

**LAND ACQUISITION  
AND RESETTLEMENT ACTION PLAN**

**FINAL REPORT  
ON THE IMPLEMENTATION OF  
MEASURES SPECIFIED  
IN THE LA&RAP**

**WORKS CONTRACT 1B.3/1**

*Construction of mooring facilities  
Stage I – Construction of mooring base  
for icebreakers*

**ODRA-VISTULA  
FLOOD MANAGEMENT PROJECT**





Projekt Ochrony  
Przeciwpowodziowej  
w Dorzeczu Odry i Wisły



Państwowe  
Gospodarstwo Wodne  
Wody Polskie

# FINAL REPORT ON THE IMPLEMENTATION OF MEASURES SPECIFIED IN THE LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

## ODRA-VISTULA FLOOD MANAGEMENT PROJECT

THE LAND ACQUISITION AND RESETTLEMENT ACTION PLAN HAS BEEN PREPARED FOR THE WORKS CONTRACT IMPLEMENTED BY STATE WATER MANAGEMENT POLISH WATERS – THE REGIONAL WATER MANAGEMENT AUTHORITY IN SZCZECIN.

### SUBCOMPONENT 1B: FLOOD PROTECTION ON MIDDLE AND LOWER ODRA RIVER

#### CONTRACT 1B.3/1:

Construction of mooring facilities. Stage I – Construction of mooring base for icebreakers

| DATE       | PREPARED BY  | CHECKED BY                | CUSTOMER'S APPROVAL | DESCRIPTION |
|------------|--------------|---------------------------|---------------------|-------------|
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| 20/12/2023 | Mariusz Ciaś | Monika Ratomska-Kaczmarek | 21/12/2023          |             |

**PROJECT IMPLEMENTATION UNIT:**

State Water Management Polish Waters represented by  
Director of the State Water Management Polish Waters  
the Regional Water Management Authority in Szczecin  
with its registered office at ul. Tama Pomorzańska 13 A, 70-030 Szczecin

**DOCUMENT PREPARED BY:**

State Water Management Polish Waters  
Regional Water Management Authority in Szczecin  
PIU of Odra–Vistula Flood Management Project  
Technical Support Consultant SWECO Polska Sp. z o.o.

**ODRA-VISTULA FLOOD MANAGEMENT PROJECT**

**CO-FUNDED BY:**

World Bank, Loan Agreement No. 8524 PL  
Council of Europe Development Bank, Framework Loan Agreement No. LD 1866  
State Budget

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**LIST OF ABBREVIATIONS USED IN THE DOCUMENT**

|                                 |   |
|---------------------------------|---|
| <b>1B.3/1</b>                   | Reference number of the Works Contract 1B.3/1 Construction of mooring facilities. Stage I – Construction of mooring base for icebreakers.   |
| <b>The World Bank (WB)</b>      | International Bank for Reconstruction and Development   |
| <b>PCU</b>                      | Odra-Vistula Flood Management Project Coordination Unit   |
| <b>CEB</b>                      | Council of Europe Development Bank (CEB)  |
| <b>Project/Undertaking</b>      | Construction of mooring facilities. Stage I – Construction of mooring base for icebreakers  |
| <b>PIO</b>                      | Project Implementation Office – a separate organisational unit within the PIU, responsible for the Project implementation   |
| <b>PIU/Employer/Investor</b>    | Project Implementation Unit – State Water Management Polish Waters<br>The Regional Water Management Authority in Szczecin<br><br>ul. Tama Pomorzańska 13 A<br>70-030 Szczecin                                     |
| <b>Consultant Engineer</b>      | A company or legal person engaged by the Employer to supply services (for example, those defined herein)  |
| <b>CC</b>                       | The Civil Code Act of 23 April 1964   |
| <b>Contract/Task/Investment</b> | Works Contract 1B.3/1   |
| <b>Structure</b>                | A functionally separated material scope being a part of Task 1B.3/1   |
| <b>OP 4.12</b>                  | Reference of the document including the principles of performing involuntary resettlement required when the Task is funded under a loan from the World Bank – Operational Policy 4.12 – Involuntary Resettlement. |
| <b>PAP</b>                      | Project Affected Person(s)  |
| <b>LA&amp;RAP</b>               | Land Acquisition and Resettlement Action Plan   |
| <b>Project/OVFMP</b>            | Odra-Vistula Flood Management Project   |
| <b>PGW WP</b>                   | State Water Management Polish Waters  |
| <b>CL</b>                       | Construction Law Act of 24 July 1994  |
| <b>EMP</b>                      | Environmental Management Plan   |
| <b>PR</b>                       | A permanent restriction in using a real property  |
| <b>RPM</b>                      | The Real Property Management Law of 21 August 1997  |
| <b>Contractor</b>               | A company/legal person exercising Works Contract 1B.3/1   |

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|              |   |
|--------------|---|
| <b>ZBiLK</b> | Municipal Buildings and Premises Board (Polish: <i>Zarząd Budynków i Lokali Komunalnych</i> ) |
|--------------|---|

**1. SUMMARY**

|   |   |
|---|---|
| <b>Subject of the Task:</b>                                       | This task included the construction of mooring infrastructure for icebreakers in Szczecin, including the construction of a mooring quay for icebreakers, a service and repair quay, a slip for the entrance and exit of small vessels in the docking basin, as well as the widening of the docking basin.   |
| <b>Date of completion of the Project (works completion date):</b> | April 20, 2023  |
| <b>Date of receiving "NO" for the LA&amp;RAP:</b>                 | May 6, 2020   |
| <b>The number and category of PAP:</b>                            | 17 PAP – former lessees<br>4 PAP – contractless users of properties   |
| <b>Total compensation paid</b>                                    | 697.989,00 PLN – monetary compensation in the amount of the replacement cost of lost assets   |
| <b>The number of investment properties</b>                        | 2 properties owned by the Municipality of Szczecin and 2 properties owned by the State Treasury   |
| <b>Key issues:</b>  | <ul style="list-style-type: none"> <li>— the lack of expropriation and at the same time establishing the existence of former tenants of the property and contractless users of properties,</li> <li>— the need to tax the compensation paid,</li> <li>— disclosure of the existence of a PAP classified as a vulnerable group and the need to take additional, individually tailored measures</li> </ul>  |
| <b>Key achievements:</b>  | <ul style="list-style-type: none"> <li>— 100% of the goals of the OP 4.12 Policy have been achieved (<i>detailed description – 6. Summary</i>),</li> <li>— compensation was paid to former lessees and contractless users of properties for all facilities, plantings and improvements to the property (<i>detailed description – 3.5. Damages and compensation</i>),</li> <li>— an additional cash benefit was paid to PAP to compensate for the need for PAP to pay tax – each compensation was increased by the personal income tax due (<i>detailed description – 5.4.2. Taxation of compensation with personal income tax</i>),</li> <li>— upon disclosure of the existence of a PAP categorized as a vulnerable group, a number of additional measures were taken, individually tailored to the PAP's needs. There was a response to any change in the factual situation, health status and current needs of the PAP (<i>detailed description – 5.4.1 PAP classified as a vulnerable group</i>),</li> </ul> |
| <b>Outstanding issues and negative effects of the Task:</b>       | None  |

## 2. INTRODUCTION

This document has been prepared in accordance with the requirements set out in the Project Operations Manual and the Framework Document on the Land Acquisition and Resettlement Action Plan to document the land acquisition process and to assess whether it has met the requirements and guidelines contained in the World Bank's Operational Policy OP 4.12. Resettlement and whether there are any spaces that should be filled or require the Investor's response.

In accordance with the assumptions adopted in the Land Acquisition and Resettlement Action Plan, the ex-post evaluation was carried out after the completion of the works under the Task and it confirms that its objectives were met and properly documented.

It is confirmed that all the measures described in the LA&RAP were implemented and that each entity affected by the project (family, individual, public entities) received compensation and that their living conditions were improved or at least restored.

This Report includes a report on the implementation of the measures planned in the LA&RAP for the Works Contract 1B.3/1 Construction of mooring facilities. Stage I – Construction of mooring base for icebreakers.

This task included the construction of mooring infrastructure for icebreakers in Szczecin, including the construction of a mooring quay for icebreakers, a service and repair quay, a slip for the entrance and exit of small vessels in the docking basin, as well as the widening of the docking basin.

Key dates of Contract execution:

- |  |                            |
|--|----------------------------|
| 1. Date of signing the agreement:                  | 7 May 2021;                |
| 2. Date of handing over the construction site:     | 02 June 2021               |
|  | 16 June 2021               |
| 3. Works commencement date:                        | 08 October 2021            |
| 4. Works completion date:                          | 20 April 2023 <sup>1</sup> |
| 5. Quality Guarantee and Warranty Period end date: | 20 April 2028 <sup>2</sup> |

As part of the implementation of the Investment Project, an icebreaker mooring quay was built, approx. 140 m long, with mooring places for 8 icebreaker vessels, the existing docking pool was rebuilt, and a service and repair quay, approx. 50 m long, was built.

