

State Water Management Polish Waters
Regional Water Management Authority in Szczecin

LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

for

the Flood Protection Project in the Oder and Vistula Basin
co-funded by:

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

Sub-component 1.B: Flood protection in the Middle
and Lower Odra River

WORKS CONTRACT 1B.3/2

Construction of berth mooring infrastructure of the Lower and Border Odra and new
marking of the shipping route.

[Final version](#)



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ODRA-VISTULA FLOOD MANAGEMENT PROJECT

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LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

Sub-component 1B: Flood protection of the Middle and Lower Oder River,
WORK CONTRACT 1B.3/2 Construction of parking and mooring infrastructure of the Lower and Border
Oder River and new marking of the shipping route.

Land Acquisition and Resettlement Action Plan is prepared for Contract 1B.3/2 executed by the State
Water Management Authority Polish Waters – Regional Water Management Authority in Szczecin.

PROJECT IMPLEMENTATION UNIT

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List of abbreviations used herein

1B.3/2	Reference no. of Works Contract 1B.3/2 Construction of parking and mooring infrastructure of the Lower and Border Oder River and new marking of the shipping route.
World Bank (WB)	International Bank for Reconstruction and Development
BKP	Odra-Vistula Flood Management Project Coordination Unit
BREE	Council of Europe Development Bank (CEB)
EGIB	Land and Building Register
GIS	Geographic Information System a system of information on the terrain, consisting of a database covering a specified area as well as the procedures and techniques for systematic collection, updating and sharing of data
GUS	Central Statistical Office
Joint Venture (Consortium)	Joint Venture Sweco Consulting Sp. z o.o./ Sweco Nederland B.V./ Sweco Engineering Sp. z o.o./ Ekocentrum – Wrocławski Ośrodek Usług Ekologicznych Sp. z o. o
Investment/undertaking	Construction of parking and mooring infrastructure of the Lower and Border Oder River and new marking of the shipping route
PIU	Implementing Entity – a separate organisational unit within the PIU, responsible for the Project implementation
PIU/Employer/Investor	Project Implementation Unit - the National Water Management Authority Regional Water Management Board in Szczecin ul. Tama Pomorzańska 13 A 70-030 Szczecin
KC	Act of 23 April 1964 the Civil Code (Journal of Laws of 2018, item 1025, as amended),
Engineer - Consultant	A company / a legal person hired by the Employer to perform services (inter alia those described herein)
Contract/Task/Investment	Works contract 1B.3/2
KPA	the Law of 14 June 1960 – Code of Administrative Procedure (Journal of Laws of 2018, item 2096 as amended)
LARPF	Land Acquisition and Resettlement Policy Framework
NBP	National Bank of Poland
NGO	Non-governmental Organization
Structure	A functionally separated material scope, which constitutes a part of Task 1B.3/2

OOŚ	Environmental Impact Assessment
OP 4.12	References of the document including the principles of performing involuntary resettlement required when the Task is funded under a loan from the World Bank - Operational Manual 4.12 - Involuntary Resettlement.
PAP	Project Affected Person(s)
PNRI	Investment Permit
LA&RAP	Land Acquisition and Resettlement Action Plan
Project/FPPOVB	Odra-Vistula Flood Management Project
NWMA PW	State Water Management Polish Waters
Regulation on the land register	Regulation of the Minister of Regional Development and Construction of 29 March 2001 on the register of lands and buildings (consolidated text Journal of Laws of 2019 item 393)
Regulation on valuation	Regulation of the Council of Ministers of 21 September 2004 on the real property valuation and preparation of a valuation study (Journal of Laws of 2004, No. 207, item 2109, as amended)
Special Purpose Flooding Act	Act of 08 July 2010 on special principles of preparation and execution of flood prevention constructions investments (consolidated text Journal of Laws of 2018, item 433)
TO	Permanent limitation in the manner of the use of the real property
UGN	Act of 21 August 1997 on real property management (Journal of Laws of 2018, item 2204 as amended)
UPB	Act of 07 July 1994 the Construction Law (Journal of Laws of 2018, item 1202 as amended)
UPW	Act of 20 July 2017 the Water Law (Journal of Laws 2018.2268, of 2019 item 125)
Contractor	A company/legal person exercising Works contract 1B.3/2

1. Key definitions

The key definitions used herein:

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

Cut-off date - completion date of the property inventory and the list of Project Affected Persons. Persons who encroach on the area where the Project will be implemented after the cut-off date are not entitled to compensation or any other form of resettlement assistance. Similarly, after the completion date of the physical inventory, or, alternatively, after the agreed deadline, no compensation will be paid for fixed assets (such as buildings, plants, fruit trees and tree stand).

Economic resettlement - the loss of over 20% agricultural lands, in case when the income of the Project Affected Person (PAP) is based to a large extent on agriculture.

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

Groups requiring special assistance - people who due to their: sex, ethnic group, age, mental or physical disability, difficult economic situation or social position are most vulnerable to the negative impact of resettlements than other groups and who may have the limited possibility to file claims or to benefit from the assistance during the resettlement or to benefit from the possibility to participate in the gains related to the project implementation.

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

Social impact - in the light of OP 4.12, social impacts related to expropriations shall be all direct, economic and social losses resulting from the real property expropriation, permanent limitation of the current method of use or access to the real property.

Compensation - paid in cash or in the form of a replacement real property for the real property and assets purchased or affected by the Project. The compensation shall be paid at the time when the real property has to be provided by the owner to the State the National Water Management Authority Regional Water Management Board in Szczecin. According to the Polish law in this respect, the compensation may be paid until the decision on the building permit becomes, as principle, final and binding and in all cases before the acquisition of the real property and taking it over for construction purposes.

OP 4.12 Involuntary resettlement - Operational Manual including the main principles and procedures that form the basis of the WB's approach to involuntary resettlements related to investment projects.

Project Affected Person (PAP) - every person who, as a result of the project implementation, loses the right to a property or is affected by the loss of any other benefits related to the developed infrastructure (residential, agricultural or breeding), the loss of annual or multi-annual harvests and crops or other related or mobile assets, in full or in part, permanently or temporarily. PAP may be also members of the local community or other persons affected by the investment activities.

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

Legal person - legal persons are the Treasury and the organisational units granted with legal personality under special regulations.

Bona-fide owner - a person who uses an item by treating it as its own property or is wrongly convinced that he/she has the title of ownership but such wrong conviction is justified by the circumstances of the case.

Owner in bad faith - a person who uses an item by treating it as its own property and knows that he/she is not the owner or should be aware of that.

Revenue - gains obtained in the course of business or agricultural activities on the real property, including from the sale of such real property.

Involuntary resettlement - the resettlement is involuntary when it is performed without the consent of the resettled person (against his/her will) or as a result of granting consent under coercion (without the possibility of expressing objection to the resettlement) e.g. through expropriation.

Limited liability company - a capital company established by one or more persons for every legally acceptable purpose.

Expropriation - consists in the deprivation or limitation of the property right used by a specific person to a designated real property under an individual act of law.

Expenditure value - the amount negotiated with the person incurring the expenditure on the real property, due to the user for the incurred expenditure, or the amount based on the expenditure value determined by the authorised real property appraiser.

Replacement value - compensation for the loss of goods valued based on their replacement/market value, including any transaction costs (e.g. taxes and registration fees), the objective of which is to sufficiently effectively replace the lost goods (replacement value). The replacement value is the amount needed to replace the lost assets, excluding the depreciation of assets resulting from the age, condition or any other factor related to the assets.

Purchase/voluntary sale - a transaction of acquisition for value of the right to the real property from its owner/possessor at the price accepted by both parties, in the situation when the owner has the possibility to refuse such a transaction. If a project resorts to expropriation, the purchase shall not be deemed to be voluntary (i.e. willing buyer/willing seller).

Real property resources (acc. to the RPMA) - Public real property resources are sanctioned by the legislator in Art. 20 of the RPMA. The resources are divided according to ownership. The real property resource of the Treasury was distinguished (Art. 21 and 21 a of the RPMA) as well as the real property resources of different types of local government units - a commune (Art. 24 of the RPMA), a district (Art. 25 a of the RPMA) and a province (Art. 25 c of the RPMA). The provision of Art. 20 of the RPMA does not refer to the real property resources of other owners than those listed hereinabove.

Terms used in the LA&RAP document interchangeably: real property - plot - land depending on the context, these terms are used according to the following legal acts:

- CC - land, real property;
- RPMA - real property, plot of land;
- Regulation on the land register - land, record parcel (in abbreviated form in the LA&RAP a parcel) and
- Operational Manual 4.12 - land.

2. INTRODUCTION

This document presents the Land Acquisition And Resettlement Action Plan (LA&RAP) for Contract 1B.3/2 Construction of berth mooring infrastructure of the Lower and Border Oder River and new marking of the shipping route executed under the Flood Protection Project in the Oder and Vistula Basin (FPPOVB), co-funded 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. The document applies only to Contract 1B.3/2 and does not refer to the entire FPPOVB.

The main objective of the FPPOVB is to protect residents in flood areas in specific parts of the basin of two largest rivers in Poland - Vistula and Oder - against serious floods. The FPPOVB covers the following five Components:

- Component 1 – Protection against flood of the Middle and Lower Oder River,
- Component 2 – Protection against flood of the Kłodzko Valley,
- Component 3 – Protection against flood of the Upper Vistula River,
- Component 4 – Institutional strengthening and modernisation of the forecasting system, and
- Component 5 – Project management and preparation of further studies.

Components are composed of Sub-Components. Within Component 1 the following three Sub-Components are distinguished marked as:

- 1A (Flood protection of the areas on the territory of Zachodniopomorskie (West Pomerania) Province),
- 1B (Flood protection in the Middle and Lower Oder River) and
- 1C (Flood protection of the town of Ślubice). The nomenclature of components and subcomponents has been specified in accordance with the following document: the Project Operational Manual entitled: "Flood Protection Project in the Oder and Vistula Basin", which is published at the following address:

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

Works contract 1B.3/2 will be exercised under Component 1, Sub-Component 1B. Flood protection in the Middle and Lower Oder River.

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

- 1B.1/1 (a) – Reconstruction of the regulatory structures of the Oder River - adaptation to the 3rd class waterway, on the route from Ścinawa to the estuary of Nysa Łużycka River - Stage II.
- 1B.1/1 (b) – Reconstruction of the road bridge in Krośno Odrzańskie with an access road.
- 1B.2 – Modernisation works on the border Oder River, Stage I - Modernisation works on the boarder Oder River to ensure winter ice-breaking.
- 1B.3/1 – Construction of the berth mooring base for ice-breakers.
- 1B.3/2 – Construction of berth mooring infrastructure of the Lower and Border Odra and new marking of the shipping route.
- 1B.4/1 – Improvement of the flow of floodwater in the winter season from Dąbie Lake.
- 1B.4/2 – Dredging of the Klucz - Ustowo cross-cut.

- 1B.5/1 – Reconstruction of a bridge to ensure minimum clearance - a railway bridge at 733.7 km of Regalica River in Szczecin
- 1B.5/2 – Reconstruction of a bridge to ensure minimum clearance - a road bridge at 2.45 km of Warta River in Kostrzyn nad Odrą.
- Reconstruction of a bridge to ensure minimum clearance - a railway bridge at 615.1 km of Oder River in Kostrzyn nad Odrą.

2.1 TASK DESCRIPTION 1B.3/2

The task No. 1B.3/2, titled 'Construction of mooring facilities on the lower and border Oder river and new signage on the shipping route', covers the construction of icebreaker mooring facilities (in the form of dolphins located beyond the boundary of the shipping route) in 7 (seven) independent locations at the section of the Odra from the Nysa Łużycka to Szczecin, and the installation of new shipping route signs. This Task is implemented under the Flood Protection Project in the Oder and Vistula Basin (FPPOVB) to make it possible to conduct an effective and safe ice-breaking action.

