will require the identification of stakeholders, determination of their attitudes to planned activities and of conduct paths available to them, as well as attempts to predict their behaviour. To analyse the stakeholders and their significance for the project we recommend applying the stakeholder matrix. In the matrix the number of stakeholders should be indicated with a certain attitude towards the Project and the impact of its implementation, in line with the example below:

The most important groups of stakeholders that should be considered when developing a resettlement plan include:

- Public authorities (decision-making, opinion-making and reconciling), with particular emphasis on the local authorities,
- Local community – people directly affected by the impact of the project, as well as, for example:
 - neighbours,
 - community leaders,
 - farmers and entrepreneurs,
 - church representatives,

¹ The concept of the stakeholder should be distinguished from the narrower concept of the party, which under Polish law is an entity which has legal interest in securing an advantageous outcome of the procedure in question.

- hobby associations, sports associations, youth associations, etc.
- Non-governmental organisations – environmental, social, and other, of international, national and local operation range.

6.5.2 Informing the public

The flow of information between the investor and the stakeholders is essential to ensure high efficiency of public consultation and community involvement in the project, and thus – it is essential for achieving the objectives of the resettlement plan. For this reason, the investor should take action to identify the stakeholders (see above), and then perform the information process with the following steps:

- Informing the local authorities, community leaders and local community organisations about the planned project as early as possible, along with asking them to further disseminate the information,
- Presentation of all project managers and people who will be in constant contact with the community remaining within the expected impact of the project and of mitigation measures,
- Development of an illustrated newsletter with information about the resettlement, containing details on eligibility criteria, rates of compensation, other rights, as well as presenting the time frame to implement the plan and the relevant procedures.
- Development and regular publishing of information about the issue of resettlement.

Informing the public remaining within the impact of the project about their rights and obligations is crucial for the successful implementation of the plan. Transmitted information must be accessible and understandable for the intended recipients. If necessary, they should be translated into local dialects and languages spoken in the area and disseminated via the available media, both for literate and illiterate recipients (radio, TV, announcements, newspapers, leaflets). One should also take into account the vulnerable groups that do not have access to public media and information exchange.

6.5.3 Participation of the public in the project development and implementation

It is the investor's obligation to initiate the series of consultations with stakeholders throughout the entire time of development and implementation of the resettlement plan. The purpose of the consultation is to provide stakeholders with information about the project and its impacts, as well as providing them with the opportunity to express their concerns about the project and to propose alternatives, which are favourable from their point of view.

The consultations should involve persons representing the investor, project managers, competent authorities, and members of both resettled and hosting communities, and if considered necessary, representatives of relevant local NGOs. The talks should concentrate on the project effects and on the measures that could help mitigate them. The focus should be on common concerns related to the implementation of the project, with particular emphasis placed on vulnerable groups. These concerns should be addressed in the resettlement plan. The aim of consultations should be to provide opportunities for participation of all people affected by the project, particularly with regard to the following areas:

- Alternative paths to implement the project,
- Investment impact assessment,
- Resettlement strategy,
- Compensation rates and eligibility criteria for requesting compensation,
- Selection of the target area and time of resettlement,
- Development of possibilities and initiatives,
- Development of compensation procedures and complaint processing procedures, and
- Development of mechanisms for monitoring and evaluating the impact of the plan implementation, including the implementation of corrective measures.

Regular consultations with stakeholders will allow one to monitor the effectiveness of the compensation package implementation under the resettlement plan as well as of the efforts made to restore means of support, etc. Depending on the investment size and scope the investor may appoint a specialist in charge of liaising with the public and assign to him or her a budget to manage the process of public consultations. An alternative solution is to engage a recognised NGO to perform this function. In each case the investor must make sure that the public remaining within the project impact range is informed about the project and the possibility to obtain compensation due to its implementation. Moreover, project managers should document the flow of information and activities with respect to public consultations. The documentation should allow one to identify the consultees, the subject matter of the talks and their outcome.

6.6 GRIEVANCE REDRESS MECHANISM

Objections and comments to the resettlement plan and any reservations with respect to the implementation of resettlement in accordance with the Polish law are classified as complaints and motions. They are decided in a formal procedure stipulated in the CAP. The CAP has been in force in Poland, with some modifications, since 1960. Therefore, citizens and businesses expect from the authorities and other entities obliged to apply the provisions of the CAP that they will examine their comments and motions and provide a response in accordance with the provisions of CAP. In order to supplement the legislation regulations, it is planned that a person will be appointed within the LARAP implementation and monitoring unit in PIU responsible for handling public consultations, resolving disputes and communicating information.