The material scope of the investment project did not change in relation to its characteristics specified in the Land Acquisition and Resettlement Action Plan for this Task. In addition, the scope

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<sup>1</sup> Date of signing the final protocol 01/2023,

<sup>2</sup> 60 months from the date of signing the final report.

of impacts did not change in relation to the scope provided for in the LA&RAP. The impacts concerned the same entities, to the same extent.

The Investment Project was carried out on 4 real properties, 2 of which were already owned by the State Treasury – State Water Management Polish Waters (the Investor). The other two properties were owned by the Municipality of Szczecin. None of the plots were owned by private individuals.

**Table 1.** List of properties on which the Investment Project was implemented

| No. | Plot No. | Commune / Precinct                    | Owner                            | Class of use   |
|-----|----------|---------------------------------------|----------------------------------|--|
| 1.  | 7/16     | City of Szczecin, precinct 4112 Dąbie | Municipality of Szczecin         | arable land (the property was an area of former allotment gardens, actually unused at that time <sup>3</sup> , in particular not used for agriculture) |
| 2.  | 1/12     | City of Szczecin, precinct 4112 Dąbie | Municipality of Szczecin         | wasteland  |
| 3.  | 1/8      | City of Szczecin, precinct 4112 Dąbie | State Treasury, RZGW in Szczecin | land covered by flowing surface water  |
| 4.  | 20       | City of Szczecin, precinct 4112 Dąbie | State Treasury, RZGW in Szczecin | other developed land   |

Therefore, the implementation of the Task required the purchase of two properties owned by the Municipality of Szczecin at that time, which took place on the basis of a voluntary agreement between the Municipality of Szczecin and the State Treasury – PGW WP RZGW in Szczecin. The remaining properties on which the investment project was implemented were already the property of the State Treasury. As a result, procedures related to the expropriation of property and the forced deprivation of the owner of the rights to the property were not carried out during the implementation of the project.

There were no residential buildings, i.e., ones which could be considered residential buildings within the meaning of the Construction Law of 7 July 1994 in the area of Task implementation. The nearest residential development, in the formal sense, was located approx. 50 m from the investment project site. However, there were elements of infrastructure such as fences and streetscaping (gazebos from former allotments as well as warehouses and garages), some of

<sup>3</sup> except for contractless users living in the investment project area, who, however, did not use the property for agriculture.

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FOR CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1

which were abandoned by former lessees after the contract expired, and some used by contractless users. The task site covers soils which are classified as arable land in the land and building register, but this was not their actual purpose, as they were in fact gardens and wasteland covered by trees and bushes of different age.

Below are the addresses of the websites where information on the implementation of the Investment Project and on the preparation of the LA&RAP was made available:

- [www.wszczecinie.pl](http://www.wszczecinie.pl);
- [www.odrapcu.pl](http://www.odrapcu.pl) (then it was: [www.odrapcu2019.odrapcu.pl](http://www.odrapcu2019.odrapcu.pl));
- [www.szczecin.wody.gov.pl](http://www.szczecin.wody.gov.pl) (then it was: [www.bs.rzgw.szczecin.pl](http://www.bs.rzgw.szczecin.pl));
- [szczecin.uw.gov.pl](http://szczecin.uw.gov.pl)

The paper version of the LA&RAP was also available at:

- PGW WP RZGW in Szczecin;
- City Hall in Szczecin, the Department of Crisis Management and Population Protection;
- Head of the Implementation Unit of the Odra-Vistula Flood Management Project (PIU).

### **3. SUMMARY OF THE MAIN ACTIONS CARRIED OUT UNDER THE PROJECT**

#### **3.1. Project Goal Overview**

The main purpose of the OVFMP is to protect the persons residing at the floodplains situated in specified parts of the catchment areas of the two largest Polish rivers (Vistula and Odra), against serious floods. As part of one of the subcomponents of the Project, this Task was carried out, which was aimed at flood protection in the Middle and Lower Odra, covering the areas most at risk of flooding, in order to enable effective and safe ice-breaking operations in the areas of the communes indicated in Chapter 1.

#### **3.2. Preparing and adopting the Land Acquisition and Resettlement Action Plan for implementation**

For the Task in question, the Investor developed the Land Acquisition and Resettlement Action Plan (LA&RAP) for Contract 1B.3/1 Construction of mooring facilities, Stage I construction of mooring base for icebreakers carried out as part of the Odra-Vistula Flood Management Project (OVFMP), co-financed by the International Bank for Reconstruction and Development (World Bank) (loan agreement of 10 September 2015), the Council of Europe Development Bank (CEB) (loan agreement of 24 May 2016) and the State budget, which was subject to public consultations in the period from 7 February 2020 to 21 February 2020.

After completing the work on the draft LA&RAP and obtaining the approval of the World Bank on its basis ("No objection" for the draft LA&RAP was received on 6 May 2020) for the commencement of the publishing procedure, this document was the subject of public consultations, which were described in more detail in Chapter 2.4. *Public consultation*.

As part of the publication of the document, no requests or comments were submitted, and thus the LA&RAP was not supplemented. The "No objection" of the World Bank for the document was obtained. After obtaining the "No objection" clause of the WB, the final LA&RAP was made available to the interested parties, i.e., posted on the websites of the PIU and the Odra-Vistula Flood Management Project Coordination Unit, and remains there until the completion of the Contract implementation. The provisions of the LA&RAP were implemented both before the commencement and throughout the period of implementation of assembly and construction works.

The LA&RAP document was then updated twice, as shown in the table below.

**Table 2.** Information on LA&RAP updates

| <b>Update number</b> | <b>Date of NO for the update</b> | <b>Reasons for the update</b>  |
|----------------------|----------------------------------|--|
| Update No. 1         | 24 November 2020                 | The update included the presentation of information on the acquisition of investment project plots by the Investor and |

|              |                  |   |
|--------------|------------------|---|
|              |                  | a description of the adaptation of Polish legislation to the World Bank OP 4.12 operational policy in the field of compensation |
| Update No. 2 | 25 February 2021 | The update included the presentation of information on the death of one PAP and legal information on further related activities |

### 3.3. Adopted procedures for acquiring real property

All the procedures adopted and described in the Land Acquisition and Resettlement Action Plan related to the acquisition of the property and the payment of compensation to PAPs were followed. During the implementation of the LA&RAP, the Investor reacted to any change in the factual and legal situation in relation to that identified in the LA&RAP (such as the death of one of the PAPs and the need to determine further activities related to it), which was reflected in individual updates of the LA&RAP specified in Table 2.

The investment project was not carried out on the basis of the Act of 8 July 2010 on special principles of preparation for the execution of investments in the field of flood-control structures, which details rules and conditions of preparing projects involving flood-control structures and meteorological radar stations. The project does not fall within the term ‘flood prevention structure’ as defined in the Act. In view of the above, any monetary damages or other forms of compensation were implemented on the basis of agreements, in accordance with the provisions of the Civil Code and the RPM.

The implementation of the Task required only the acquisition of rights to two properties that were owned by the Municipality of Szczecin. The remaining plots on which the investment project was implemented were already the property of the State Treasury of the State Water Management Polish Waters.

The municipal properties were acquired on the basis of a voluntary property exchange agreement concluded between the Municipality of Szczecin and the State Treasury PGW WP RZGW in Szczecin. The Investor transferred to the Municipality of Szczecin the ownership of the property constituting plot No. 54/3, precinct 4022, located at Żagłowa Street, and the Municipality of Szczecin transferred to the State Treasury the ownership of two properties necessary for the implementation of the Investment Project – plot No. 7/16, precinct 4112 and plot 1/12, precinct 4112. The content of the agreement was agreed between the parties, and the value of the properties (both the municipal property and the property of the State Treasury, which was transferred in exchange for the investment project property) were determined based on valuations and approved by the parties. The property, which was handed over to the Municipality, is an attractive property from the point of view of tourism, located at Żagłowa street in Szczecin.

Plot No. 54/3, precinct 4022 was not used by the Investor or by third parties at that time. During the Investment Project implementation, the Consultant and the Investor carried out a visual inspection of the plot several times and did not identify any persons in its area. The plot was not developed and only on a small fragment there was a path of hexagonal concrete paving blocks. The area was only partially fenced. On the plot there were trees and shrubs in poor condition, as well as grasses, reeds, and weeds. The plot had a one-storey non-residential building, which was not actually used. All facilities located in this area were then the sole property of the Investor<sup>4</sup>.

Considering the above, it should be noted that on property that constitutes plot number 54/3, precinct 4022, the use of property by third parties that should have been considered PAP was not established.

The exchange agreement, as agreed, was concluded on 17 July 2020. A detailed description of the procedure related to the exchange of the property can be found in the Land Acquisition and Resettlement Action Plan.

