

**ODRA-VISTULA FLOOD MANAGEMENT PROJECT
LOAN no. 8524-PL**

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**LEGAL NOTICE
ON COMPENSATION**

TASK 1B.3/1 – CONSTRUCTION OF MOORING BASE FOR ICEBREAKERS

1. FACTUAL CIRCUMSTANCES

During the preparation of the Land Acquisition and Resettlement Action Plan for Task 1B.3/1 – Construction of mooring base for icebreakers, it was established that a person was using part of plot number 7/16 located at Karpia street in Szczecin without a contract to do so.

The PAP was a homeless person affected by a partial physical disability, who permanently resided in the former allotment. In addition, they never signed a lease agreement for the plot. Physical resettlement or compensation was planned. Due to the classification of the PAP as belonging to a vulnerable group, it was decided that in order to implement the Operational Policy OP 4.12., action adapted to the personal needs of the PAP is required. In agreement with the PAP, a procedure was initiated to acquire the right to residential premises for them instead of compensation in cash.

As a result of the Investor's actions, a contract for making premises available for renovation was signed by and between the PAP and TBS "Prawobrzeże" Sp. z o.o. Subsequently, actions were initiated in order to renovate the premises and finally sign the lease agreement.

Following the preparation of the LA&RAP for Task 1B.3/1 and the acceptance of its content by way of receiving the "no objection" clause from the World Bank and the preparation of the valuation, information about the death of the PAP was received. Therefore, there were doubts whether the claim for granting the right to residential premises is part of the estate and should pass to the heirs of the PAP.

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**2. WORLD BANK OPERATIONAL POLICY OP 4.12. IN THE CONTEXT OF NON-CONTRACTUAL
PROPERTY USERS**

According to the World Bank Operational Policy 4.12., regulations concerning involuntary resettlement are applied whenever the Project implementation requires compulsory taking of land, which results in the loss of assets or access to assets. The entities affected by the effects of the implementation of the Project should be considered, on the one hand, as lessees, annuitants and other limited right possessors of the properties as well as persons who dispose of the properties as limited right possessors, but without a title, and, on the other hand, also owners of crops, plants, buildings, and other structures attached to the land. In addition, in accordance with the WB Policy, each person qualified as a PAP should receive compensation for the loss of assets other than land. The absence of a title to property should not prevent the receipt of compensation.

Due to the state of their health and their age, the PAP was classified as belonging to a vulnerable group. As a result, it was necessary to take action in accordance with the needs of the PAP. The fact that the PAP was a homeless person also had to be taken into account. The planned actions should therefore lead to the implementation of the requirements resulting from OP 4.12. and constitute the most beneficial solution for the PAP. In accordance with the arrangements and in agreement with the PAP, action was taken to acquire the right to lease residential premises. It was therefore decided that the compensation will not be granted in financial form, and this solution was accepted by the PAP.

A draft agreement was submitted to the PAP, in which it was stated that the parties are jointly conducting activities aimed at acquiring residential premises that can be used to satisfy the PAP's housing needs. Therefore, they acquired the right to the premises in return for the plantings and objects located on the part of the plot which constituted the area used by the PAP without a contract. As a result of the actions taken, a contract for making premises available for renovation was concluded. As part of the compensation due to PAP, they were to receive the right to residential premises once the Investor had completed the renovation of the premises.

The decision to acquire the right to lease premises for the PAP resulted primarily from their qualities and the fact that they were classified as belonging to a vulnerable group on the basis of those qualities. All actions were taken in consultation with the PAP and with their consent.