Everyone has the right to file a complaint or motion. Filing complaints or motions is not subject to fees. Furthermore, in accordance with the regulations, the person filing a complaint or request may not be exposed to any damage or allegation on account of such submission. Complaints and motions may be filed in writing, orally or in an electronic form. They may be filed at the body's headquarters or sent by snail mail. If the complaint and a motion are filed with the wrong body, the body is obliged to send the complaint or the motion to the competent body that will consider them.

Depending on the type of investment and the expected range of expropriation, there will also be a consultation point established at the investment venue. There the persons affected by the project implementation can obtain information about the project and its implementation. Complaints and motions may be filed there too.

Complaints and motions will be archived in a separate register, with the dates of their submission, dates of providing answers, and the method of resolving.

If processing of a complaint or motion requires a prior review and clarification of the matter, other materials will be collected, research analyses will be performed, etc.

A complaint or a motion will be dealt with immediately, which entails the obligation to communicate to a party, without delay, the official notice on how the complaint or motion has been dealt with. Such a notice should include the data of the unit that sent it, an indication of how the complaint was handled and a signature with the name and position of the person authorised to deal with the complaint or motion. Notice of refusal to settle a complaint or motion must exhaustively explain the applicable rules and the facts on the grounds of which refusal was based.

In particularly complex cases, as well as in cases where the examination of the complaint or motion requires changing LARAP, the term allowed for answering a complaint or motion will be extended to 30 days. If the term is too short, the party will be notified of the cause for not receiving the reply to the party's complaint or motion on time; also the term for providing such an answer should be stated.

Comments and motions made by the parties during the LARAP public consultation will be processed in accordance with the above-mentioned procedure.

Reservations submitted by the Parties at the stage of negotiations after the BP issuance will be archived in the minutes of negotiation meetings. Minutes and other documents sent to one another by the parties during the negotiations, if no agreement concerning the compensation is reached, will be submitted to the competent province governor. On the basis of the documents and the appraisal study the decision on compensation will be issued.

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. All statements, motions and evidence submitted in the proceedings before the minister responsible for construction will need to be taken into account when issuing the decision on compensation.

Should the parties be dissatisfied with the minister's decision, they will have the right to appeal to the Regional Administrative Court. The RAC will examine whether the province governor and minister conducted the proceedings in an appropriate and fair manner – also with respect to taking into consideration the observations, conclusions and evidence submitted by the parties to proceedings. In case the decision by RAC is unsatisfactory to the parties, each of them has the right to file a complaint in cassation 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 RAC.

7 MONITORING AND EVALUATION OF LARAP IMPLEMENTATION

The primary objective of LARAP is to ensure that the situation of people affected by the effects of the project is improved or at least that their social and material level before the project implementation is restored. Properly implemented LARAP should ensure that this objective will be achieved. Therefore, it is necessary to design a LARAP monitoring system, taking into account the specific social impacts of the planned project and the effectiveness of compensatory and shielding measures. Proper implementation requires cooperation between LARAP Consultant and PIU. Hence, these individuals should also be closely involved in the LARAP monitoring process.

Monitoring is a continuous process of data collection, which should then be analyzed to provide a basis for assessing the level of LARAP implementation. The purpose of LARAP monitoring is not only to acquire knowledge as to its actual implementation. Current knowledge on the LARAP implementation allows you to provide relevant information to people affected by the project, which contributes to reducing uncertainty and allows them to plan their daily activities. It also allows for early risk identification and implementing the methods that allow for the risk elimination or at least limiting.

As part of the monitoring, the progress in acquiring the property for the purposes of the project and the payment of compensations will be evaluated.

Monitoring will be conducted by a team of Consultant and by the PIU on the basis of indicators of the amount of acquired properties and the amount and type of compensations provided. The following parameters will be closely monitored:

- a) the number of real estate for expropriation and expropriated,
- b) the number of people in need of resettlement and displaced,
- c) the number of real properties temporary seized (planned and achieved)
- d) the amount of all expenses for resettlement (planned and achieved)
- e) compensation paid for loss of right to real property (land and/or buildings),
- f) compensation paid for loss of income,
- g) compensation paid for other assets
- g) acquired and allocated real estate,
- h) the extent and status of implementation of protective measures,
- i) the number of complaints versus number resolved.