Due to the lack of procedure related to the expropriation of properties and depriving the owner of the rights to the property as part of the implementation of the Investment Project, no register of expropriations was kept.

### **3.4. Public consultation**

Despite the lack of expropriation of properties within the meaning of the RPM regulations, the existence of PAPs was established, in relation to which compensatory measures and measures minimising the impact of the investment project on their lives was carried out.

According to the information presented in the Land Acquisition and Resettlement Action Plan, it was established that there are people who in the past leased from the Municipality of the City of Szczecin part of the property constituting plot number 7/11, precinct 4112 (which was divided into plots numbers: 7/16, 7/17, and 7/18). The leased parts of the plot were used as allotments, but did not meet the legal definition of allotment formulated in the Family Allotments Act of 13 December 2013. The lease contracts were terminated by notice given in the second quarter of 2017 by the then owner of the property – the Municipality of Szczecin. Even if the involuntary termination of lease contracts was initiated by the property owner, not by the Investor, there was a direct link between depriving the lessees of their rights to the leased parts of the property and the demand for the area due to the investment project. The reason for the termination was the need for an all-season mooring base with facilities for a fleet of icebreakers.

Minimising measures, including public consultations, individual meetings and others, were organised for former lessees of the property purchased from the Municipality and contractless users of the property. Throughout the period, there was constant contact with PAP, meetings were organised, they were contacted by letter and telephone. Each of the PAPs was provided with

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<sup>4</sup> the condition of the property was determined on the basis of an inspection in the field, in which the Investor, the Consultant and the property valuer participated, and was also confirmed in the valuation prepared for the [Page | 13](#) purposes of concluding the exchange agreement.

contact details of the Consultant's representatives in order to facilitate the clarification of any doubts or the resolution of complaints.

In relation to the PAP who belonged to a group that was particularly vulnerable due to their health condition and age, special actions were taken. Consultations were always carried out at the place of Task implementation, i.e., at the PAP's place of residence. Due to the actions taken in relation to PAP, which are described in more detail in LA&RAP and in this document in chapter 2.5. *Damages and compensation*, meetings with PAP were frequent. In the period from 14 November 2018 to 16 March 2021 (the last meeting with PAPs), there were 29 meetings with PAPs and two meetings in which PAPs did not participate, but which were closely related to their situation and determining the amount of compensation<sup>5</sup>. The following describes the meetings particularly important from the point of view of PAPs and their situation, including the determination of the amount and conditions for the payment of compensation, as well as the activities undertaken in relation to all PAPs in the course of preparation for the implementation of the investment project and its implementation, related to public consultations.

1. PAPs were informed about the Task implementation plans several times during the preparation of the LA&RAP. In the course of the undertaken activities, the Consultant carried out a visual inspection of the property, during which they met former lessees living in the vicinity of the property and contractless users. At that time, information about the planned Investment Project was provided and a request to inform other people who might be interested was made. There was also a letter sent to the Podjuchy Neighbourhood Council (an auxiliary unit of Szczecin City Council) to notify of initiating the actions aimed to prepare for the task, specifying the site and subject of the task. ZBiLK (an entity managing properties on behalf of the Municipality of Szczecin) was also contacted in order to obtain data on current and former property users and lessees.
2. Meetings with representatives of ZBiLK were held on 22 August 2018 and 9 November 2018 at the headquarters of ZBiLK. At the meeting, information was collected on the former lessees who had their lease contracts terminated, and it was also confirmed that four contractless users of the plot lived on the property, two of whom hold lease contracts concluded in the past (after the legal termination of the lease contract, they did not release the property to the then owner, i.e., the Municipality of the City of Szczecin). It was also confirmed that these persons did not wish to abandon the property on a voluntary basis. Two of the former lessees were judicially ordered to release the property. At the Investor's request, all actions aimed at forcible removal of those persons from the property were stopped. The suspension of these activities allowed for concluding an agreement with PAP, determining the conditions for the voluntary release of real estate and the date of release convenient for PAP enabling it to transfer movable property from the taken area. In addition, not taking coercive measures allowed for the creation of a relationship between the Investor, the Consultant, and PAP, the nature of which helped to explain to PAP the reasons why the release of property is necessary, and the implementation of the investment project – justified. Eventually, PAP handed over the property voluntarily.

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<sup>5</sup> meetings are described in the Table of Consultations and Social Meetings, a section of which that includes meetings with PAPs as part of Task 1B.3/1 constitutes an attachment to this document; the table does not contain a detailed description of the meeting, which is included in the Table of Consultations and Meetings due to the privacy of the PAPs and the possibility of recognising who the information contained therein concerns. Page | 14

3. In November 2018 and May 2019, meetings were held at the Consultant's office with two former property lessees, who were at the same time contractless property users. The meetings which were arranged in order to reach an agreement on voluntary release of property. One of the PAPs was initially willing to enter into a lease contract for a property having a similar location and access to water. However, when the PAP was presented the available substitute properties, in May 2019 he stated that he was only interested in monetary compensation for all structures, plantings and improvements that he had made on the property. As of the date of this RAP, all the contractless users have declared their will to voluntarily clear and release the property for a monetary compensation.
4. On February 8, 2019, a meeting was held at the Consultant's office with former lessees, during which the Investor obtained consents to provide ZBiLK with documentation related to the contents of the terminated lease contracts. It was necessary to carry out an analysis of the documentation in order to determine if any PAPs were entitled to receive compensation.
5. On 25 and 26 September 2019 there were meetings with former lessees to prepare statements containing information about the buildings, structures, plantings, and improvements made by the former lessees in the parts of the property they leased. In accordance with the established procedure, the statements and property descriptions prepared at the meetings were the basis for the preparation of valuations by property appraisers determining the amounts of compensation due to the lessees.
6. Following the receipt of valuations (on 19 October 2020, 13 November 2020, 23 November 2020, and 17 December 2020), individual meetings with former lessees and contractless users were organised at which valuations were presented and statements were received together with the request for payment of compensation to the bank account indicated by PAPs. Each PAP fully accepted the content of the valuation, in particular they accepted and confirmed the presented description of the property and the amount of compensation. The determined compensation was increased by the due personal income tax, in accordance with the principle of exempting PAPs from incurring additional costs related to the received compensation. This was an exceptional activity on a scale in the Project, because in the case of expropriations (carried out on the basis of special laws or RPM regulations), compensation is exempt from income tax, as explained in subsection 4.4.2. *Personal income tax on compensation*. The compensation was paid in December 2020 and March 2021.

**Public consultations related to the publication of the LA&RAP:**

1. After preparing the draft LA&RAP document and obtaining the approval of the World Bank for the commencement of the public procedure on its basis, the document was the subject of public consultations, which were conducted in accordance with the operational policy of the World Bank OP 4.12 and the procedures provided for in the LA&RAP. The electronic version of the LA&RAP and a notice of public debate over the draft LA&RAP, its place and date has been posted on publicly available websites of:
  - PGW WP RZGW in Szczecin: <https://szczecin.wody.gov.pl/>,
  - PGW WP RZGW in Szczecin (Project website) – [www.szczecin.wody.gov.pl](http://www.szczecin.wody.gov.pl) (then it was: <http://bs.rzgw.szczecin.pl/>),

— Project Coordination Unit – [www.odrapcu.pl](http://www.odrapcu.pl) (then it was: <http://odrapcu2019.odrapcu.pl/>).

Paper version is available for viewing in the following premises:

- PGW WP RZGW in Szczecin, ul. Tama Pomorzańska 13A, 70 – 001 Szczecin;
- Project Implementation Office, Teofila Firlika 19 Street, 71-637 Szczecin
- Municipal Office of Szczecin, Plac Armii Krajowej 1, 70-456 Szczecin;
- ZBiLK Szczecin, ul. Mariacka 25, 70-546 Szczecin.

Information on the possibility to review the document and to file requests and comments, along with specific contact details (e-mail and address of the place where the draft may be reviewed, office hours, phone number and name of the contact person) have been published in local press: the 'Gazeta Wyborcza' Szczecin supplement, 'Kurier Szczeciński', and on the websites of the implementing unit for Task 1B.3/1.

2. The publication of the LA&RAP document began on 7 February 2020 and lasted until 21 February 2020 (14 days). 14 days after the document was published, on 24 February 2020, a consultation meeting for interested parties took place, where the Contract (Task 1B.3/1) was presented and a discussion took place. A letter with detailed information on publication and meeting was sent to each of the identified PAPs.