The mooring places to be built as part of Task 1B.3/2 are as follows:

- Szczecin – at 34.8 km of the Odra River
- Biała Góra/Rąpice – 548.4 km of Odra
- Kunice – 572.0 km of Odra
- Pławidło – at 595.3 km of Oder River
- Ługi Górzyckie – at 607.5 km of Oder River
- Osinów Dolny – at 663.2 km of Oder River
- Zatoń Dolna – at 688.1 km of Oder River

2.2 AREA OF THE IMPLEMENTATION OF TASK 1B.3/2

The dolphins planned for construction will be situated at Oder River:

- At 34.8 km of Wester Oder River, near the left bank, in parallel to Kolumba Street in Szczecin, above the Jaskótcza Island, located at Szczecin Główny railway station, on the area of the real property that constitutes record parcel number 20/4, surveying district Śródmieście 47, commune the City of Szczecin;
- at 548.4 km of Odra, downstream the town of Rąpice, at the watch-tower of the Border Troops – Biała Góra, on the real property that constitutes record parcel number 523/5, surveying district 0008 Rąpice, commune of Cybinka;
- at 572.0 km of Odra, downstream the town of Kunice, on the real property that constitutes record parcel number 162, surveying district 0012 Kunice, commune of Słubice;
- at 595.3 km of Odra, ca. 4 km downstream the town of Nowy Lubusz (Pławidło), on the real property that constitutes record parcel number 77, surveying district 0001 Pławidło, commune of Słubice;
- at 607.5 km of Odra, upstream the town of Ługi Górzyckie, on the real property that constitutes record parcel number 183, surveying district 0001 Górzycza, commune of Górzycza;
- at 663.2 km of Odra, at the town of Osinów Dolny, on the real property that constitutes record parcel number 2/1 and number 1, surveying district 0009 Osinów Dolny, commune of Cedynia;

- at 688.1 km of Odra, downstream the town of Zatoń Dolna, on the real property that constitutes record parcel number 290, surveying district 0002 Zatoń Dolna, commune of Chojna.

No	Dalby - location on Odra river	Parcel no. Total area of the parcel	Commune/surveying district	Land location	Reference of the owner/perpetual usufructuary/manager of the Lessee	Owner Private - Pr Public - Pu Commune - Co Forests - Fr	Land use classification	Land and Mortgage Register No.
1.	34.8 km	20/4 6.3646 ha	Szczecin, 1047 Śródmieście	Western Odra	Ownership: The Treasury State Water Management Polish Waters	Pu	Sw – lands under running surface waters	SZ1S/00180 021/0
2.	548.4 km	523/5 59.29 ha	Cybinka, 0008 Rąpice	Western Odra	Ownership: The Treasury State Water Management Polish Waters	Pu	Sw – lands under running surface waters	ZG1K/0003 3072/7
3.	572.0 km	162 54.40 ha	Słubice, 0012 Kunice	Western Odra	Ownership: The Treasury State Water Management Polish Waters	Pu	Sw – lands under running surface waters	GW1S/000 28978/3
4.	595.3 km	77 48.75 ha	Słubice, 0001 Pławidło	Odra	Ownership: The Treasury NWMA PW RWMB in Szczecin	Pu	Sw – lands under running surface waters	GW1S/000 28977/6
5.	607.5 km	183 42.13 ha	Górzycza, 0001 Górzycza	Western Odra	Ownership: The Treasury State Water Management Polish Waters	Pu	Sw – lands under running surface waters	GW1S/000 28975/2
6.	663.2 km	2/1 19.67 ha	Cedynia, 0009 Osinów Dolny	-	Ownership: The Treasury National Support Centre for Agriculture Regional Office in Szczecin active one lessee	Pu	W – wasteland	-
7.	663.2 km	1 46.37 ha	Cedynia, 0009 Osinów Dolny	Western Odra	Ownership: The Treasury State Water Management Polish Waters	Pu	Sw – lands under running surface waters	SZ1Y/00062 231/6
8.	688.1 km	290 26.2491 ha	Chojna, 0002 Zatoń Dolna	Western Odra	Ownership: The Treasury State Water Management Polish Waters	Pu	Sw – lands under running surface waters	

Table no. 1 presents a list of investment plots

For the purpose of the Investment implementation, it will be necessary to acquire the rear properties that are included in the Agricultural Property Stock of the State Treasury, which constitutes plot number 2/1, located within the surveying district 0009 Osinów Dolny, cadastral unit 320602_5, Cedynia – G, use area and class W, the property of the Treasury - National Support Centre for Agriculture Regional Office in Szczecin.

While considering the possible procedure related to the acquisition of the rights to the aforementioned real properties included in the Agricultural Property Stock of the State Treasury, it should be noted

that the said investment will not be carried out under the provisions of the Act of 8 July 2010 on special principles of preparation and execution of investments in the field of flood-control structures (Journal of Laws 2018.433 as amended), as it does not correspond to the notion of flood-control structures according to the text of the act. Thus, investments in the field concerning the construction of the mooring infrastructure will be carried out based on the provisions of the construction law, i.e. regulations under Act of 7 July 1994 the Construction Law (Journal of Laws 2018, item 1202, as amended)

Because the property is located in the inter-embankment zone, it will be obtained on the basis of art. 258(5) of the Act of 20 July 2017 Water Law (Journal of Laws of 2018, item 2268).

Given the above, it should be noted that pursuant to Art. 258 of the Water Law, the declaration of the beneficial ownership by the NWMA PW of waters, real properties and water facilities and exercising by the NWMA PW of the ownership rights applies to:

a/ inland surface running waters and lands covered with such waters;

b/ real property and water facilities with respect to which Polish Waters exercise ownership rights under Art. 258 of the Water Law since the date when the Act entered into force and are necessary for the implementation of statutory tasks of the National Water Management Authority;

c/ other real properties of the Treasury listed in Art. 258 of the Water Law Act.

While invoking the contents of Art. 258(5) of the Water Law it should be noted that " *the Polish Waters represent the Treasury and exercise the ownership rights of the Treasury with respect to the land real properties owned by the Treasury situated in the inter-embankment zone, the real properties at flood control dikes and the flood control dikes adjacent to the inland surface running waters, as referred to in Art. 212(1)(1), as well as with respect to the buildings, structures and other facilities located on such real properties, including water facilities used to carry out the tasks set forth in the provisions of the Act.*"

Pursuant to Art. 258(10) of the Water Law Act, the representation of the Treasury and the exercise of the ownership rights of the Treasury, as referred to in sec. 1-9, shall be declared by the competent head of the province, by a decision issued at the request of the Polish Waters or a minister competent for inland navigation.

On the real property an active lessee was revealed determined as a Project Affected Person (PAP) – lease agreement with registration symbol 42422/00887/1998 concluded for the period from 15 September 1998 until 10 September 2023.

At present, it has not been confirmed if the lessee is benefiting from aid schemes implemented by the Agency for Restructuring and Modernisation of Agriculture.

It should be emphasised that pursuant to the content of Art. 264 of the Water Law Act: "*Within the scope of its competence, the Polish Waters may dispose of the real properties that do not constitute the property referred to in Art. 261(1), of the lands developed with water facilities located outside the coastline or water facilities or their parts that constitute the ownership of the Treasury by establishing limited property rights, renting, lease, lending for use or exchanging, and the receipts thereunder constitute their revenue.*" Thus, in case of the acquisition of the entire real property for which a lease agreement is concluded, in case of lessee's willingness to continue the agreement, it will be possible to conclude such agreement by the NWMA PW with the present lessee. It will be possible to conclude

the agreement in a non-tender procedure due to the fact that the real property subject to lease is intended for agricultural purposes – pursuant to Art. 265(7)(14) of the Water Law Act.

There are no residential buildings and other buildings in the area of the Task implementation. Only the location on the territory of the city of Szczecin provides for the performance of works in the neighbourhood of developed real properties. In some locations, there are infrastructure elements in the form of flood control dikes and hard surfaced dirt roads.

In the area of the task implementation, the majority of lands are marked in the register of lands and buildings as Sw – lands under running surface waters.

All the investment properties already constitute the property of the Treasury; in the case of one real property it will be necessary to acquire it from the stocks of one state legal person exercising property rights of the Treasury to the stocks of another legal person – the SWM PW. During the implementation of the undertaking, there will be no cases of expropriation related to depriving an owner of the rights to the real property.

Near the planned berth in the city of Szczecin, facilities entered into the register of historic monuments have been identified; nevertheless, all the historic monuments are located outside the immediate investment site, and its implementation will have no effect on them. On the territory of other locations and in their immediate vicinity there are no cultural goods and historic monuments.

There are no water intakes or other elements of the technical and social infrastructure, significant for the local community that could require compensation in this LA&RAP.

2.3 ENTITIES RESPONSIBLE FOR THE PROJECT IMPLEMENTATION

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

PGW WP was founded under the Water Law of 20 July 2017 and the statute given under the Regulation of the Minister of Environment of 28 December 2017 (Polish Journal of Laws 2017, item 2506). The Polish Waters constitute a state legal person (art. 9(14) of the Act of 27 August 2009 on public finance Journal of Laws of 2009 item 1240, as amended).

One of the tasks of the SWM PW is comprehensive, broadly understood water management in Poland, including investments. This entity also represents the Treasury and exercises the property rights of the Treasury with respect to the waters, water facilities and other properties related to water management that are owned by the Treasury. A detailed catalogue of obligations and rights, together with the division of competences between individual internal entities and separated bodies is specified in Art. 240 of the WLA. The Polish Waters are composed of the following organisational units: the National Water Management Authority seated in Warsaw, regional water management authorities, basin boards and water supervision offices.

In Art. 536, the legislator regulated the issues regarding the continuation of the investments started before the effective date of the act, by transferring to the Polish Waters the rights and obligations under agreements and decisions concerning investment projects on public waters owned by the Treasury and basic water drainage facilities, including agreements financed or co-financed with the funds of foreign origin, so far implemented by regional water management boards, provinces, marshals

of provinces or competent provincial organisational units. The content of Art. 526 of the WLA indicates that starting from the effective date of the Act, the Polish Waters also perform the tasks of the current President of the National Water Management Board, current regional directors of water management boards and marshals of provinces related to the maintenance of waters and other properties of the Treasury related to water management, as well as investments in water management. It should be noted that all the receivables, liabilities, rights and obligations of the currently existing National Water Management Board and regional water management boards have become, respectively, the receivables, liabilities, rights and obligations of the Polish Waters. Thus, the statutory general succession has taken place from the current regional management boards to the Polish Waters.

The direct cause for the water management reform was the obligation to implement the provisions of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 - the so-called Framework Water Directive - establishing a framework for Community action in the field of water policy. Carrying out the reform was the condition that Poland had to comply with to benefit from the funds of operational programmes of the European Union for the period 2014-2020.

The Project Implementation Unit (PIU) for this Task is the National Water Management Authority Polish Waters, which has legal personality and exercises the property rights for and on behalf of the State Treasury. And the Regional Water Management Authority in Szczecin is an internal organisational unit of the Polish Waters. Therefore, the State Water Management Polish Waters will hold the status of the Investor with regards to the performed task.