At the level of the project-affected unit (e.g. family) that are physically or who lose agricultural land, the following indicators will be monitored and evaluated ex-post, as applicable, to ensure that the key objective of restoration, or improvement, of living conditions is met:

- Value of assets lost vs compensation received
- Pre and post displacement income
- Pre and post agricultural productive area

- Pre and post agricultural production
- Pre and post residential building (area, materials, utilities, rooms)
- Pre and post displacement access to education, health and public transportation

The parameters will be monitored on the basis of the information gathered by the Consultant, the information held by the PIU and based on interviews with people affected by the effects of the project, reported complaints and requests, business consulting activities, and consulting meetings with members of the community concerned.

Monitoring results will be presented in the monthly and quarterly reports. The quarterly report will be forwarded to the PCU and the World Bank.

The ex-post evaluation will be conducted six months after the LARAP is fully implemented and its objective will be to assess and provide documented evidence that all the commitments/actions in the LARAP were implemented and that each affected unit (e.g. family, individual, business) received compensation and that its living conditions have been improved, or at least restored.

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8 LARAP BUDGET AND FINANCE IMPLEMENTATION

All costs associated with the preparation and implementation of LARAP, including compensation costs and the costs of staff and administering the LARAP, as well as monitoring its implementation will be an integral part of the costs of the Project.

A special account will be established for the Project. This account will be opened by the Ministry of Finance at the NBP. Measures of loan will be transferred from the World Bank and the Special Account be converted into gold, and then combined with other budgetary resources at the appropriate budgetary account.

Then the funds will be made available in the form of the PIU budget transfers. PIU will submit monthly reports on the use of funds in accordance with the normal procedure for reporting to the budget.

The World Bank will be sent requests for disbursement of the loan along with the settlement monies already received and used to finance expenditure under the Project, including the financing costs associated with the implementation and LARAP monitoring . This will be done on a quarterly basis. Financial Monitoring reports describing the types of expenditure, together with the applied percentages of individual funds and a request for payment of further measures based on the spending forecast for the next 6 months will be attached to the application. PIU is responsible for keeping complete documentation in the field of project expenditure; this documentation will be subject to annual review and revision by the auditor.

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9 List of Schedules

9.1 SCHEDULE NO. 1. OUTLINE OF “THE LAND ACQUISITION & RESETTLEMENT ACTION PLAN” NECESSARY FOR THE IMPLEMENTATION OF THE INVESTMENT

Introduction

Short description of proposed Project (type of infrastructure which should be built within the framework of the Project and which requires the acquisition of land, recovery of land or acquisition of the rights to dispose of the land) and units responsible for its execution and a short statement concerning the fact that “the framework rules of land acquisition” are consistent with the Polish provisions and operational policy of the World Bank WB OP 4.12 and that pursuant to the credit Agreement, the requirements stipulated in the WB OP 4.12 prevail over the national provisions.

The map of an area affected by the Project and the estimation of the number of necessary real properties (with the percentage division into private real property and public real property), area in hectares and the number of persons which would have to resettle and/or in the case of whom the execution of the Project would exert a significant impact on their financial situation.

LARAP Objectives

Basic objectives and rules of LARAP (compatible Resettlement Policy Framework and WB OP 4.12)

Minimisation of the impact

Description of potential effects of the project.

Description of investment variants in terms of their impact on the society concerned.

Description of any activities taken in order to minimize the impact connected with the land acquisition / resettlement for the purposes of the implementation of the investment.

Socio-economic research

Presentation of the result of sociological and socio-economic research, real property inventory.

Identification of all categories of effects and affected persons.

Summary of consultations carried out within the scope of the research with the members of the society in question.

Description of the necessity to update sociological and socio-economic study, real property inventory.

Description of issues connected with particularly vulnerable social groups.

Description of problem issues connected with obtaining information about the real property (lack of land and mortgage registers, lack of cadastre data) or with the conduct of sociological

and socioeconomic study (lack of the owners of the real property, dispute regarding the real property ownership, etc.).

Applicable provisions of law and methods of evaluation

Short description of the applicable provisions of law and key activities to be taken in order to level the differences between Polish provisions and WB OP 4.12;

Description of the evaluation method adopted in respect of structures, land, trees and other assets affected by the implementation of the Project (i.e. the manner of achieving its replacement value);

Specific procedures which will be applicable in particular cases, such as the following, should be determined: owners who are absent, expropriation of land subject to legal dispute, actions to be taken in order to carry out expropriation in the case where negotiations with the owners should end up in failure (e.g. escrow account).