As part of the public consultation on the LA&RAP, an open meeting was held at the headquarters of the Consultant – Sweco Polska Sp. z o. o.<sup>6</sup> at ul. Łyskowskiego 16 in Szczecin on 24 February 2020. A total of 11 people took part in the meeting, including persons directly involved in the implementation of OVFMP: two people from the Consultant Team, a representative of the PIU - RZGW in Szczecin and two people from the Coordination Office of the Odra-Vistula Flood Management Project. In addition, two PAPs and the representative of one of the PAPs participated in the meeting. During the discussion, each participant could submit written and oral motions and comments regarding the LA&RAP draft. A report from the meeting was prepared, which is appended as Appendix No. 5 to the LA&RAP.

3. As indicated above, as part of the Task, one of the PAPs was classified as particularly vulnerable due to their age and health condition, and as a consequence, special measures were taken in relation to them, including consultations in their place of residence. Due to the publication of the LA&RAP, the Consultant went to the PAP's current place of residence on 21 February 2020 in order to personally inform them about the preparation of the LA&RAP document, present its content, and provide information about the planned meeting.

In the course of preparations for the implementation of the Investment Project, at least four official meetings were organised for all PAPs (dates of meetings: 8 February 2019, 25 September 2019, 26 September 2019, and 19 October 2020, and due to the fact that not all PAPs appeared on 19 October 2020 – individual meetings with those absent on 13 November 2020, 23 November 2020, and 17 December 2020). In addition to the above meetings, the consultant met with PAPs

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<sup>6</sup> then – Sweco Consulting sp. z o.o.

individually depending on the needs of each of them (in accordance with the appendix to this document containing the meeting table). Due to the nature of the activities undertaken in relation to the PAP classified as belonging to a vulnerable group, meetings with this PAP took place much more often, depending on the stage of the activities in question, even several times a month (in accordance with the attachment) and in their place of residence.

### 3.5. Damages and compensations

Despite no expropriation of property within the meaning of the RPM regulations and the absence of forced take or restrictions in the use of the property, in the course of the implementation of the Investment Project, the existence of PAPs was established in relation to whom compensatory measures were carried out.

As part of Task 1B.3/1, a group of people using one plot of land covered by the investment project became entitled to receive compensation. Under Polish law, in the case of property being used without a title, the owner of the property is entitled to a claim against the contractless user for the release of the property and for compensation for contractless use. As a rule, a contractless user is not entitled to monetary compensation. A possessor acting in bad faith may demand that only the necessary outlays be reimbursed and only if the owner of the property would have become unjustly enriched at their expense.

Taking into account the above, as well as the principles and guidelines of the OP 4.12 operational policy of the World Bank, it was considered that under this Task these persons were entitled to receive compensation for any facilities, plantings, and improvements made on the property prior to the cut-off date and to receive additional assistance in cases where they would have to be physically resettled.

**Table 3. – PAPs who received compensation**

| No. | PAP   | PAP category              | Compensation measures   | Additional action             | Compensation amount |
|-----|-------|---------------------------|---|-------------------------------|---------------------|
| 1.  | PAP 1 | Former lessee (2 lessees) | Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br>Compensation increased by the due personal income tax | No need for additional action | PLN 23,988.00       |
| 2.  | PAP 2 | Former lessee             | Monetary compensation in the amount of the  | No need for additional action | PLN 26,542.00       |

**LAND ACQUISITION AND RESETTLEMENT ACTION PLAN**

FOR CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1

|    |       |               |   |                               |               |
|----|-------|---------------|---|-------------------------------|---------------|
|    |       |               | <p>replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br/>Compensation increased by the due personal income tax</p>  |                               |               |
| 3. | PAP 3 | Former lessee | <p>Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br/>Compensation increased by the due personal income tax</p> | No need for additional action | PLN 24,434.00 |
| 4. | PAP 4 | Former lessee | <p>Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br/>Compensation increased by the due personal income tax</p> | No need for additional action | PLN 27,759.00 |
| 5. | PAP 5 | Former lessee | <p>Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining</p>  | No need for additional action | PLN 23,506.00 |

**LAND ACQUISITION AND RESETTLEMENT ACTION PLAN** -----

FOR CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1

|           |       |  |   |                               |               |
|-----------|-------|--|---|-------------------------------|---------------|
|           |       |  | <p>plantings, tree stands, and lost benefits.<br/>Compensation increased by the due personal income tax</p>   |                               |               |
| <b>6.</b> | PAP 6 | Former lessee (5 heirs received compensation in equal parts) | <p>Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br/>Compensation increased by the due personal income tax</p> | No need for additional action | PLN 45,170.00 |
| <b>7.</b> | PAP 7 | Former lessee  | <p>Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br/>Compensation increased by the due personal income tax</p> | No need for additional action | PLN 14,494.00 |
| <b>8.</b> | PAP 8 | Former lessee  | <p>Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br/>Compensation</p>  | No need for additional action | PLN 32,422.00 |

**LAND ACQUISITION AND RESETTLEMENT ACTION PLAN**

FOR CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1

|            |        |               |   |                               |               |
|------------|--------|---------------|---|-------------------------------|---------------|
|            |        |               | increased by the due personal income tax  |                               |               |
| <b>9.</b>  | PAP 9  | Former lessee | Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br>Compensation increased by the due personal income tax | No need for additional action | PLN 56,349.00 |
| <b>10.</b> | PAP 10 | Former lessee | Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br>Compensation increased by the due personal income tax | No need for additional action | PLN 6,169.00  |
| <b>11.</b> | PAP 11 | Former lessee | Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br>Compensation increased by the due personal income tax | No need for additional action | PLN 18,410.00 |
| <b>12.</b> | PAP 12 | Former lessee | Monetary compensation in the amount of the  | No need for additional action | PLN 55,084.00 |

**LAND ACQUISITION AND RESETTLEMENT ACTION PLAN**

FOR CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1

|            |        |               |   |                               |               |
|------------|--------|---------------|---|-------------------------------|---------------|
|            |        |               | <p>replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br/>Compensation increased by the due personal income tax</p>  |                               |               |
| <b>13.</b> | PAP 13 | Former lessee | <p>Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br/>Compensation increased by the due personal income tax</p> | No need for additional action | PLN 32,386.00 |
| <b>14.</b> | PAP 14 | Former lessee | <p>Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br/>Compensation increased by the due personal income tax</p> | No need for additional action | PLN 13,036.00 |
| <b>15.</b> | PAP 15 | Former lessee | <p>Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining</p>  | No need for additional action | PLN 1,614.00  |

**LAND ACQUISITION AND RESETTLEMENT ACTION PLAN**

FOR CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1

|               |        |   |   |   |                       |
|---------------|--------|---|---|---|-----------------------|
|               |        |   | plantings, tree stands, and lost benefits.<br>Compensation increased by the due personal income tax   |   |                       |
| <b>16.</b>    | PAP 16 | Former lessee   | Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br>Compensation increased by the due personal income tax | No need for additional action                 | PLN 28,193.00         |
| <b>17.</b>    | PAP 17 | Contractless user (previously had a lease agreement, duly terminated by the Municipality of Szczecin) | Monetary compensation in the amount of the replacement cost of lost assets  | Assistance in relocating the business offered | PLN 114,542.00        |
| <b>18.</b>    | PAP 18 | Contractless user (previously had a lease agreement, duly terminated by the Municipality of Szczecin) | Monetary compensation in the amount of the replacement cost of lost assets  | No need for additional action                 | PLN 113,494.00        |
| <b>19.</b>    | PAP 19 | Contractless user   | Monetary compensation in the amount of the replacement cost of lost assets  | No need for additional action                 | PLN 40,398.00         |
| <b>TOTAL:</b> |        |   |   |   | <b>PLN 697,989.00</b> |

According to the above table, the compensation was paid to 19 people, in the total amount of PLN 697,989.00. There is no doubt that the compensation paid has helped those affected by the Project to restore and improve PAP's standard of living. The above is also confirmed by the survey results described in Section 3.6 PAP's Evaluation of the Project.

The amount of compensation was determined on the basis of a valuation prepared by property appraisers. In the case of former lessees, valuations were prepared on the basis of information resulting from the documentation collected in ZBiLK and related to the lease agreements, statements made by PAPs regarding the condition of the property at the time of handing over the property, and in some cases also photographic documentation. In the case of contractless users of the property, the reports were prepared on the basis of a visual inspection of the property and photographic documentation. All PAPs accepted the amount of compensation by submitting a statement as below. The financial compensation was paid in December 2020, and to two contractless users, according to the signed agreement, it was paid in two parts, the first one in December 2020 and the second one in March 2021.

## **DECLARATION WITH A COMPENSATION CLAIM**

Acting on my own behalf, I declare that I fully accept the content of the valuation on plantings and facilities located in the allotment garden located in the area of Karpia Street in Szczecin for the purpose of determining the amount of compensation prepared by the property appraiser Grzegorz Kostka, in particular I accept and confirm the presented description of the property – the location and development of the allotment garden and I accept the amount of compensation specified in the valuation as the “final result” and I do not raise any objections.