3. BASIC PRINCIPLES ADOPTED IN THE LA&RAP¹

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

Unless necessary precautions and preventive measures are taken in advance, land acquisition may result in generating hardship to those affected and cause project delays. For these reasons, in the process of designing and implementation of the real property acquisition and resettlement, the following principles shall be observed:

1. Involuntary permanent acquisition of real property should be avoided where feasible, or minimized. Where it is not feasible to avoid permanent acquisitions, in the LA&RAPs under preparation, the procedures and requirements stipulated in the LARPF will be applied, which concern the mitigation of the impact of real property acquisitions on the interested parties.
http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozy_skiwania_Nieruchomosci.pdf
2. The procedures of real property acquisition will ensure the improvement of the livelihoods of people, and at least their restoration to the pre-project levels.
3. All the Project Affected Persons (PAPs) will be meaningfully consulted and will have opportunities to participate in an active and effective manner in the Project development process and access to the complaint and request submission mechanisms. Public consultations should take into account the needs of vulnerable groups and those resulting from the gender identity of participants.
4. Project Affected Persons shall be provided access to fair, just and inexpensive appeal procedure conducted before an independent authority or before a court, which should be carried out without undue delay.
5. All land acquisition processes, whether permanent or temporary, shall be conducted in line with the procedures set forth in Polish legal regulations and in OP 4.12, as per the LARPF, and shall be elaborated in specific RAPs. The RAPs must be consistent with the LARPF.
http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozy_skiwania_Nieruchomosci.pdf
6. This LA&RAP concerns permanent or temporary acquisition of real property, as well as permanent or temporary restrictions in using the property, which may in particular result in the (permanent or temporary) loss of revenue or the reduction of living standards.
7. The implementation of the LA&RAP shall be monitored and documented, and evaluated upon completion.
8. The process of social participation, protective and mitigation actions will be carried out in accordance with fair treatment regardless of age, sex or disability of affected people. Particular attention will be paid to the households of vulnerable groups.
9. Land Acquisition and Resettlement Action Plans are prepared and implemented as integral parts of the Project. All costs connected with implementation of compensation actions will be included in the budget as well as the advantage of the project.

¹ The content of the chapter consistent with the LARPF.

10. The persons economically affected by the Project, in particular those who have been subject to expropriation, shall be compensated before the start of construction works on the expropriated property.
11. A priority is given to the compensation in the form of allocation of alternative land of equivalent productive potential. Cash compensation will be used in the cases where land acquisition has no impact on the use of land for its former purposes as well as in cases where affected person expresses their will in cash compensation.
12. Real properties subject to temporary acquisition will be restored to the original condition upon completion of works so as to make it possible for their owners or users to use those real properties in the same manner as before the Project implementation.
13. Regardless the title to the property, all project affected persons shall receive various forms of support, according to the Compensation Measures Matrix included in the LARPF. The absence of a title to the property should not be a bar to the compensation and/or any other form of support. Detailed principles of real property acquisition, conducting the social participation procedure and mitigating, preventive, protective and compensatory measures are stipulated herein.

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

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

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

4. IMPACT MINIMISATION

4.1 Social impacts – general

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

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

- 1) Impact related to the effects of the Investment:
 - a/ direct impact,
 - b/ indirect impact,
- 2) Impact related to the severity of the implemented Investment:
 - a/ major impact,
 - b/ minor impact,
- 3) Subjective impact:
 - a/ positive impact,
 - b/ negative impact.

Re 1. According to §3 of the World Bank's Operational Policy OP 4.12 *Involuntary Resettlement*, the said Policy covers only direct impacts which are caused by the involuntary taking of land or the involuntary restriction of access to parks and protected areas, resulting in adverse impacts on the livelihood of the project affected persons.

'Direct social impact' means any consequence immediately related to the taking of a parcel of land or to

restrictions in the use of legally designated parks or protected areas, during the Investment Project financed or co-financed by the World Bank. People directly affected by land acquisition may lose their home, farmland, property, business, or other means of livelihood; a reduction in living standard is also possible. In other words, they lose their ownership, control over the real property and the rights of use.²

OP 4.12 does not apply to long-term indirect impacts caused by the Investment Project, for example on customer loyalty (for people running a business), differences in local tastes, or other forms of intangible cost caused by the Investment Project.³

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

Therefore, the basic criterion to assess the severity of social impacts is the percentage share of the expropriated part of the property in its entirety. Nevertheless, data obtained during the socio-economic study should be also taken into account.

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

² See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Chapter 1, page 4*

³ See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Chapter 1, page 19*

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

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

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

Therefore, when assessing the impacts for their severity, it is required to assess the size, purpose, use and production capacity of the entire property and its part being lost. Often the real property subject to acquisition is the family's only source of income, and sometimes it is not used whatsoever. In such cases, the acquisition of the same area of property will be subject to different compensation amounts, based on the purpose and production capacity of the property. Therefore, it is important to determine during the socio-economic studies the percentage ratio of the acquired part of the real property to the remaining part, as well as if the acquired part of the real property generates income.⁴

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

For those people already in poverty, however, loss of even a small percentage of holdings may render the rest of their land unviable. In these cases, the loss of less than 10% of the holdings (which could indicate a minor impact) will only deepen poverty – for such PAPs, adequate additional measures should be taken aside from monetary compensation.⁵

Re 3. The implementation of flood protection projects which have an impact on the entities located at the site or within the range of the Investment Project, as well as their long-term impact, may be classified as favourable. The society inhabiting the areas where Investments are carried out, will become in the future the beneficiary of the improved flood safety. Thus, it can be stated that the result of the Investment implementation in the form of increased flood protection will have only positive impact.

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

⁴ See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Chapter 3, page 38*

⁵ See: *Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, The World Bank 2004, Chapter 5, page 74*

4.2 Social impacts identified for the purposes of Task 1B.3/2

In the case of implementation of task 1B.3/2, the acquisition of one of the real properties for the implementation of the investment will take place based on the decision of the competent head of the province stating the ownership rights of the Treasury to the benefit of SWM PW.

In the real property in question, currently included in the Agricultural Property Stock of the Treasury, one lessee has been revealed who uses the said property for agricultural purposes.

Acquisition of the real property for the implementation of the investment in Osinów Dolny (parcel no. 2/1) will consist in entering the land parcel through a bridge (connection of the permanent bridge with the land). The area of the acquired land property is expected to cover about 20 m² (0.002 ha). Thus, the acquisition will be of minor nature and it will concern only anchoring the bridge in the land parcel.

Works will be performed from the side of water, without the necessity to establish the site camp. What is important, in the case of the acquisition of the entire real property for which a lease agreement is concluded, if the lessee is willing to continue the agreement, it will be possible to conclude such an agreement by the SWM PW with the present lessee. It will be possible to conclude the agreement in a non-tender procedure due to the fact that the real property subject to lease is intended for agricultural purposes – pursuant to Art. 265(7)(14) of the Water Law Act. Thus, the investment implementation should proceed without significant impact on the current situation of the lessee.

Due to his age, the lessee revealed on the real property belongs to a vulnerable group, thus, he will receive additionally any necessary assistance related to the possible repeated conclusion of the lease agreement, assistance in all the formalities related to the continuation of the lease agreement and will benefit from the aid schemes under the exercised lease agreement. Although, due to legal circumstances, the situation of the PAP will not be ultimately changed or deteriorated, due to the age of the PAP, he may assess the project impact as negative. The negative assessment may result from the PAP's reluctance towards the project in connection with the necessity to interfere in the real property and from exposing the PAP to the necessity to adapt to the situation, to comply with all the formalities related to the continuation of the agreement and, in the case of benefiting from aid schemes, to notify the Agency for Restructuring and Modernisation of Agriculture.

It should be emphasized that the purpose of this RAP is to set the frameworks and rules to prevent direct, significant and adverse impacts on the community, due to property acquisition and involuntary resettlement.

For the planned Task, there will be direct impact of minor nature only in the case of one active lessee. Due to the fact that only part of the real property is assigned for the investment, the current status of the lessee should not be subject to change.

For the planned Task, there is no impact related to the need to perform physical relocation of households or agricultural holdings. There is no major impact on PAPs in connection with the exercised Contract. There are no physical or economic relocations. Thus, it has been concluded that the impact related to the Contract implementation will be minor.

No	PAP category	Area of real property acquired for the investment	Direct/indirect impact	Major/minor impact	Negative/positive impact
1.	Lessee of the real property which is parcel no. 2/1 from surveying district Osinów Dolny/ Vulnerable group	0.002 ha	Direct	Minor	Negative

Table No. 2 presents the type of Investment impact on PAPs identified during the socio-economic study

4.3 Mitigating the impacts – organisational measures

1. In the case of a real property that is the subject of a lease agreement – design works are performed in such a manner as to minimise the area of the real property acquired for the investment implementation.
2. The amount of the compensation for any possible losses incurred in connection with the expiry of the agreement will be determined based on the valuation reports prepared by authorised property valuers. The valuation that constitutes the basis for the determination of the compensation amount will be reliable, objective and independent, so that the Project Affected Person receives monetary compensation in the amount of the replacement cost of the lost assets.
3. All costs of the measures mitigating and compensating for the adverse impacts will be included in the costs of the Project as eligible expenditure.
4. Each expropriated person will be entitled to the free use of the land in the same manner until the payment of the compensation or (if no agreement is reached as to its amount) an indisputable part thereof.
5. The Employer will notify the PAPs of the actual commencement of works in time to allow them to finish their activities on the real property, however no later than 30 days in advance.
6. In the case of parcels where agricultural activities are performed, investment works will be conducted after harvesting the current crops or while taking into account the provisions of the aid schemes that lessees may potentially benefit from.
7. During the performance of construction works, the required distances from the overhead power lines will be observed. This ensures the minimisation of social impact resulting from the effects on the power infrastructure (power failures). Installations for electricity distribution at the construction site will be designed and executed, as well as maintained and used so that they do not pose fire or explosion risk, and protect the employees, to the sufficient extent, against electric shock.
8. All works carried out near the existing underground utilities will be performed manually to prevent damage. This will ensure the minimisation of social impact resulting from the damage to the service infrastructure.
9. All the works that cross or are conducted on or near utility networks will be supervised by the owner of those networks. The owners of such networks will be notified in advance of the date of work commencement.
10. Proper arrangement of construction and erection works will be ensured: the construction works may be carried out only from 6:00 a.m. to 10:00 p.m.; limitation of transports without load; limiting the idle operation of vehicle combustion engines during construction; limiting the speed of vehicles near the investment project site; limiting the operation of equipment that generates the highest noise; the construction site will only be supplied during the day. This will ensure the minimisation of social impact resulting from the nuisance connected with the implemented Investment.
11. Before commencing the works, the Employer will conduct a broad information campaign on the investment project, and will establish an information point for the Project Affected Persons, where they can file their requests and comments regarding the conducted construction works and planned acquisitions. An information brochure will be prepared and sent to all PAPs, which will inform them about the option to submit complaints (according to the LA&RAP) and contain relevant contact details.

A detailed description of the minimising measures provided for individual PAPs entitled to compensation is included in Attachment No. 2 hereto, which due to personal data is not subject to publication.

A broader description of the measures mitigating and minimising the negative impact, including also with respect to environmental resources, is included in the document entitled: "Environmental Management Plan".

5. SOCIO-ECONOMIC STUDY

5.1. Sources and methodology

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

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

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

The end date of the socioeconomic study is the date of obtaining the final building permit.

Based on the analysed information sources, and in particular data regarding the real properties where works related to individual berth spaces will be conducted and visits to individual sites of the Task, it has been concluded that due to the location of the investment in places distant from buildings (except for the location in the City of Szczecin), in majority of cases on real properties covered with running waters constituting the property of the Treasury, it is not necessary to conduct a socio-economic study with the use of individualised questionnaires addressed to the entities present on the spot or within the range of impact of the investment. During the study, information letters on the project were sent, as well as surveys to the entities operating businesses in the neighbourhood of the location planned in the city of Szczecin and to the established real property lessee. None of the entities that the surveys were sent to provided any feedback.