Eligibility criteria and catalogue of beneficiaries

Eligibility criteria should be described (who is authorised to obtain compensation) and a catalogue of beneficiaries should be presented.

A chapter should include a detailed matrix of compensating activities (a beneficiary, kind of compensation/solution to be applied pursuant to eligibility criteria as well as the type and magnitude of the impact).

Places of resettlement

Determination whether a project requires the resettlement of the society in question.

Description of the engagement of local society and particular households in the process of the selection of the resettlement place, evaluation of strong and weak points of a considered place, description of the rules and criteria of the selection of the resettlement place.

Description of the engagement of the society in question in the development of the resettlement strategy and description of this strategy.

Description of the feasibility studies evaluating the adequacy of selected localizations with the consideration of the issues of natural resources (e.g. soil and possibilities of the use of the land, access to technical infrastructure, access to social infrastructure, etc.), evaluation of localization in terms of the impact on the environment and social effects.

Description of legal mechanisms connected with the resettlement: 1) orders, 2) construction, 3) granting resettled persons legal titles to the real property.

Social consultations and participation of the society

Description of various stakeholders, process of participation of the society in social consultations which will be conducted among the population and stakeholders affected by the implementation of the Project in the course of the elaboration of LARAP and during the preparation and planning of the resettlement.

Description of the manner of engaging societies affected by the implementation of the Project and other stakeholders in the process of realization and monitoring of the Project.

Description of the plan of disseminating information concerning the LARAP's among the societies and stakeholders affected by the implementation of the Project, including information concerning compensation for the lost property, rights to compensation, assistance in the resettlement and appeal procedures.

Mechanism of complaint management

Detailed description of the procedure of complain management and applications filed in the course of the preparation and implementation of LARAP.

Step by step description of the registration procedure and the procedure of handling complaints and an appeal procedure.

Description of the manner in which a given case may be brought before civil courts if other options fail.

Institutional structure and implementation team

Detailed description of the team managing the preparation and implementation of the LARAPs for particular investments, including team structure and liability of the team members;

Specification of the unit which will coordinate the activities of all implementation units;

Description of external institutions engaged in the process of reinstatement of the level of population (site development, allocation of lands, credits and trainings) and mechanisms which will assure appropriate activities of these institutions;

Discussion about institutional possibilities connected with the process of land acquisition/resettlement and engagement of particular institutions in this process;

Description of mechanisms aiming to assure an independent monitoring, evaluation and final audit of the implementation of the LARAP's as well as an assurance that the corrective measures will be taken in due course.

Monitoring and evaluation

Description of the internal process of monitoring of the realization and effects of these plans.

Description of the key monitoring indicators elaborated on the basis of the study of the initial situation and the list of monitoring indicators which will be applied in order to conduct an internal monitoring.

Costs and budget

Estimated costs of land acquisition for specific investments and estimated costs of resettlement and sources of financing.

Schedule of LARAP implementation

Chronological list of the steps of LARAP implementation with the consideration of the units responsible for each activity and a short description of each activity.

Preparation of the schedule of LARAP implementation presenting month after month activities which will be taken within LARAP implementation (e.g. with the use of a Gantt chart).

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9.2 SCHEDULE NO. 2. DESCRIPTION FORM FOR CHARACTERIZING THE INITIAL SOCIO-ECONOMIC SITUATION AND MONITORING INDICATORS

Due to the size of the population in the areas where the investments are planned, it is not possible to question each and every member of the local communities. Thus, the study will be divided into two parts. The first part of the study is intended to analyse the socio-economic situation of PAP. It will include PAP, i.e. persons residing, owning land or an enterprise within the investment site or in its vicinity. Pollsters will conduct direct interviews with households members using a questionnaire that has three sections: I, II and III.