I also declare that the payment of compensation in the agreed amount fully satisfies my claims against State Water Management Polish Waters related to the property located at Karpia Street in Szczecin, and that I do not have any claims against PGW WP other than those described above, which would be in any way related to the property in question and that at the moment of receiving compensation I waive all claims against PGW WP related to the property located at Karpia Street in Szczecin.

### **Photo 1: Template of PAP statement**

As part of the Task, in addition to the above-mentioned persons, two other persons were considered PAPs, who ultimately did not receive compensation.

**Table 4. PAPs who did not receive compensation**

| No. | PAP    | PAP category  | Planned compensation measures  | Additional action taken  | Reasons for the lack of compensation   |
|-----|--------|---|--|--|--|
| 1.  | PAP 20 | Contractless user – a PAP belonging to a vulnerable group | Initially – only monetary compensation in the amount of the replacement cost of lost assets<br><br>After verifying the needs of PAP – assistance in finding substitute premises, adapting the premises to the needs of PAP, covering the costs related to the relocation process | Assistance in finding substitute premises, commencement of activities related to the renovation of substitute premises and adaptation to the needs of the PAP, support in resettlement, obtaining additional funds due to PAP on account of homelessness | Death of the PAP   |
| 2.  | PAP 21 | Former lessee   | Monetary compensation in the amount of the replacement cost of lost assets, including the costs of establishing and maintaining plantings, tree stands, and lost benefits.<br><br>Compensation increased by the due personal income tax  | No need for additional action  | Repeated refusal to contact the Consultant and the Investor, submitting a statement on claim waiver <sup>7</sup> |

The method of determining PAPs, classifying them into appropriate groups, determining whether it is justified to take additional actions in relation to them, as well as the reasons for the lack of

<sup>7</sup> The Investor forwarded the correspondence to PAP's address (current, received in ZBiLK), which, however, remained unanswered, the Consultant went to PAP's place of residence twice, trying to talk to the PAP in person, but the door was not opened to him. Finally, the PAP provided the Investor with a written statement in which they indicated that they had been informed about the implementation of the investment project and their right to compensation, but they waive all claims against the Investor, including the payment of compensation, and refuse to consent to access to their documentation regarding the lease agreement. Page | 24

compensation for two people and the actions taken in relation to them are described in detail in the LA&RAP and document updates. The method of determining the amount of compensation, the catalogue of persons qualified as PAP, the minimising measures taken did not change. The procedures adopted in the LA&RAP were followed.

### **3.6. Investment assessment by PAPs**

As part of the implementation of the Investment Project and socio-economic research, in order to determine and assess the impact of the Investment Project on people who were affected by the effects of its implementation and on the local community, surveys were carried out twice – as part of the preparation of the LA&RAP and after the end of the project.

In November 2018, the PAPs were surveyed about whether they consider it reasonable to implement Task 1B.3/1 and how they see its impact on their quality of life and economic standing (impact on revenue). The target group covered by the survey included the persons who use plot 7/16 without a contract. The survey was also conducted among the former lessees of plot 7/16. The questions asked in the survey were replied by all the persons to be relocated. None of the respondents have indicated that the Contract will adversely affect their economic standing or reduce their revenue. The respondents are satisfied of the construction of icebreaker base and the additional strengthening of flood protection in Szczecin; however, some of the respondents do not want the base to be built in the planned location – they consider the terrains located at Dąbie Lake to be more appropriate. Answer examples:

#### **3. What do you think of the strengthening of flood protection?**

I think it is good and the protection should be provided but in a different location, such as Dąbie Lake.

#### **3. What do you think of the strengthening of flood protection?**

I think it is good, flood protection is necessary. We should protect the town against flooding. I am not against the project.

#### **3. What do you think of the strengthening of flood protection?**

The strengthening of flood protection is a project we have long waited for, which will improve the safety of the areas neighbouring the river.  
I am only concerned about the location of the icebreaker base at Karpia street.  
Each ice-breaking operation starts with making a place for ice floe on Dąbie Lake.  
The inflowing floe may block an icebreaker going down the river (Podjuchy – Dąbie Lake).

**Photo 2: Excerpt from a sample consultation survey**

After the completion of the Investment Project, a letter was sent to each of the PAPs asking them to complete the survey. In order to enable the widest possible circle of people to present their opinion, three possible ways of submitting the survey were indicated, i.e., by letter to the Consultant's registered office, by e-mail to the Consultant's representative's address, or by phone call, from which a note would be made. Survey template that was sent:

**SURVEY**

1. In your opinion, how did the implementation of the flood protection investment project affect you and your family:

- a) definitely positively
- b) positively
- c) neither positively nor negatively
- d) negatively
- e) definitely negatively

2. In your opinion, how did the implementation of the flood protection investment project affect the community in which you live:

- a) definitely positively
- b) positively
- c) neither positively nor negatively
- d) negatively
- e) definitely negatively

3. Did you have any concerns related to the implementation of the investment project prior to the commencement of the flood investment project?

- a) yes (if yes, question 4)
- b) no
- c) it's hard to say

4. In your opinion, were the previous concerns justified?

- a) definitely yes
- b) I think so
- c) neither yes nor no
- d) I think not
- e) definitely not

5. [Question to village administrators and municipalities] In your opinion, did the Investor take sufficient measures to mitigate the effects of the implementation of the flood protection investment project

- a) definitely yes
- b) I think so
- c) neither yes nor no
- d) I think not
- e) definitely not

If so, what were they:

.....

.....

.....

6. Can you assess on a scale of 1 to 10 whether the implementation of the flood protection investment project has affected you and your family

|                       |   |   |   |   |   |   |   |   |   |    |                       |
|-----------------------|---|---|---|---|---|---|---|---|---|----|-----------------------|
| Definitely positively | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | Definitely negatively |
|-----------------------|---|---|---|---|---|---|---|---|---|----|-----------------------|

7. Can you assess on a scale of 1 to 10 whether the implementation of the flood protection investment project has affected the community in which you live

|                       |   |   |   |   |   |   |   |   |   |    |                       |
|-----------------------|---|---|---|---|---|---|---|---|---|----|-----------------------|
| Definitely positively | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | Definitely negatively |
|-----------------------|---|---|---|---|---|---|---|---|---|----|-----------------------|

**Photo 3: Template of the survey after the implementation of the LA&RAP**

The Investor sent the surveys on 26 July 2023 to all PAPs (19 people). As of the date of the report, two surveys were received, which show that despite the initial concerns that arose before the commencement of the Investment project, its implementation ultimately had a positive impact on both the respondent and the community in which they live. It was also pointed out that the previous concerns were unlikely to be well-founded.

Due to the receipt of few questionnaires, after a month, the Consultant contacted PAPs whose contact numbers they had, by phone. The Consultant managed to contact five PAPs. As for the remaining PAPs – despite making several attempts to contact them, the PAPs did not answer the phone or a message was received that the number does not exist.

It was agreed that the survey would be carried out by phone call, from which a note would be made (in accordance with the proposal in writing). The above allowed for the extension of the scope of questions and gave PAPs the opportunity to speak freely.

Each of the contacted PAPs rated the investment project and the method of its implementation at 10 on a scale of 1 to 10, where 1 is “definitely negative” and 10 is “definitely positive”. During the implementation of the investment project, including as part of compensation payments, they did not experience any difficulties.

PAPs paid attention to and positively assessed primarily:

1. the information measures undertaken by the Investor – PAPs argued that they were very satisfied with the manner of being informed about the investment project, planned activities, dates and conditions of payment of compensation, because everything was clear, and with the meetings organized, especially taking into account (as pointed out by one of the PAPs) that the main activities were conducted during the pandemic;
2. the need to implement the Investment Project – PAPs indicated that such investment projects are very much needed and that they support their implementation;
3. the amount, timeliness, and conditions of compensation payment – PAP informed that they have no objections as to the date and conditions of compensation payment. Each of the PAPs was also satisfied with the amount of compensation;
4. the fact of receiving compensation in a situation where, in accordance only with the provisions in force in Poland, PAPs would not be entitled to compensation.

The results of the survey lead to the conclusion that PAPs are very satisfied with the way the Investment Project was implemented. One of the PAPs, after saying that their assessment of the conditions and deadlines for the payment of compensation was definitely positive, thanked the Consultant for dealing with the issue of compensation.