Due to the disclosure of the lessee on the real property marked with number 2/1 district Osinów Dolny, Commune of Cedynia, which is the subject of the planned works, it was decided that during the Investment implementation there may be direct impact. Nevertheless, there will be no physical and economic relocation during the Investment implementation.

The project of the construction of berth mooring infrastructure of the Lower and Border Odra and new marking of the shipping route will be implemented in seven (7) independent locations:

- the city of Szczecin,
- on the territory of the commune of Cybinka, above Rapice,
- on the territory of the commune of Słubice, below Kunice,
- on the territory of the commune of Słubice, below Nowy Lubusz (Pławidło),
- on the territory of the commune of Górzycza, above Ługi Górzycskie,
- on the territory of the commune of Cedynia, at Osinów Dolny,
- on the territory of the commune of Chojna, below Zatoń Dolna.

Only the location on the territory of the city of Szczecin provides for the performance of works in the neighbourhood of developed real properties. However, no deepening works are planned, the coastline

will not be changed and there will be no interference in land parcels. Construction works will be performed only from the side of water. No site camp establishment or construction of a gangway connecting the berthing line with the coast are planned as part of the project implementation. However, due to the disclosure of entities operating businesses within the reach of the implemented part of the Task, as part of the conducted socio-economic study, information letters have been sent to all the revealed entities directly affected by the impact of the Investment carried out on the territory of the city of Szczecin, where the planned date of construction work commencement was indicated together with their scope on the territory of the city of Szczecin.

5.2. General socio-economic data

The city of Szczecin (at 34.8 km of Western Odra)

Szczecin is a city with district rights, the capital and the largest city in Zachodniopomorskie province, situated by Odra river and Dąbie lake, on Szczecin Coastland. As at 31 December 2017, the population was 403.9 thousand, 52.55% of which were women and 47.5% were men. In the period 2002-2017 the population decreased by 2.7%. The average age of inhabitants is 43.5 and it is slightly higher than the average age of the inhabitants of the West Pomerania Province and slightly higher than the average age of inhabitants of the entire Poland. 59.8% of Szczecin inhabitants are of working age, 16.0% – of pre-working age, and 24.2% of inhabitants are of post-working age.

In Szczecin, 287 in every 1000 persons work. It is significantly more than the value for the West Pomerania Province and much more than the value for Poland. Out of all working persons, 52.8% are women and 47.2% are men. The unemployment rate registered in Szczecin in 2017 amounted to 3.2% (3.5% among women and 2.9% among men). It is much less than the unemployment rate registered for the West Pomerania Province and much less than the unemployment rate registered for the entire country. 1.2% of the professionally active population of Szczecin work in the agricultural sector (agriculture, forestry, hunting and fishery), 19.8% in industry and construction industry, and 30.3% in the service sector (commerce, repair of vehicles, transportation, hospitality services, information and communication) and 5.3% work in the financial sector (financial and insurance activities, real property management).

In 2017 in Szczecin, in REGON register, there were 69 769 entities of national economy registered, 46 607 of which were natural persons conducting business activities. According to the data from REGON register, among the entities with legal personality in Szczecin, limited liability companies constitute the majority (9 354). By analysing the register in terms of the number of hired employees, it can be concluded that there are predominantly micro-companies (67 280), hiring 0-9 employees. 0.6% (396) of entities declared agriculture, forestry, hunting and fishery as the type of conducted business; 20.4% (14,266) of entities declared their type of business to be industry and construction engineering, and 79.0% (55,107) of the registered entities are classified as 'other business'. Among the natural persons conducting business activities in Szczecin, the most frequently declared types of predominant business activity are wholesale and retail, repair of motor vehicles, including motorcycles (20.8%) and professional, scientific and technical activity (13.7%).

According to the data of the National Heritage Board of Poland of 15 December 2017, there were 411 historic monuments on the territory of Szczecin, entered into the register of historic monuments.

According to the data of the Central Register of Forms of Nature Protection of 30 June 2017, there were 59 forms of nature conservation on the territory of Szczecin.

There are 9 public roads crossing the city of Szczecin, which are classified as provincial or of a higher category.

There are 14 railway lines crossing the city of Szczecin, which are used for passenger or cargo traffic.

The village of Rąpice (at 548.4 km of Odra)

The village of Rąpice is located in the commune of Cybinka. It belongs to Lubusz Province, the district of Ślubice. According to the National Census of Population and Housing of 2011, the population in the village of Rąpice was 532, 49.6% of which were women and 50.4% of which were men. The village is inhabited by 7.9% of the commune inhabitants.

66.0% of inhabitants of the village of Rąpice are of working age, 20.7% – of pre-working age, and 13.3% of inhabitants are of post-working age. In the village of Rąpice, there are 51.6 persons of non-working age in every 100 persons of working age. Thus, the old-age dependency ratio is significantly lower than the ratio for the Lubusz Province and significantly lower than the old-age dependency ratio for the entire country.

In 2017 in Rąpice, in REGON register, there were 27 entities of national economy registered, 21 of which were natural persons conducting business activities. By analysing the register in terms of the number of hired employees, it can be concluded that there are predominantly micro-companies (26), hiring 0-9 employees. 14.8% (4) of entities declared agriculture, forestry, hunting and fishery as the type of conducted business; 25.9% (7) of entities declared their type of business to be industry and construction engineering, and 59.3% (16) of the registered entities are classified as 'other business'. Among the natural persons conducting business activities in the village of Rąpice, the most frequently declared types of predominant business activity are construction engineering (28.6%) and agriculture, forestry, hunting and fishery (19.0%).

According to the data of the National Heritage Board of Poland of 15 December 2017, on the territory of the village of Rąpice there was one historic site entered in the register of historic monuments – a mansion from the first half of the 19th century.

According to the data of the Central Register of Forms of Nature Protection of 30 June 2017, there were 2 forms of nature conservation on the territory of the village of Rąpice: Krzesin Landscape Park and one natural monument.

No public road classified as provincial or of a higher category crosses the village of Rąpice.

The village of Pławidło (at 595.3 km of Odra)

Pławidło is a village located in the commune of Ślubice. It belongs to Lubusz Province, the district of Ślubice. According to the National Census of Population and Housing of 2011, the population in the village of Pławidło was 224, 51.3% of which were women and 48.7% of which were men. The village is inhabited by 1.1% of the commune inhabitants.

60.3% of inhabitants of the village of Pławidło are of working age, 27.7% – of pre-working age, and 12.1% of inhabitants are of post-working age. In the village of Pławidło, there are 65.9 persons of non-working age in every 100 persons of working age. Thus, the old-age dependency ratio is higher than the ratio for the Lubusz Province and slightly higher than the old-age dependency ratio for the entire country.

In 2017 in Pławidło, in REGON register, there were 12 entities of national economy registered, 7 of which were natural persons conducting business activities. By analysing the register in terms of the

number of hired employees, it can be concluded that there are predominantly micro-companies (12), hiring 0-9 employees. 16.7% (2) of entities, declared agriculture, forestry, hunting and fishery as the type of conducted business activity; and 83.3% (10) of entities in the register are classified as other business. Among the natural persons conducting business activities in the village of Pławidło, the most frequently declared types of predominant business activity are wholesale and retail, repair of motor vehicles, including motorcycles (85.7%) and education (14.3%)

On the territory of the village of Pławidło there are no historic sites entered into the register of historic monuments.

According to the data of the Central Register of Forms of Nature Protection of 30 June 2017, there was one form of nature conservation on the territory of the village of Pławidło – Słubice Odra Valley – the protected landscape area.

No public road classified as provincial or of a higher category crosses the village of Pławidło.

There is also no railway line crossing the village of Pławidło that would be used for passenger or cargo traffic.

The village of Kunice (at 572.0 km of Odra)

Kunice is a village located in the commune of Słubice. It belongs to Lubusz Province, the district of Słubice. According to the National Census of Population and Housing of 2011, the population in the village of Kunice was 70, 47.1% of which were women and 52.9% of which were men. The village is inhabited by 0.4% of the commune inhabitants.

61.4% of inhabitants of the village of Kunice are of working age, 27.1% – of pre-working age, and 11.4% of inhabitants are of post-working age. In the village of Kunice, there are 62.8 persons of non-working age in every 100 persons of working age. Thus, the old-age dependency ratio is comparable to the ratio for the Lubusz Province and comparable to the old-age dependency ratio for the entire country.

In 2017 in Kunice, in REGON register, there were 6 entities of national economy registered, 6 of which were natural persons conducting business activities. By analysing the register in terms of the number of hired employees, it can be concluded that there are predominantly micro-companies (6), hiring 0-9 employees. 16.7% (1) of entities, declared agriculture, forestry, hunting and fishery as the type of conducted business activity; and 83.3% (5) of entities in the register are classified as other business. Among the natural persons conducting business activities in the village of Kunice, the most frequently declared types of predominant business activity are wholesale and retail, repair of motor vehicles, including motorcycles (33.3%) and administrative and support service activities (16.7%).

On the territory of the village of Kunice there are no historic sites entered into the register of historic monuments.

According to the data of the Central Register of Forms of Nature Protection of 30 June 2017, there were 4 forms of nature conservation on the territory of the village of Kunice: Ilanka Valley – a protected landscape area, Słubice Odra Valley – a protected landscape area, Pliszka River Valley – a special area of conservation of natural habitats (area Natura 2000) and the Middle Odra Valley – a special area of bird conservation (area Natura 2000).

No public road classified as provincial or of a higher category crosses the village of Kunice.

There is no railway line crossing the village of Kunice that would be used for passenger or cargo traffic.

The village of Ługi Górzyckie (at 607.5 km of Odra)

Ługi Górzyckie (Ger. Görlitz Bruch) – a settlement in Lubusz Province, in the district of Słubice, in the commune of Górzycza, located 5 km from Kostrzyn nad Odrą and 122 km from Szczecin.

The significant part of the village is located at national road no. 31 Słubice-Szczecin. The other part of the village, 3 km from the main part, is located at railway line 273, around Ługi Górzyckie station and it is unofficially referred to as Ługi Górzyckie PKP (Polish Railway Lines). It is adjacent to the town of Górzycza and Racza Struga River is the border.

On the territory of the village there are no historic sites entered into the register of historic monuments and no forms of nature conservation have been found.

The village of Osinów Dolny (at 663.2 km of Odra)

The population of the village of Osinów Dolny is approx. 205, 53.7% of which are women and 46.3% are men.

Between 1998 and 2011, the population increased by 10.2%. 59.0% of inhabitants of the village of Osinów Dolny are of working age, 23.4% – of pre-working age, and 17.6% of inhabitants are of post-working age. In the village of Osinów Dolny, there are 69.4 persons of non-working age in every 100 persons of working age. The village is inhabited by 4.6% of the commune inhabitants.

In 2017 in Osinów Dolny, in REGON register, there were 79 entities of national economy registered, 34 of which were natural persons conducting business activities. According to the data from REGON register, among the entities with legal personality in the village of Osinów Dolny, limited liability companies constitute the majority (21). By analysing the register in terms of the number of hired employees, it can be concluded that there are predominantly micro-companies (74), hiring 0-9 employees. 7.6% (6) of entities, declared industry and construction engineering as the type of conducted business activity; and 92.4% (73) of entities in the register are classified as other business. Among the natural persons conducting business activities in the village of Osinów Dolny, the most frequently declared types of predominant business activity are wholesale and retail, repair of motor vehicles, including motorcycles (38.2%), and other business (29.4%)

According to the data of the National Heritage Board of Poland of 15 December 2017, there were 2 historic sites on the territory of the village of Osinów Dolny, entered into the register of historic monuments: the Church of 1864-1866 and the Protestant Cemetery dated 1538-1945.