The second part of the study will include local communities. Households will be randomly selected to receive sections I and III of the questionnaire with a return envelope. Due to a low return rate of questionnaires sent by mail, the number of questionnaires sent will be three times the size of the representative study sample. (Annex 1)

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9.3 SCHEDULE NO. 3 – POSSIBLE OCCURRENCE OF SALIENT SOCIAL IMPACT

Component 1: Protection against flood of Lower and Middle Odra

Social activity area	Type of impact	Significance	Probability of impact
Cultural landscape and monuments	Lack of access to some physical objects of culture	Moderate/Negative	Probable
	Visual impact on cultural landscape	Moderate	Probable
	Cultural landscape development	Significant	Probable
Public infrastructure	Limiting the function of technical infrastructure, constraints to sailing	Moderate Negative	Certain
	Reducing sand extraction from the river bed	Moderate Negative	Certain
	Limiting access to recreation areas	Moderate Negative	Certain
	Limiting the functioning and access to public infrastructure	Moderate Negative	Probable
	Upgrading public infrastructure	Significant / Positive	Certain
	Establishing new recreation areas	Moderate / Positive	Probable
	Restoring the economic function of the river	Significant / Positive	Certain
Real property use	Damage to houses	None	
	Restriction of use of real property	Moderate	Probable
	Resettlements	None	
	Seizing of allotments	Moderate	Certain
	Protecting the area and property against flooding	Significant / Positive	Certain
Agricultural activity	Constraints to the agricultural activity	Significant Negative	Very probable
	Loss of plants	Significant Negative	Very probable
	Protecting agricultural land against flooding	Significant / Positive	Certain

Commercial activity	Loss of jobs influencing the unemployment and the economy	Moderate Negative	/ Probable
	Constraints to operation of enterprises	Moderate Negative	/ Probable
	Growing attractiveness of the area for tourists	Moderate / Positive	Probable
Natural environment	Logging	Moderate Negative	/ Certain

Component 2: Flood Protection of the Kłodzko Valley

Social activity area	Type of impact	Significance	Probability of impact
Cultural landscape and monuments	Lack of access to some physical objects of culture	Significant/Negative	Probable
	Visual impact on cultural landscape	Moderate	Probable
	Cultural landscape development	Significant	Probable
Public infrastructure	Limiting the function of technical infrastructure	Moderate Negative	/ Certain
	Reducing sand extraction from the river bed	Moderate Negative	/ Certain
	Limiting access to recreation areas	Moderate Negative	/ Certain
	Limiting the functioning and access to public infrastructure	Moderate Negative	/ Probable
	Upgrading public infrastructure	Significant / Positive	Certain
	Establishing new recreation areas	Moderate / Positive	Probable
	Restoring the economic function of the river	Significant / Positive	Certain
Real property use	Damage to houses	Moderate	Certain
	Restriction of use of real property	Moderate	Certain
	Resettlements	Significant	Certain
	Seizing of allotments	Moderate	Certain
	Protecting the area and property against flooding	Significant / Positive	Certain
Agricultural activity	Constraints to the agricultural activity	Significant Negative	/ Very probable
	Loss of plants	Significant Negative	/ Very probable

	Protecting agricultural land against flooding	Significant / Positive	Certain
Commercial activity	Loss of jobs influencing the unemployment and the economy	Moderate	Possible
	Constraints to operation of enterprises	Moderate Negative	/ Probable
	Growing attractiveness of the area for tourists	Moderate / Positive	Probable
Natural environment	Logging	Moderate Negative	/ Certain

Component 3 – Upper Vistula

Social activity area	Type of impact	Significance	Probability of impact
Cultural landscape and monuments	Lack of access to some physical objects of culture	Significant Negative	/ Probable
	Visual impact on cultural landscape	Moderate	Probable
	Cultural landscape development	Significant	Probable
Public infrastructure	Limiting the function of technical infrastructure	Moderate Negative	/ Certain
	Reducing sand extraction from the river bed	Moderate Negative	/ Certain
	Limiting access to recreation areas	Moderate Negative	/ Certain
	Limiting the functioning and access to public infrastructure	Moderate Negative	/ Probable
	Upgrading public infrastructure	Significant Positive	/ Certain
	Establishing new recreation areas	Moderate / Positive	Probable
	Restoring the economic function of the river	Significant Positive	/ Certain
Real property use	Damage to houses	Moderate	Probable
	Restriction of use of real property	Moderate	Probable
	Resettlements	Moderate	Probable
	Seizing of allotments	Moderate	Certain
	Protecting the area and property against flooding	Significant Positive	/ Certain
Agricultural activity	Constraints to the agricultural activity	Significant Negative	/ Very probable

	Loss of plants	Significant Negative	/ Very probable
	Protecting agricultural land against flooding	Significant Positive	/ Certain
Commercial activity	Loss of jobs influencing the unemployment and the economy	Moderate Negative	/ Probable
	Constraints to operation of enterprises	Moderate Negative	/ Probable
	Growing attractiveness of the area for tourists	Moderate / Positive	Probable
Natural environment	Logging	Moderate Negative	/ Certain

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