## 4. OPERATION OF THE GRM SYSTEM

### 4.1. System description

The mechanism for the submission of complaints and requests concerning all matters related to the execution of the Contract 1B.3/1 was implemented, in accordance with LA&RAP assumptions, at the beginning of the entire process and was valid for the duration of the execution, functioning, and closure of the Contract in question. All interested parties were entitled to file a complaint or request in one of the following three places:

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

SWECO Polska Sp. z o. o.<sup>8</sup>  
ul. Łyskowskiego 16  
71-641 Szczecin

2. Directly at the Employer's office:

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

3. Directly at the site office.

4. In addition, complaints and requests may be submitted:

→ by mail to the addresses indicated above

→ via e-mail to the following addresses:

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

e-mail: [odra.szczecin@sweco.pl](mailto:odra.szczecin@sweco.pl)

→ by phone at:

PIU: +48 91 441 12 00

Consultant: +48 605 071 242

Deadlines were set for considering complaints and requests:

→ written confirmation of the complaint receipt: within **7 days from the complaint receipt**;

→ if the examination of a request or complaint required a previous explanation, the process included the collection of materials as well as analysis, studies, etc. In such an

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<sup>8</sup> Then Sweco Consulting sp. z o.o.

event, a reply to the complaint or request was to be given in **14 days from the date of submission**;

- when it is not necessary to conduct an investigation procedure, a response to a complaint or a request would be provided within **7 days from the date of its submission**;
- in particularly complex cases or if acceptance of the request or complaint requires amendments to the LA&RAP, the time limit for replying to the complaint or request was extended to **30 days**.

In the organizational structures of PGW WP RZGW in Szczecin and the Consultant, persons were appointed to handle complaints and contact the persons submitting complaints.

## 4.2. Summary of complaints

In the course of the Investment Project implementation, one complaint was received. The complaint was immediately considered and actions were taken to minimise the impact. The details are presented in the table below.

**Table 5. Summary of complaints**

| Complaint date | Complainant   | Subject-matter of the complaint   | Solution  |
|----------------|---|---|---|
| 26/01/2022     | Natural persons – residents of buildings located in the vicinity of the investment project plot | The way in which the subcontractors of the Investment Project are carrying out the works (destruction of kerbs, problems with crossing) | <p>The Contractor was provided with a request to comply with travel times, to stop using the adjacent plot as a parking space or area for overtaking for the subcontractor's equipment. The Contractor was asked to provide explanations and to carry out weekly monitoring of the technical condition of buildings exposed to oscillation and vibrations.</p> <p>The response was forwarded to the persons who filed the complaint along with information about the actions taken and information about calling on the contractor to stop the incorrect actions.</p> |

|  |  |  |   |
|--|--|--|---|
|  |  |  | <p>Subsequently, the persons who had submitted a complaint were contacted again, with the actions taken by the Consultant and by the Contractor detailed. Information was requested if the actions taken were not sufficient. Until the completion of the investment project, no new complaints were submitted in this respect.</p> |
|--|--|--|---|

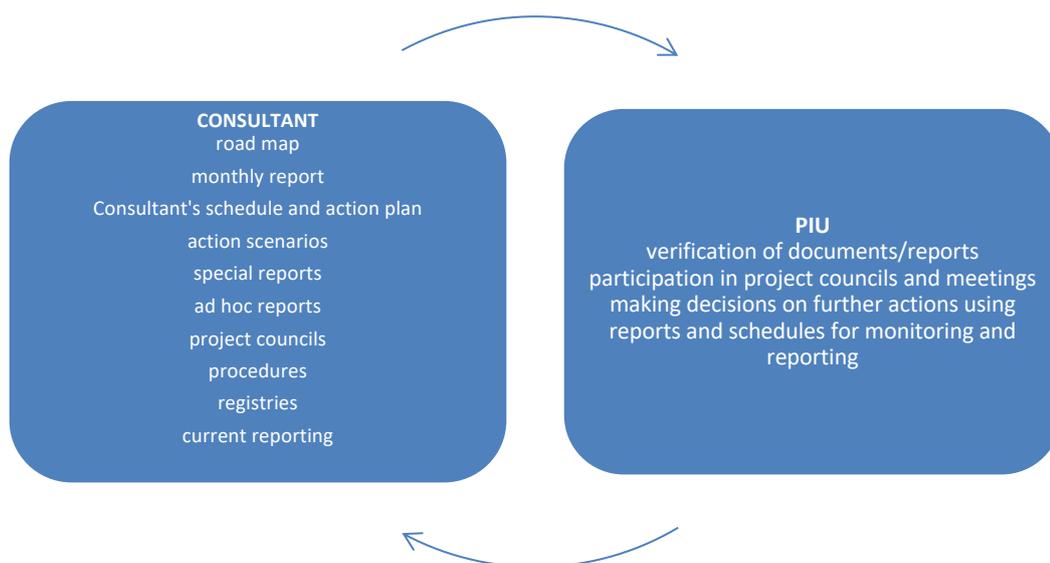
### **4.3. Conclusions**

Due to the correct implementation of the LA&RAP, quick and correct identification of all PAPs, and remaining in constant contact with PAPs from the moment of learning about the preparations for the commencement of the Investment Project, and then continuous monitoring of the implementation of the LA&RAP allowed for getting acquainted with the needs of PAPs and their effective fulfilment, and consequently – none of the PAPs submitted a complaint as part of the implementation of the project. The only complaint received was related to the way in which the subcontractors were carrying out the works. At that time, the Investor took immediate action to clarify the complaint, which was finally settled in the first quarter of 2022. The reported problem was monitored until the end of the Investment Project, i.e., until 20 April 2023. The complaint was not repeated, and the Investor did not notice any irregularities in the Contractor's activities.

## **5. MONITORING**

### **5.1. Description of the methodology**

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



It should be emphasized that during the implementation of the LA&RAP, telephone numbers and e-mail addresses of contact persons within the Consultant's structure were made available to PAPs. These people contacted PAPs with respect to all activities related to determining the amount and payment of compensation.

Before receiving monetary compensation, PAPs relatively often contacted the representatives of the Consultant in order to obtain details regarding the determination of the amount of compensation, payment dates, or other activities directly affecting their lives. After the payment of compensation in 2020, PAPs ceased contacting the Consultant or the Investor, filing no complaints (the only complaint that was submitted was not from a PAP – it was submitted by residents of areas adjacent to the Investment Project), they did not request explanations and did not ask for any actions.

**5.2. Summary of the indicators that were monitored**

The LA&RAP includes a table containing the main indicators to be monitored during the implementation of the Investment Project. Below is a table containing a summary of monitoring indicators used in the implementation of Task 1B.3/1 implemented by PGW WP – RZGW in Szczecin

**Table 6. The main indicators that were monitored during the implementation of the Investment Project (completed)**

| Indicator                         | Information source                         | Monitoring frequency | Progress indicator |
|-----------------------------------|--|----------------------|--------------------|
| <b>Assumed parameters</b>         |  |                      |                    |
| The number of properties acquired | Civil-law contracts , Consultant's Records | Monthly/Quarterly    | 2                  |

## LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

FOR CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1

|  |  |  |                              |
|--|--|--|------------------------------|
| The number of Project Affected Persons (PAP)                                 | Land and Mortgage Registers, excerpts from land register, lease contracts concluded, visits on task site | Continuous updates during the arrangement and payment of compensations | 21                           |
| The amount of all expenses on resettlement, including compensations (paid)   | Consultant's Records   | Monthly/Quarterly  | 21                           |
| <b>Parameters achieved</b>   |  |  |                              |
| The amount of all expenses on resettlement, including compensations (actual) | Investor's financial records   | Monthly/Quarterly  | PLN 697,989.00 <sup>9</sup>  |
| The number of properties acquired  | Investor's/Consultant's Records  | Monthly/Quarterly  | 2                            |
| <b>Performance indicators</b>  |  |  |                              |
| Number of complaints   | Investor's/Consultant's Records  | Monthly/Quarterly  | 1                            |
| Number of complaints examined  | Investor's/Consultant's Records  | Monthly/Quarterly  | 1                            |
| Compensations paid, other  | Investor's financial records   | Monthly/Quarterly  | PLN 698,850.00 <sup>10</sup> |

Monitoring of the LA&RAP implementation under Task 1B.3/1 was carried out in accordance with the assumptions described in the LA&RAP. As part of the monitoring, the Consultant prepared monthly, quarterly, and annual reports, supplemented the registers and tables in the case of events for which a given register or table was created, and also reported on an ongoing basis. The Consultant, in cooperation with other representatives of the Consultant and the PIU, also developed action schedules and action plans.

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

- a) the number of properties to be expropriated and already expropriated,
- b) the number of persons to be resettled and already resettled,
- c) the number of properties to be temporarily acquired (planned and achieved),
- d) the amount of all expenses on the resettlement process (planned and achieved),
- e) compensations paid for the loss of title to property,

<sup>9</sup> Amount of compensation paid to PAPs

<sup>10</sup> Amount of compensation paid to PAPs and costs of establishing easement of passage on plot number 7/18

- f) compensations paid for the loss of income source,
- g) other compensations paid in connection with the investment project,
- h) the degree and status of protective measures,
- i) substitute properties acquired and awarded,
- j) the number of complaints.