According to the data of the Central Register of Forms of Nature Protection of 30 June 2017, there were 6 forms of nature conservation on the territory of the village of Osinów Dolny: the Wiesław Czyżewski Cedynia Heathland – a steppic nature reserve, natural habitat and a rare or protected species site (ecological site), Cedynia Landscape Park and 3 natural monuments.

There is one public road crossing the village of Osinów Dolny, classified as provincial: road number 126, on the route Osinów Dolny - Stary Kostrzynek - Stara Rudnica - Siekierki - Stare Łysogórki - Gozdowice - Mieszkowice - Zielin - Smolnica - Dębno.

There is no railway line crossing the village of Kunice that would be used for passenger or cargo traffic.

The village of Zatoń Dolna (at 688.1 km of Odra)

Zatoń Dolna is a village located in the commune of Chojna. It belongs to West Pomerania Province, the district of Gryfice. According to the National Census of Population and Housing of 2011, the population

in the village of Zatoń Dolna was 84, 48.8% of which were women and 51.2% of which were men. The village is inhabited by 0.6% of the commune inhabitants.

61.9% of inhabitants of the village of Zatoń Dolna are of working age, 19.0% – of pre-working age, and 19.0% of inhabitants are of post-working age. In the village of Zatoń Dolna, there are 61.5 persons of non-working age in every 100 persons of working age. Thus, the old-age dependency ratio is comparable to the ratio for the West Pomerania Province and comparable to the old-age dependency ratio for the entire country.

In 2017 in Zatoń Dolna, in REGON register, there were 5 entities of national economy registered, 4 of which were natural persons conducting business activities. By analysing the register in terms of the number of hired employees, it can be concluded that there are predominantly micro-companies (5), hiring 0-9 employees. All the entities in the village of Zatoń Dolna declared other activity as type of conducted activity. Among the natural persons conducting business activity in the village of Zatoń Dolna, the most frequently declared types of predominant business activity were: administrative and support service activities (25.0%) and activity related to hospitality services (25.0%).

According to the data of the National Heritage Board of Poland of 15 December 2017, there were 2 historic sites on the territory of the village of Zatoń Dolna, entered into the register of historic monuments: the Church of 1711 and the Park dated 1860-1870.

According to the data of the Central Register of Forms of Nature Protection of 30 June 2017, there were 8 forms of nature conservation on the territory of the village of Zatoń Dolna: Dąbrowa Krzymowska – a forest nature reserve, Cedynia Landscape Park, Lower Odra – a special area of conservation of natural habitats (area Natura 2000), Słoneczne Wzgórza (Sunny Hills) – a steppic nature reserve, Lower Odra Valley – an area of special bird conservation (area Natura 2000), Skarpy w Zatoniu (Slopes in Zatoń) – a natural habitat and a site of rare or protected species (ecological site) and two natural monuments.

No public road classified as provincial or of a higher category crosses the village of Zatoń Dolna. There is no railway line crossing the village of Kunice that would be used for passenger or cargo traffic.

5.3. Gender equality

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

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

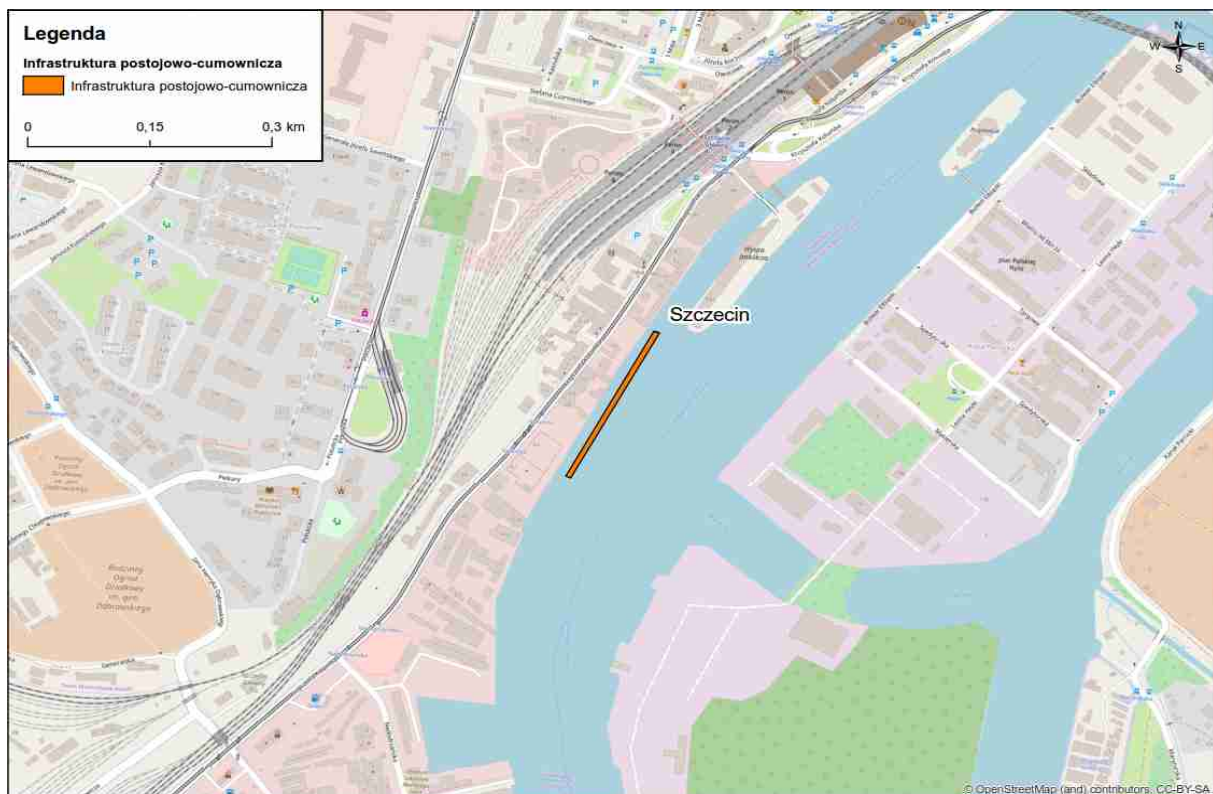
According to the Human Development Index (HDI) of the United Nations Development Programme (UNDP) for 2012, Poland is among the countries with a very high social development index. It is ranked 39th among 187 countries, so above the average for the countries covered by EBRD activity and at a level similar to the average for Central Europe and the Baltic States. The Human Development Index consists of three components: health, education and standard of living. In terms of the Gender Inequality Index (GII) of UNDP Poland ranks even higher and is placed on 24th position in the world's ranking. The Gender Inequality Index is a measure representing the loss of development opportunities in a given country caused by unequal treatment, which covers three elements of evaluation: reproductive health, empowerment and labour market participation.

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

5.4. Details regarding the real property

The city of Szczecin (at 34.8 km of Western Odra)

The investment at 34.8 km of Western Odra will be located on the territory of the city of Szczecin (district of Szczecin, West Pomerania Province), in parallel to Kolumb Street, above Jaskótcza Island, at Szczecin Główny railway station. The scope of the investment includes the construction of the berth mooring infrastructure. The real property to which the project refers is covered by the local zoning plan, adopted by Resolution No. XXXVI/889/09 of the Council of the City of Szczecin of 29 June 2009 on the local zoning plan "Międzyodrze – Kępa Parnicka – Wyspa Zielona" in Szczecin. According to the plan, the intended use of the area is as follows: an inland waterway, navigable water body for inland navigation, the berthing of cargo and technical vessels of inland navigation is acceptable, without the right to unload. According to the provisions regarding the shaping of the buildings and development of the land, inter alia, the location of: water facilities for mooring and berthing of watercrafts, seasonal platforms and other facilities necessary for the functioning of the areas adjacent to water bodies is acceptable, up to 10 m from the coast, and the dolphin mooring rope shall be maintained. Thus, the planned undertaking located on the territory of the aforementioned elementary areas is consistent in terms of functions with their intended use.



Investment location – the city of Szczecin at 34.8 km of Western Odra

The real property intended for the investment implementation composed of parcel number 20/4, surveying district 1047, Śródmieście 47, Western Odra, marked in the register of lands and buildings as lands under running surface waters – Sw. The owner of the lands under running surface water is the Treasury (State Water Management Polish Waters Regional Water Management Authority in Szczecin).

At 34.8 km of Western Odra there is an existing berthing line whose technical condition requires repair or rebuilding. From the point of view of functionalities of the infrastructure existing in this location, it is a key berth both for ice-breakers and for watercrafts.



Investment location – the city of Szczecin at 34.8 km of Western Odra

Odra is a continuously used inland waterway. The area intended for the planned undertaking will not change its function or nature. The project will not be extended, the elements of the existing infrastructure will not be replaced with new ones. No deepening works are planned, the coastline will not be changed and there will be no interference in land parcels. The planned investment also will not change the landscape significantly (the berth mooring infrastructure already exists in this location). As part of the investment, no additional dredging is planned to deepen the riverbed for the purposes of mooring vessels. It is also not planned (as it is the case in other locations) to make a bridge connecting the berthing line with the bank.

Construction works will be performed only from the side of water.

A new berthing line of ca. 185 m in length, with an offset with respect to the existing one of 5.0 m towards the river axis is planned to be made. The spacing between the designed mooring dolphins will be from 10 to 30 m. The planned dolphins are all located in the waters of Western Odra.

Facilities entered into the register of historic monuments have been identified near the planned berth; nevertheless, all the historic monuments are located outside the immediate investment site, and its implementation will have no effect on them.

The village of Rąpice (at 548.4 km of Odra)

The investment at 548.4 km of Odra will be located on the territory of the commune of Cybinka (Ślubice district, Lubusz Province), below Rąpice, at the watchtower of the Border Guard Troops – Biała Góra. The scope of the investment includes the construction of berth mooring infrastructure for ice-breakers. The area of the undertaking is not covered by the local zoning plan.



Investment location – the village of Rąpice at 548.4 km of Odra River

The real property intended for the investment implementation composed of parcel number 523/5, surveying district 0008 Rąpice, Oder, marked in the register of lands and buildings as lands under running surface waters - Sw. The owner of the lands under running surface water is the Treasury (State Water Management Polish Waters Regional Water Management Authority in Szczecin). The vicinity of the existing levee side road supports the selection of this location, as it provides the possibility of ensuring temporary communication with the berth.



Investment location – the village of Rąpice at 548.4 km of Odra river'.