Taking into account the above monitoring assumptions, it was possible to prepare **table number 7** containing relevant data from the point of view of the LA&RAP.

| <b>The number of properties to be expropriated and already expropriated</b> | <b>The number of people in need of resettlement and displaced</b> | <b>The number of real properties temporary seized (planned and achieved)</b> | <b>Compensation paid for loss of right to real property</b> | <b>Compensation paid for loss of income</b> |
|---|---|--|---|---|
| 0/0<br><br>but<br><br>2/2 to be obtained                                    | 1/0<br><br>due to the death of PAP                                | 0/0  | 16<br><br>PLN 429,555.00<br><br>former lessees              | 0<br><br>PLN 0                              |

| <b>Other compensations paid in connection with the investment project</b> | <b>The extent and status of implementation of protective measures</b>   | <b>Replacement real properties, obtained and assigned</b>  | <b>Number of complaints</b> |
|---|---|--|-----------------------------|
| 3<br><br>PLN 268,434.00<br><br>contractless users of properties           | Undertaken in relation to 1 PAP and completed before the completion of the Investment Project due to the death of PAP | 2/1<br><br>Conclusion of a voluntary property exchange agreement with the Municipality of Szczecin | 1                           |

### **5.3. Impact of the Project on PAPs and other persons**

The residents of Szczecin, in particular Podjuchy, i.e., the area where the Investment Project was implemented, benefited from the implementation of the Contract. The implementation of the project was aimed at flood protection and enabling effective and safe icebreaking, which had a direct impact on the inhabitants of the entire city. As a consequence, it should be recognised that the beneficiaries of the Project were not only all residents of the Investment Project area, but also the residents of the area not located directly in the area of the Investment Project, as this area is protected against floods and proper and safe icebreaking is possible.

The implementation of the Contract directly increased the sense of security of the broadly understood local community, which the respondents noted before the implementation of the Investment Project and expressed in the survey.

The execution of the works proceeded without conflict. This was the result of the correct implementation of the measures indicated in the Land Acquisition and Resettlement Action Plan for the Works Contract 1B.3/1 and the Contractor's implementation of works according to the recommendations of the Environmental Management Plan for the Works Contract 1B.3/1, i.e., mitigating measures – minimising the negative impacts, as well as continuous and ongoing monitoring.

It should be noted that although PAPs, who are directly affected by the implementation of the Works Contract 1B.3/1, mostly (except for contractless users) left the investment project area before the commencement of the Investment Project due to the termination of lease agreements, they are the beneficiaries of this Project. Almost each of them lives in close proximity to the area of implementation of the Investment Project. What is more, the project involving the construction of an icebreaker base has a real impact on the safety of the inhabitants of the entire commune. To sum up, the implementation of Contract 1B.3/1 directly increased the sense of security of the local community, protection of real estate/property against flooding.

Before the construction works begun, there had been multiple project site visits. As a result of these actions, persons still using the real estate were identified. At the same time, a historical list of person who had been using the project real estate before the project started was reconstructed on the basis of civil law contracts concluded with the previous real estate owner. Thus, a list of persons affected by the implementation of the project was created, which included former real estate tenants and persons using the real estate immediately prior to the commencement of the construction works. The Investor contacted each PAP and held an informational meeting with them. In order to restore the lost property, it was decided that the PAPs would be financially compensated to the extent that they were adversely affected by the project. In cooperation with the PAPs, the lost goods and property that could not be taken from the real estate by the PAPs were identified. The lost goods and property were classified as expenditure on the real estate, the value of which was determined using the replacement value method. This decision enabled each PAP to restore the property left on the project real estate due to the lack of possibility to relocate it (e.g., buildings, plantings). As a result, none of the PAPs experienced financial injury, as each type of property lost was financially compensated. The described method of determining the amount of financial compensation was accepted by the PAPs. The agreement established the subject of the lost property and the amount of compensation. The funds paid to the PAPs enabled everyone to restore the lost goods and property.

Additionally, in order to compensate for the resulting tax liability, an additional amount equivalent to income tax was granted to the PAPs who were obliged to pay the income tax due on the compensation received. This way, the compensation paid was in fact increased by the amount charged under Polish tax law. As a result, the tax liability was neutral for the PAPs, as they also received the amount of tax due as compensation.

Each of the PAPs – former lessees, received compensation in the agreed and accepted amount, allowing for the restoration of plantings and facilities in another area in the condition in which plantings and facilities were at the time of the PAP leaving the property. Contractless property

users, on the other hand, received compensation taking into account the value of the facilities and plantings located on the area they occupied.

One individual situation was the action taken in relation to a homeless person living on project real estate, who was classified as belonging to a vulnerable group. A detailed description of the issue in question is given in section 5.4.1. PAP classified as belonging to a vulnerable group.

In summarising the impact of the Project on the PAPs it should be noted that the project real estate was not used for profit-making activities. The project site was used for recreation involving the maintenance of an allotment garden. Therefore, there was no need to compensate for lost income or reduced earning capacity. The PAP's other means of livelihood were also unaffected by the implementation of the project. Therefore, the only lost assets were subject to compensation. This was also confirmed by the PAPs, each of whom accepted the approach to determining the scope and amount of compensation, and ultimately gave their full approval to the principles adopted for implementing the LA&RAP.

#### **5.4. Identified problems and solutions**

During the implementation of the Investment Project, no problems were identified that could threaten the implementation of the Investment Project or that could result in an increase in negative impacts on PAPs or other people, including an increase in the PAP catalogue.

However, there were two issues that required deeper analysis and a special approach.

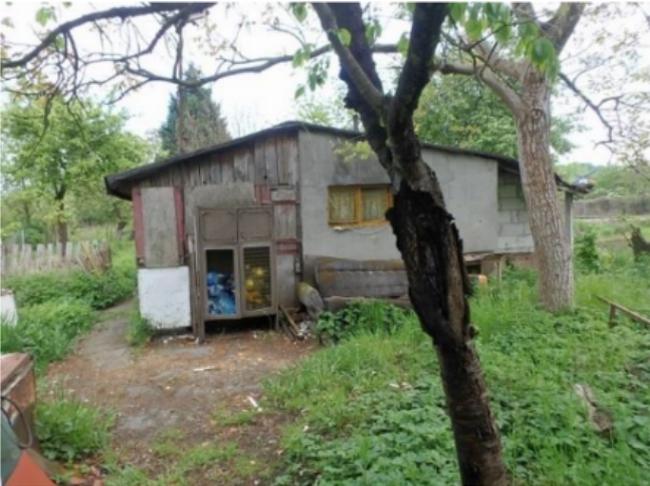
##### **5.4.1. PAP classified as belonging to a vulnerable group**

During Task performance, one PAP was classified as belonging to a group that was particularly vulnerable due to their age and state of health. PAP's health condition was already bad before the start of the Project. Indeed, she was an elderly and ailing person. This person lived on a property in a garden gazebo, i.e., in an uninhabitable facility. Therefore, this was a homeless person under the law, but they did not officially have the status of a homeless person, which entails additional rights, including benefits and assistance in obtaining shelter. Thanks to the activities of the Consultant, the PAP obtained the official status of a homeless person.

The PAP lived in a gazebo located on an investment project plot. It was a partially brick, wooden object (made of wood-like boards) with a height of 2.2 m. Inside, there were rooms that served as a corridor, a room, and a bathroom. The housing conditions in which the PAP lived before the start of the Project were not suitable for a proper existence and did not meet any standards even for a healthy person. Below are photos of the gazebo from the outside and inside, which confirm the above.

**LAND ACQUISITION AND RESETTLEMENT ACTION PLAN**

FOR CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1, WORKS CONTRACT 1B.3/1





After conducting socio-economic research and determining the actual needs of the PAP, it was agreed that actions would be taken to acquire housing for them to which they could be moved, adapt it to their needs and provide assistance related to resettlement and adaptation to their new place of residence.

However, in February 2020, information was obtained that the PAP was hospitalised due to their deteriorating health. The above resulted in difficulties in the activities carried out in relation to the PAP. The possibility to provide premises to meet their housing needs for the time of renovation of the acquired apartment, in particular on the basis of a lease contract, and the possibility of housing the PAP in a social welfare centre or another similar place in which they would be provided with specialist assistance, was analysed.

An important problem was the lack of a legal basis for obtaining detailed information on the hospital in which the PAP was staying and their current state of health. The above is particularly sensitive personal data that no hospital could provide to unauthorized persons. Therefore, attempts were made to find the PAP's close friends or relatives, and a contact number for a family member was obtained. After several conversations, it was established that following the hospital stay the PAP was placed in so-called sheltered accommodation, i.e., a residential unit for adults who, due to the difficult life situation, age, disability, or illness, need support in their everyday life. In addition, the PAP's sister informed us that their health condition does not allow them to live independently even if help of third parties were provided, because they are confined to bed and have difficulty even with basic activities, such as independent eating. After obtaining the above information, the person responsible for the above sheltered accommodation was found and contacted for information. In a telephone conversation it was confirmed that the PAP's health deteriorated significantly.

It should be emphasised that the Investor did not have an appropriate authorisation on the basis of which they could obtain detailed information on the state of health or the course of the disease. The above problems were aggravated by the situation in the country at the time caused by the SARS-CoV-2 virus causing the COVID-19 disease and the introduced protective measures. It was impossible to organise a personal meeting with the PAP in the sheltered accommodation, where there are people who are particularly vulnerable to infection and are in the high-risk group. In addition, information was obtained from a member of the PAP's family that there is also no

possibility of telephone contact due to their poor health and emerging difficulties in contacts with third parties.

The investor took a number of actions to obtain as much information about the PAP as possible, because the change in their situation was associated with the need to change plans and the type of assistance provided to the PAP.

It was eventually found that the PAP currently resides in Sheltered Assisted Living Accommodation and has the right to a lifetime stay, as well as 24/7 care of qualified staff. The above type of premises is intended for disabled people, in particular physically disabled persons or persons with mental disorders, elderly, and chronically ill persons. In Sheltered Assisted Living Accommodation, living services and assistance in activities necessary in everyday life and social contacts are provided in order to maintain or develop the independence of the residents in accordance their psychophysical abilities.

Therefore, the investor was sure that the PAP was then in a safe place, adapted to their needs.

Placing the PAP in a social welfare centre or another similar place, in which they would be provided with specialist assistance was, taking into account the deteriorating health of the PAP, the most appropriate form of assistance. It would be unjustified to take any action aimed at acquiring a premises for the PAP, because it was not possible to provide adequate care there. acting for their benefit would mean providing 24-hour care of qualified persons with adequate experience in caring for a disabled person. The sheltered accommodation, in which they stayed and in which, as confirmed by its employee, they had both professional care and the right to stay for life, was a place that met all the criteria of a place suitable for the PAP.

The realization of the Investment made it possible to implement actions in relation to PAP in accordance with the operational policy of OP 4.12. This kind of possibility was not provided by the instruments provided by Polish law. Action based on the principles and guidelines under OP 4.12 described in this chapter was aimed at improving the situation of PAP.

It should be noted that the PAP was positive about the Investor's actions. In fact, she informed family members and the local community that she felt very taken care of and was happy that Task 1B.3/1 was being implemented, and that the Investor was helping her and taking the actions described in this chapter (the Investor was informed of the above directly by the aforementioned family members and the local community, as well as by the PAP itself, which repeatedly thanked representatives of the Investor and the Consultant). This leaves no doubt that PAP reacted very positively to both the project and the actions taken by the Investor. PAP was looking forward to completing the Task and relocating. Later, i.e., after she was taken to the hospital and then to a social welfare center, the Investor continued to receive information from family members that the PAP thanked her for the actions and care taken so far. This is because the Investor continuously monitored whether PAP was receiving the necessary 24-hour medical care, took an interest in her situation at all times, and monitored the situation in order to respond and implement compensation measures in accordance with the principles and guidelines of OP's operating policy. 4.12 on an ongoing basis.

In December 2020, the Investor obtained information about the death of a PAP classified as belonging to a vulnerable group.

#### **5.4.2. Personal income tax on compensation**

In accordance with generally applicable Polish regulations, compensation paid in accordance with the provisions of the RPM or for the sale of property for remuneration for purposes justifying its expropriation is exempt from personal income tax. Neither the provisions of the RPM nor the provisions of special acts that regulate the issues of property expropriation, including the special flood protection act, were applicable as part of this Task. Compensation was paid on the basis of agreements and in accordance with the provisions of the Civil Code. Therefore, there was a problem related to the taxation of damages with a tax in the amount of 17% of income in the case of the first tax threshold or 32% of income in the case of the second tax threshold.

The above was confirmed by an opinion on income tax on damages or other forms of compensation prepared by tax advisors.

Per the principles arising from the operational policy of the World Bank, OP 4.12. the PAP should receive the amount needed to replace lost assets without taking into account depreciation of assets resulting from age, condition, or other factors related to assets, and thus should not incur costs related to taxation of the received amount. Replacement value is the amount required to replace the lost assets, excluding the depreciation of arising out of the age, condition or another factor relating to the assets. It was therefore agreed that if it is necessary to incur any additional costs, including the need to pay income tax on received damages, these costs will not be incurred by PAPs.

Therefore, compensation received by PAPs was increased by the due personal income tax.

## **6. SUMMARY**

The main objective of the Project, in the scope of the Works Contract 1B.3/1, i.e., protecting the inhabitants of floodplains in certain parts of the Vistula and Odra river basins against serious floods and to enable effective and safe icebreaking operations, was achieved by the construction of mooring facilities for icebreakers. This eliminated the need to incur financial expenses for the removal of flood damage.

In addition to the economic aspect, the non-measurable social aspect of the implementation of the investment project in question, consisting in ensuring a sense of security of the local community living in the communes where the Investment Project was implemented, is equally important. As indicated by surveys conducted before the commencement of the Investment project, the local community was aware of the risks associated with flooding and the need to take specific measures to ensure flood safety.

Works contract 1B.3/1 did not cause any physical or economic resettlement. The impact of the Contract did not adversely affect entrepreneurs or agricultural activity. There were also no impacts in terms of loss of income sources, jobs, access to infrastructure, loss of the ability to conduct agricultural activity, loss of the ability to use natural assets/access to parks, reserves, access to educational institutions, cultural institutions, etc. The amount and method of determining the amount of compensation were accepted by all PAPs.

Throughout the duration of the Contract, interested parties had the opportunity to submit complaints and requests regarding the implementation of the Contract. During the Investment Project implementation, one complaint was received, which was immediately and positively resolved.

During the preparation of the Contract for implementation, as well as after the preparation of the draft LA&RAP, public consultations were conducted – this process was carried out in accordance with World Bank standards and Polish legislation.

During the works, the principles resulting from Polish legislation, the World Bank's OP 4.12 policy, and LA&RAP were observed. This concerned both the acquisition of real property necessary to implement the Contract and the manner of carrying out the works. The guiding principle of the measures was to achieve the effect of improving or at least restoring the living conditions of the PAP and ensuring long-term sustainable use of environmental resources in this area.

After the implementation of the Works Contract 1B.3/1, the standard of living of the local community was restored or improved.

The key objective of the Land Acquisition and Resettlement Action Plan was also achieved, properties necessary to implement the Contract were acquired in accordance with Polish legislation and the World Bank's Operational Policy OP 4.12, including the Framework Document on Land Acquisition and Resettlement in a way that minimised the negative impacts on persons affected by the implementation of the project, which did not result in the physical or economic resettlement of households. During the execution of the Works, there were no significant impacts on PAPs. Thanks to the implementation of the measures indicated in the LA&RAP, the living conditions of PAPs improved and long-term sustainable use of environmental resources in this area was ensured. As results from the conducted surveys, PAPs are satisfied with the implemented Investment Project. Even before the start of the project, the respondents indicated that it was needed. After it was carried out, they emphasised that the area is currently very well developed. The degree of flood protection in Podjuchy was increased, which in turn increased the sense of security of both PAPs and local residents. Each of the surveyed PAPs, when assessing the impact of the investment project on the PAP and their family, as well as the community in which they live, on a scale of 1 to 10, where 1 is “definitely negative” and 10 is “definitely positive”, rated both at 10.

In implementing the Task, all the objectives of the OP 4.12 World Bank Policy were achieved, in particular:

- 1) Multiple project site visits conducted prior to the commencement of construction works led to PAPs being identified, including persons who did not hold a title to the real estate;
- 2) Compensation was established on the basis of valuations carried out by independent and qualified property appraisers;
- 3) The valuations took into account the replacement value method in order to allow the entitled parties to restore their property;
- 4) The PAPs were given the opportunity to comment on the valuations, all of which were accepted by those entitled to receive compensation;
- 5) An additional benefit was granted to PAPs to offset the tax burden related to the compensation paid, which in fact led to an increase in the amount received by the PAPs;

- 6) An ongoing process of informing the PAPs of the timeline and current stage of the project was implemented and followed;
- 7) Additional support was provided to the person classified as belonging to a vulnerable group. This person was provided with the support they expected and which was tailored to the case circumstances.

In the course of LA&RAP implementation, no conflicts between the OP 4.12 World Bank policy and Polish legislation were identified. In order to fully implement the objectives of OP 4.12, the legal instruments in force within the Polish legal order were applied, which ultimately made it possible to achieve the objectives.

The PAP's assessment confirms that the objectives of the Land Acquisition and Resettlement Action Plan were met. Property rights were acquired, and the persons affected by the Investment Project received fair compensation in the amount allowing for the compensation of the impact. Moreover, these people assess the Investor's activities undertaken in the course of the project implementation, as well as the investment itself, very positively.

Appended:

1. List of meetings with PAPs. – Appendix No. 1