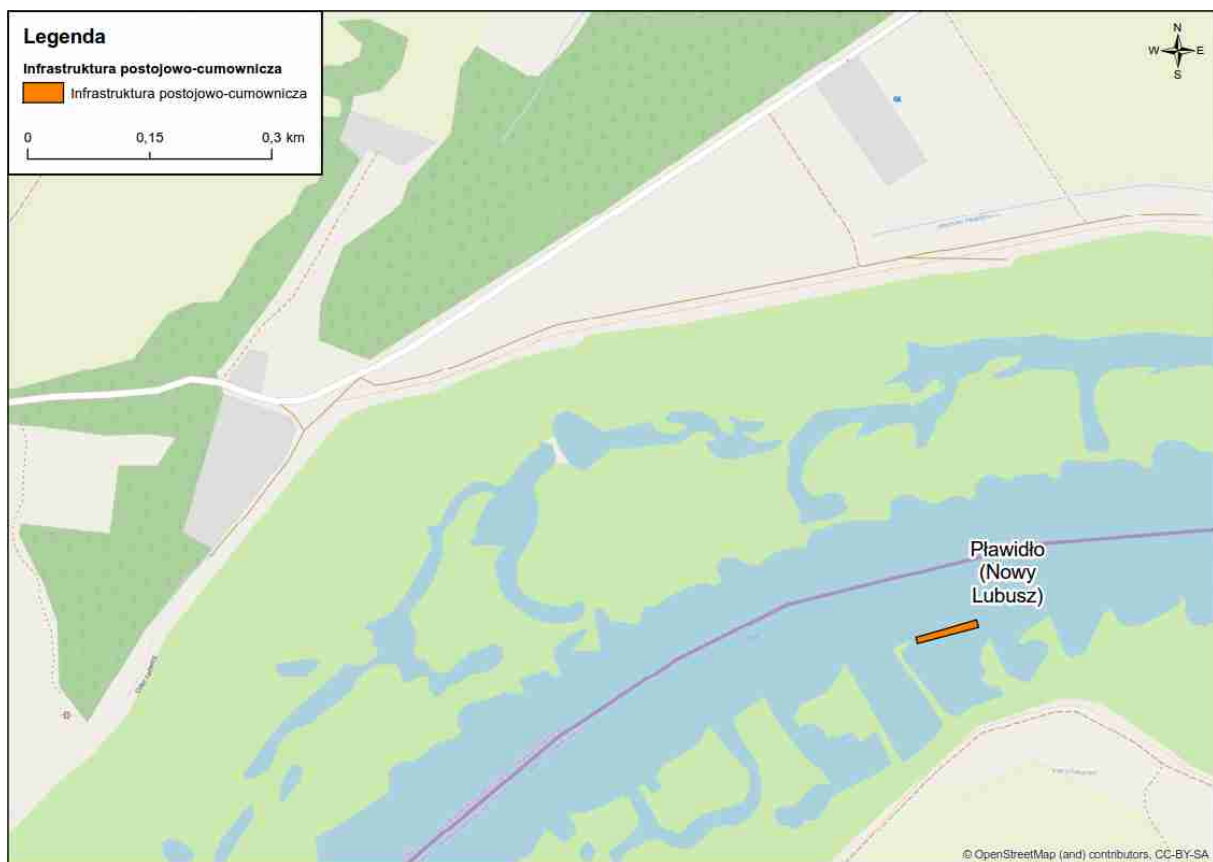
As part of the implementation of the project, a 90-meter berthing line will be made outside the fairway. Mooring dolphins will be installed with spacing from 10 to 25 m. Works will be performed from the side of water. No site camp is planned as part of the undertaking implementation. As part of the undertaking, it is probable that accompanying dredging will be performed in case of diagnosing its need, to ensure the proper depth for ice-breakers. A platform of steel "Wema" grating on a steel supporting structure made of profiles, connecting the berthing line with the bank, is also planned to be made.

In the area of the planned mooring infrastructure, there are no landscapes of historical, cultural or archaeological meaning. In the vicinity of the undertaking implementation, there are no historic monuments entered into the register of historic monuments.

In the immediate vicinity of the undertaking in question there are no areas subject to noise protection.

The village of Pławidło (at 595.3 km of Odra)

The investment at 595.3 km of Odra will be located on the territory of the commune of Słubice (district of Słubice, Lubusz Province), below Nowy Lubusz. The scope of the investment includes the construction of berth mooring infrastructure for ice-breakers.



Investment location – the village of Pławidło at 595.3 km of Odra River

The area of the undertaking is not covered by the local zoning plan. The real property intended for the investment implementation, composed of parcel number 77, surveying district 0001 Pławidło, Odra, marked in the register of lands and buildings as lands under running surface waters – Sw. The owner of the lands under running surface water is the Treasury (State Water Management Polish Waters Regional Water Management Authority in Szczecin).

The vicinity of the existing dirt road supports the selection of the location in Pławidło, as it provides the possibility of ensuring temporary communication with the berth. This location has been identified by the Investor as optimal for the stationing of ice-breakers during the ice breaking campaign.

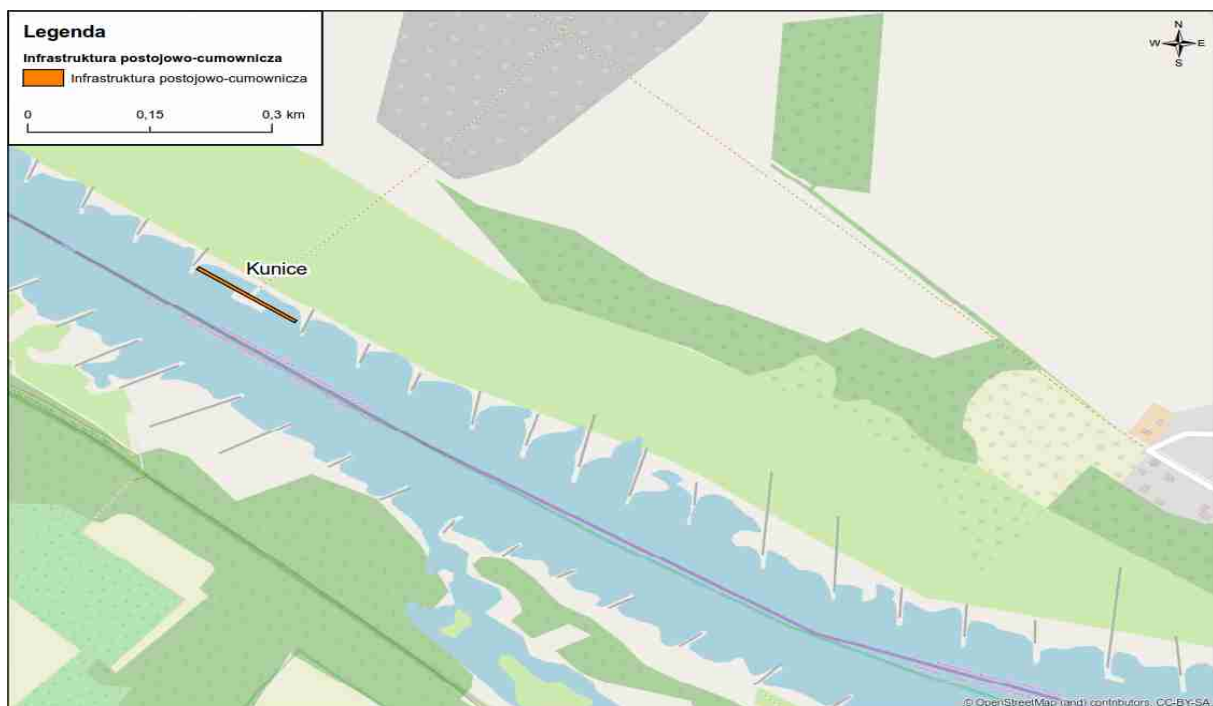
As part of the implementation of the project, a 90-meter berthing line will be made outside the fairway. Mooring dolphins will be installed with spacing from 10 to 30 m. Works will be performed from the side of water. No site camp is planned as part of the undertaking implementation. As part of the undertaking, it is probable that accompanying dredging will be performed in case of diagnosing its need, to ensure the proper depth for ice-breakers. It is also planned to equip the berth with a permanent platform of steel "Wema" grating on a steel supporting structure made of profiles, connecting the berthing line with the bank or groin.

In the area of the planned mooring infrastructure, there are no landscapes of historical, cultural or archaeological meaning. In the vicinity of the undertaking implementation, there are no historic monuments entered into the register of historic monuments.

In the immediate vicinity of the undertaking in question there are no areas subject to noise protection. In the vicinity of the undertaking implementation, there are no historic monuments entered into the register of historic monuments.

The village of Kunice (at 572.0 km of Odra)

The investment at 572.0 km of Odra will be located on the territory of the commune of Słubice (district of Słubice, Lubusz Province), below Kunice. The scope of the investment includes the construction of berth mooring infrastructure for ice-breakers. The area of the undertaking is not covered by the local zoning plan.



Investment location – the village of Kunice at 572.0 km of Odra River

The real property intended for the investment implementation, composed of parcel number 162, surveying district 0012 Kunice, is marked in the register of lands and buildings as lands under running

surface waters – Sw. The owner of the lands under running surface water is the Treasury (State Water Management Polish Waters Regional Water Management Authority in Szczecin).

The option planned in the location of Kunice has been selected due to the fact that at 572 km of Odra River there is already an existing berthing line composed of three dolphins. In addition, the access to the location in question is possible by a dirt road. This location makes it possible to make a berthing line with a berthing function only.



Investment location – the village of Kunice at 572.0 km of Odra River

As part of the undertaking implementation a new 110-meter berthing line will be made, including the reconstruction of regulatory groins. Mooring dolphins will be installed with spacing from 10 to 25 m. As part of the construction of new dolphins, the existing dolphins are planned to be disassembled by a diving team who will cut the structure at the planned bottom level. The top part of dolphins will be disposed of (scrapped). With respect to the existing dolphins, the new berthing line will be made about 22 meters closer to the river axis.

Works will be performed from the side of water. No site camp is planned as part of the undertaking implementation. As part of the undertaking, it is probable that accompanying dredging will be performed in case of diagnosing its need, to ensure the proper depth for ice-breakers. It is also planned to equip the berth with a permanent platform of steel “Wema” grating on a steel supporting structure made of profiles, connecting the berthing line with the bank or groin.

In the area of the planned mooring infrastructure, there are no landscapes of historical, cultural or archaeological meaning.

In the immediate vicinity of the undertaking in question there are no areas subject to noise protection. In the vicinity of the undertaking implementation, there are no historic monuments entered into the register of historic monuments.

The village of Ługi Górzyckie (at 607.5 km of Odra)

The investment at 607.5 km of Odra will be located on the territory of the commune of Górzyca (district of Słubice, Lubusz Province), above Ługi Górzyckie. The scope of the investment includes the construction of berth mooring infrastructure for ice-breakers.



Investment location – the village of Ługi Górzyckie at 607.5 km of Odra River

The area of the undertaking, i.e. the real property composed of parcel number 183, surveying district 0001 Górzyca, is partially covered by the local zoning plan, adopted by Resolution of the Council of Commune of Górzyca No. XVI.85.2012 of 2 March 2012 on the adoption of the local zoning plan for the commune of Górzyca within the boundaries of Górzyca.

The real property intended for the investment implementation composed of parcel number 183, Odra River, surveying district 0001 Górzyca, is marked in the register of lands and buildings as lands under running surface waters – Sw. The owner of the lands under running surface water is the Treasury (State Water Management Polish Waters Regional Water Management Authority in Szczecin).

The location of the facility above Ługi Górzyckie meets the requirements of the distance from the existing infrastructure; thus, the designed berth is planned to be additionally marked as a place where vessels transporting hazardous materials will be allowed, according to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (ADN).

This location has been identified by the Investor as optimal for the stationing of ice-breakers during the ice breaking campaign. This place may serve only as a berth. There is no direct access by road to the selected location. The nearest transport route is at the distance of about 1.0 km. In emergency cases, transportation may take place using the levee side road.

The berth is planned to be made in parallel to the river axis. As part of the undertaking implementation a new ca. 90-meter berthing line will be made. Mooring dolphins are planned with spacing from 10 to 30 m. Due to the fact that this place is outside the fairway, it will be necessary to perform dredging to ensure the depth within the berthing line equal to the minimum waterway depth – 1.8 m.



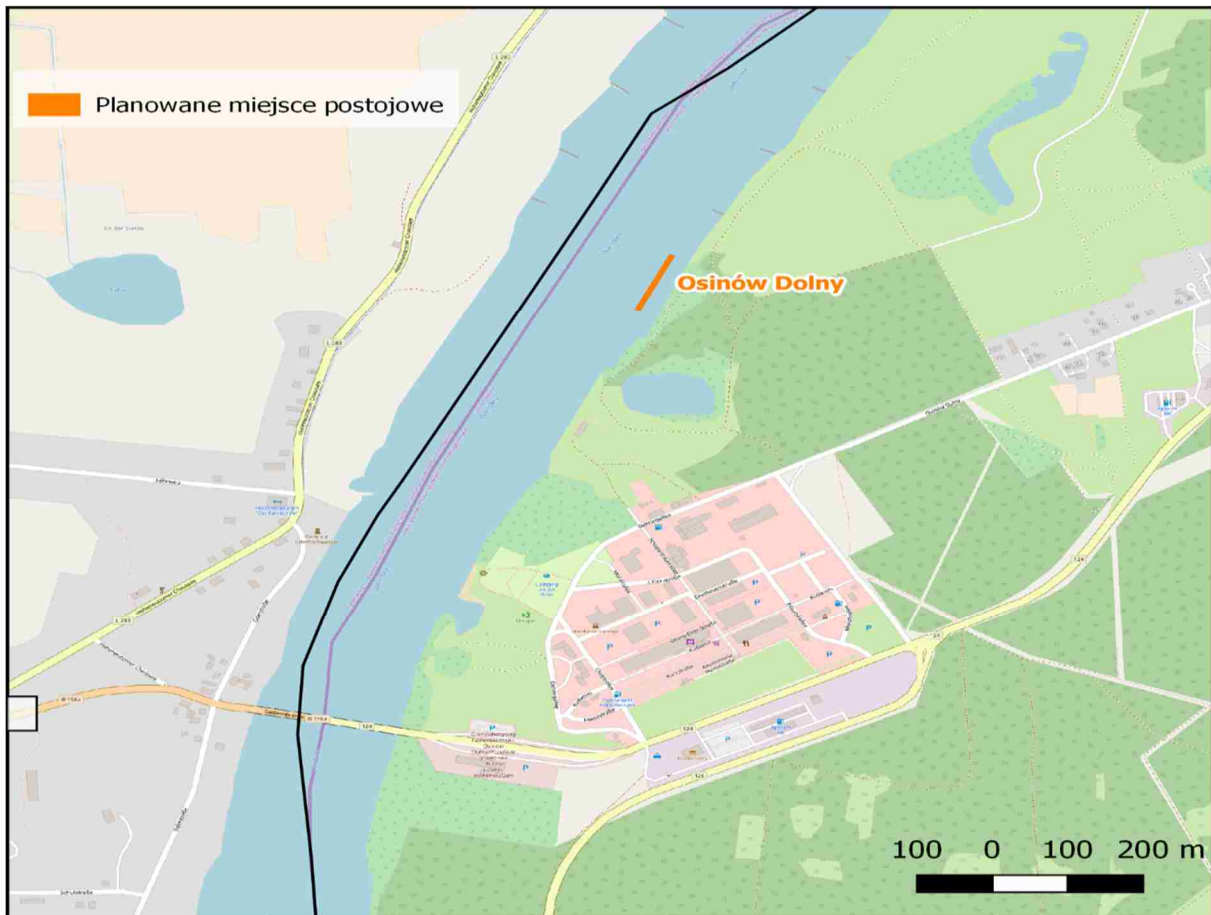
Investment location – the village of Ługi Górzyckie at 607.5 km of Odra River

Works will be performed from the side of water. No site camp is planned as part of the undertaking implementation. As part of the undertaking, it is also probable that accompanying dredging will be performed in case of diagnosing its need, to ensure the proper depth for ice-breakers. As part of the undertaking, the construction of a platform connecting the berthing line with the bank is also planned.

In the area of the planned mooring infrastructure, there are no landscapes of historical, cultural or archaeological meaning. In the vicinity of the undertaking implementation, there are no historic monuments entered into the register of historic monuments.

[The village of Osinów Dolny \(at 663.1 km of Odra\)](#)

The investment at 663.1 km of Odra will be located on the territory of the commune of Cedynia (district of Gryfino, West Pomerania Province), at Osinów Dolny. The scope of the investment includes the construction of berth mooring infrastructure for ice-breakers. The area of the undertaking, i.e. the real property composed of parcels number 2/1 and number 1, both in surveying district 0009 Osinów Dolny, are covered by the local zoning plan, adopted by Resolution of the City Council in Cedynia No. XXXII/337/2018 of 28 February 2018 on the adoption of the local zoning plan for Osinów Dolny the commune of Cedynia.



Investment location – the village of Osinów Dolny at 663.1 km of Odra River

The real property intended for the investment implementation:

a/ composed of parcel number 2/1, surveying district 0009 Osinów Dolny, is marked in the register of lands and buildings as waste land – W. The owner of the land is the Treasury (National Support Centre for Agriculture Regional Office in Szczecin);

b/ composed of parcel number 1, surveying district 0009 Osinów Dolny, is marked in the register of lands and buildings as lands under running surface waters – Sw. The owner of the lands under running surface water is the Treasury – State Water Management Polish Waters.

The vicinity of the existing dirt road supports the selection of the location, as it provides the possibility of ensuring temporary communication with the berth. Currently, in the location of the planned undertaking, the berth of vessels at anchor is allowed.

The berth is designed in parallel to the river axis, mooring dolphins with spacing from 10 to 25 m. A berthing line of about 110 meters is planned.

Works will be performed from the side of water. No site camp is planned as part of the undertaking implementation. As part of the undertaking, it is also probable that accompanying dredging will be performed in case of diagnosing its need, to ensure the proper depth for ice-breakers. As part of the undertaking, the construction of a platform connecting the berthing line with the bank is also planned.



Investment location – the village of Osinów Dolny at 663.1 km of Odra River

In the distance of about 110 meters from the place in question, there is a public dirt road; and along the bank, there is a worn-out dirt road, which allows for emergency transport.

In the area of the planned mooring infrastructure, there are no landscapes of historical, cultural or archaeological meaning. In the vicinity of the undertaking implementation, there are no historic monuments entered into the register of historic monuments.

The village of Zatoń Dolna (at 688.1 km of Odra)

The investment at 688.1 km of Odra will be located on the territory of the commune of Chojna (district of Gryfino, West Pomerania Province), below Zatoń Dolna. The scope of the investment includes the construction of berth mooring infrastructure for ice-breakers. The area of the undertaking is not covered by the local zoning plan.



Investment location – the village of Zatoń Dolna at 688.2 km of Odra River

The real property intended for the investment implementation composed of parcel number 290, surveying district 0002 Zatoń Dolna, is marked in the register of lands and buildings as lands under running surface waters – Sw. The owner of the lands under running surface water is the Treasury (State Water Management Polish Waters Regional Water Management Authority in Szczecin).



Surroundings of the investment location – the village of Zatoń Dolna at 688.2 km of Odra River

In this section of the undertaking, the bank of Odra is even and makes it possible to make the berthing line in parallel to the bank. Mooring dolphins are planned with spacing from 10 to 25 m. As part of the undertaking, a new, ca. 110-meter long berthing line will be established.

Works will be performed mainly from the side of water, due to the existing developed bank, i.e. the hard road running at the level of the undertaking implementation site along the bank, it is possible to perform some works and deliver materials from the bank. The contractor performing works will decide

on the method of material transportation and work performance. No site camp is planned as part of the undertaking implementation.

It is also planned to equip the berth with a permanent platform of steel "Wema" grating on a steel supporting structure made of profiles, connecting the berthing line with the bank or groin.

In the area of the planned mooring infrastructure, there are no landscapes of historical, cultural or archaeological meaning.

In the immediate vicinity of the undertaking in question there are no areas subject to noise protection.

At the level of the implementation site of a new berth, there is a park entered into the register of historic monuments – Rajska Dolina landscape park. Nevertheless, the undertaking will be implemented outside its borders, within the bed of Odra River. During the implementation, probably only the dirt road along the bank will be used for the transportation of construction materials, some works can be, alternatively, performed from the developed bank. Thus, no works are planned that could anyhow affect the historic element, namely Rajska Dolina landscape park. The project implementation also is not related to cutting down trees and bushes.

A list of investment parcels – locations of the undertaking: Construction of berth mooring infrastructure of the Lower and Border Odra and new marking of the shipping route Task 1B.3/2 is presented in table no. 1 included in Chapter 2.2 AREA OF THE IMPLEMENTATION OF TASK 1B.3/2.

5.5. Conclusions

The conducted analysis of the documentation and visits to individual sites planned for the location of the investment demonstrated that there will be no physical or economic relocations, and the socio-economic costs of the Contract will not be significant. Low socio-economic costs are the consequence of the fact that on the area intended for the implementation of the investment there are no public institutions, such as schools, offices, work establishments, churches – which means that the expropriation procedure will affect the persons who are not owners of the real property in the place of the investment implementation only to a small extent or will not affect them at all.

All the real properties located on the territory planned for the Investment implementation constitute the property of the Treasury. In one case, the entity performing ownership rights of the Treasury is the National Support Centre for Agriculture. In majority of cases, the real properties constitute land under running surface waters – Sw. Investments will be implemented at a distance from the buildings in the neighbourhood of the real properties that constitute wastelands and agricultural lands.

Only in the case of the location on the territory of the city of Szczecin the performance of works in the neighbourhood of developed real properties is projected. Nevertheless, works in that location will be performed only from the side of water, without the need to perform accompanying dredging and without the necessity to equip the berthing line with a bridge connecting the line with the bank. At no stage is the connection of the berthing line with the bank planned. Works will consist in the replacement of the existing mooring dolphins and their shifting towards the river axis.

On real properties constituting the property of Treasury – National Support Centre for Agriculture Regional Office in Szczecin, one active lessee has been revealed. Due to their age, the lessee belongs to a vulnerable group, therefore, they will be provided with all the necessary assistance related to the formalities resulting from the possible amendment to the currently valid lease agreement, so as not to change his current status of a lessee. In response to the inquiry submitted by the Investor, concerning the applicable lease contracts for the real property marked as plot no. 2/1, the National Support Centre for Agriculture Regional Office in Szczecin informed that plot number 2/1 from surveying district

Osinów Dolny, commune Cedynia, is leased under the contract concluded on 15 September 1998 with a PAP. The contract in question is valid until 10 September 2023. In addition, according to the information received, the lessee should be classified as PAP belonging to a vulnerable group. Upon receipt of the above data, an information letter about the Project was delivered to the lessee, with an appended questionnaire and a request to send it back. According to the questions included therein, the lessee could present any possible doubts, conclusions or comments related to the Investment Project. However, as at the date hereof, no response has been received to the aforementioned letter. In case of receipt of the returned questionnaire, it is required to fill in the document with respect to any possible concerns expressed by the PAP and with any other information obtained.

According to the opinions of the Minister of Maritime and Inland Navigation, the Investment that assumes in all the planned locations the "Construction of berth mooring infrastructure of the Lower and Border Odra and new marking of the shipping route under the OVFMP" - will not require the procedure of the environmental impact assessment.

The planned berth mooring spaces are located at significant distance from one another; thus, no direct accumulated impact is expected, which could be related to the re-disposal of bed sediments. The impact related to the execution and use of mooring berth spaces is of one-off nature and will not result in failure to meet the environmental objectives set for the uniform parts of waters covered by the project.

6. APPLICABLE LEGAL PROVISIONS AND VALUATION METHODOLOGIES

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

The Loan Agreement between Poland and the World Bank is an international law act, and by concluding it, Poland undertakes to apply the policies of the World Bank.

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

6.1 Obligations under OP 4.12 Policy⁶

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

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

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

OP 4.12 also states that:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs. Where it is not feasible to avoid resettlement, activities shall be taken to minimise its scale and impact.
- Resettlement process should be planned and implemented as a development activity, by providing adequate means and assets allowing PAPs to participate in benefits resulting from Project implementation. The assistance should be offered to social groups affected by resettlement, in order to improve their economic status, income and livelihood, or at least to restore their previous status.
- Before relocation, the relocated persons should receive full compensation in the amount equal to the replacement costs, assistance in relocation and assistance and support in the transition period.
- Lack of legal title to the ground should not bar compensation;
- Particular attention should be paid to vulnerable groups and individuals (e.g. single mothers, the disabled, the poor).
- The communities should be given opportunity to participate in planning, implementation and monitoring of the resettlement process.
- The resettled should be assisted in integration with the host community.
- The resettlement process should be closely linked to the schedule of the main Task, so that the resettled receive compensation before starting the construction or other activities covered by the Project.
- The monitoring and evaluation of relocations should be performed.
- As regards rural or farming lands, even when it is possible to apply financial compensation, land-for-land compensation is recommended, if economically feasible. Households that have

²The chapter is consistent with the LA&RPF.

completely lost their assets and have become completely unprofitable, should receive compensation equal to the value of the entire household.

- For losses that are difficult to compensate for financially, such as access to public services, access to clients or suppliers, fishery areas, access to pastures and forest areas, efforts should be made to grant access to equivalent and culturally relevant resources and income opportunities.

6.2 Polish law requirements

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

- The Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws 1997, item 483, as amended),
- The Civil Code of 23 April 1964 (Journal of Laws 2018, item 1025, as amended), hereinafter: CC,
- Act of 21 August 1997 on real property management (Journal of Laws of 2018, item 2204, as amended), hereinafter RPMA,
- Regulation of the Council of Ministers of 21 September 2004 on the real property valuation and preparation of a valuation study (Journal of Laws of 2004, No. 207, item 2109, as amended)
- The Construction Law of 7 July 1994 (Journal of Laws 2018, item 1202, as amended), hereinafter CLA,
- Act of 20 July 2017 the Water Law (Journal of Laws of 2018 item 2268, as amended), hereinafter WLA,

The Civil Code governs the legal relations between natural persons and legal persons, including those related to the conclusion of real property disposal agreements. The applicable principle here is the freedom of shaping the agreement contents and of deciding on whether and with whom the agreement should be concluded. The agreement is concluded by unanimous declarations of the parties. The Civil Code provides for a special form for the conclusion of agreements whose subject is a real property. They should be made in the form of a notarial deed, otherwise being null and void. In addition to the general regulations for trading in real property, the CC introduces the rules of settlement between property possessors and owners. Such regulations are of semi-imperative nature, thus they can be governed differently by the parties to the concluded agreements.

The mechanisms of involuntary acquisition of rights to real properties are included in the Special Purpose Flooding Act and the PMA. It should be noted that the implementation of task 1B.3/2 Construction of berth mooring infrastructure of the Lower and Border Odra and new marking of the shipping route will not be exercised based on the provisions of the Act of 8 July 2010 on special principles of preparation and execution of investments in the field of flood-control structures. This act governs detailed principles and conditions for the preparation of investments in the field of flood-control structures and meteorological radar stations. However, the investment in question does not fall within the term of a flood-control structure pursuant to the contents of the Act. The acquisition of the real property for the investment implementation will take place under the Water Law Act.

6.3 EU subsidies

Among the real properties expropriated for the purpose of the investment implementation, there may be agricultural/forest properties, covered by aid schemes, i.e. such for which lessees collect subsidies or assistance is provided.

The expropriation of such lands may result in the lack of possibility to fulfil the obligations under individual schemes accepted by the farmer/beneficiary in agreements with a state accredited paying agency, i.e. the Agency for Restructuring and Modernisation of Agriculture (ARMA). This, in turn, may be related to specific consequences, including the necessity to reimburse the collected payments, as well as administrative penalties (NOTE: it will not be required to reimburse the subsidy or to pay penalties if the farmer notifies the fact of expropriation to the ARMA).

The solution for this problem is the introduction at the level of regulations of the European Union of a special mechanism and the definition of the so-called force majeure, which in an obvious manner prevents the farmer from the fulfilment of contractual obligations. Such regulations include an open catalogue of situations when we are facing force majeure. As part of this catalogue, force majeure shall include, inter alia, expropriation of a real property. However, for the application of such a procedure, the initiative of the farmer/beneficiary is necessary. The farmer/beneficiary is obliged to notify the occurrence of force majeure (here: expropriation and/or permanent restriction of the method of using the real property) to the Head of the District Office of ARMA in writing together with relevant evidence (in the analysed case it will be a construction permit) within 15 working days from the date when the farmer/beneficiary or any person authorised by the farmer/beneficiary is able to perform such action (in the case of the Rural Development Programme 2007-2013 and 2014-2020, this time limit is 10 working days).

The Head of the District Office of ARMA shall perform relevant administrative proceedings and decide by decision if the force majeure occurred.

Consequences of issuing a decision stating the occurrence of force majeure:

- for the Rural Development Programme 2007-2013 and 2014-2020 (long-term liabilities and payments): no requirement for the farmer/beneficiary to reimburse a part or whole aid for previous years, for the year when the force majeure occurred an aid in a reduced amount may be granted, liabilities or payments are continued according to their original term (providing that eligibility criteria are met, e.g. minimum area); additionally, no administrative penalties are applied within the scope of the so-called cross-compliance;
- for direct payments: the aid received is not reimbursed, the beneficiary retains the right to payments under direct support schemes in relation to the area or the animals that were eligible at the time of the occurrence of force majeure to payments under direct support schemes.

6.4 Adopted mechanisms for acquiring rights to real properties⁷

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

OP 4.12	Polish laws	Corrective action
The lack of title to the land should not bar compensation. Persons without a legal title receive compensation.	The Polish legal system does not provide for the right to compensation of land owners/possessors who do not have a title to it (except for persons whose certificate of title to the property has been lost or who have acquired the right to the property by acquisitive prescription, that is by uninterrupted possession of the property for the period defined in the CC).	For persons not holding a title to the property affected by the Task, each such case should be, however, analysed on an individual basis for whether it is allowed to use the general mechanisms provided for in the Civil Code to reach the objectives of OP 4.12. According to OP 4.12, persons affected by the investment implementation without a legal title to the real property are not entitled to receive monetary compensation for the real property. However, they have the right to receive compensation for any structures, plantings and improvements made on the property prior to the cut-off date, and to benefit from appropriate solutions if they must be physically or economically displaced. In such cases, relevant mitigation measures will be also applied.
The policy of the WB requires compensation for the loss of income ⁸ (e.g. from business activity, agricultural activity, etc.) in connection with the acquisition of the real property	The provisions of the Polish law do not provide for compensation for the loss of income as a result of the investment implementation.	Persons who lost income or employment will receive support (health insurance, professional trainings etc.) from the employment offices. For entrepreneurs, it is possible to apply general mechanisms from the Civil Code (covering the incurred damage and lost profit).
Particular attention should be paid to vulnerable social groups, such as the poor, the elderly, single mother headed household, children, ethnic minorities.	Polish law does not require planning specific measures aimed at additionally assisting vulnerable social groups (the elderly, the handicapped, the poor, and other groups with special needs).	The project will grant to the affected people help in obtaining assistance from offices and institutions. Additional measures will be implemented as needed to ensure that the objectives of OP 4.12 are met.
WB Policy requires additional compensation for expenses incurred by PAP as a result of physical relocation (i.e. transport of materials) and assistance in implementing the resettlement.	Assistance regarding incurring costs of relocation and other similar costs resulting from the necessity to move to a new location by the citizens and	In order to cover costs of relocation and other similar costs it is possible to apply general mechanisms from the Civil Code in a manner that achieves the requirements of OP 4.12.

⁷ The contents of this chapter are in line with the LA&RPF

⁸ In the conditions of the Polish economy, understood as revenues

	enterprises is not provided in the provisions of law.	
Compensation payment shall take place before the physical acquisition of the area for the purposes of the investment implementation.	The flood act allows for occupying the land and commencing works before the compensation is paid. In other cases, the provisions of the CC and CLA shall be applied, which do not introduce such condition.	In any case, works may be started only upon confirmation that the PAP has been notified in advance of the commencement of works, that the remuneration has been paid and that the consent for entering the land has been granted. An exception is where appeal proceedings have been instituted as a result of unsuccessful negotiation, absence of owners or impossibility to identify them. To minimize the risk of starting works before compensating for losses the project will plan and conduct land acquisition well in advance of starting construction
The compensation for the loss of assets is based on their market value plus any transaction costs (e.g. taxes, fees) and it should be sufficient for the effective replacement of lost assets (a replacement cost).	Standard valuation methods may cause the property value to be understated relative to the prices for similar properties existing on local market.	The valuation of the real estate will be conducted by an independent and experienced appraiser. The opinion of an expert property appraiser should be verified by the PIU. The expropriated party should be given an appropriate time limit to read the extract from the appraisal report prepared by the appraiser. In the event of doubt as to whether the due compensation amount is sufficient, the property may be valued by an independent property appraiser at the request of the expropriated person. In all cases effective replacement value will be achieved.
It is required to prepare a socioeconomic study, prepare a RAP, monitor the compensating measures, resettlements and measures aimed to reinstate the quality of life, and measure the effectiveness of all the said measures.	Polish legal regulations do not impose the obligation to prepare the socioeconomic study or to prepare the RAP as such. There is no obligation to monitor and evaluate their implementation.	Socioeconomic studies and LA&RAPs are prepared according to the LA&RPF, OP 4.12 and good practices.

6.5 Valuation principles⁹

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

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

According to the OP 4.12, with regard to land and structures, "replacement cost" is defined as follows:

a) for agricultural land, it is the pre-project or pre-resettlement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the land acquired for the Task purposes, plus the cost of preparing the land for performing functions similar to the land acquired for investment purposes, plus any transaction costs;

b) for land in urban areas, it is the pre-resettlement market value of land of equal size and use, with similar or improved access to public infrastructure facilities and services and located in the vicinity of the acquired land, plus the transaction costs;

c) for houses and other structures, it is the market cost of the materials to build a replacement structure, in quantity and of quality similar to or better than those used for building the acquired or partly affected by the investment structures, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus transaction costs and fees and taxes related to new structure construction.

In determining the replacement value or the depreciation of assets and values of survived materials are not taken into account, nor is the value of benefits to be derived from the Project, deducted from the valuation of assets affected by the Project. Where Polish law does not meet the standard of compensation at full replacement cost, compensation under Polish law is supplemented by additional measures so as to meet the standard of compensation based on the replacement cost, such as support in the transition period after resettlement, which is reasonable time necessary to recreate the standard of living (including sources of income), etc.

Compensation shall be granted in the amount agreed between RZGW and the current owner, holder of perpetual usufruct right, person entitled to limited property right to the real property or person using the real property from the Treasury. In all cases the compensation should, at least, correspond to the replacement cost of the real property or lost assets.

Compensation is subject to indexation as of the day of payment according to the principles applicable in the case of return of expropriated property.

NOTE: Valuation methods are defined in a law act in the rank of a regulation, i.e. the Regulation of the Council of Ministers of 21 September 2004 on property valuation and preparation of a valuation report, specifying the methods and techniques of compensation estimation.

⁹The contents of this chapter are in line with the LA&RPF

6.5.1 Real property valuation¹⁰

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

For the implementation hereof, no compensation payment to the current owner of the real property is provided for.

6.5.2 Valuation of plants and crops¹¹

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

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

6.5.3 Valuation of other assets¹²

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

- type, nature, scope and duration of the contract,
- relevant laws,
- form of payment,
- type and amount of other benefits,
- method and dates of payment of rent and other benefits,

¹⁰ The contents of this chapter are in line with the LA&RPF

¹¹ The contents of this chapter are in line with the LA&RPF

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

- obligations and rights under contract rights and concluded contracts/agreements,
- the parties' claims related to the settlement of expenditures on the real property, and
- available information concerning the valuated real property and the particular section of the market involving obligations.

7. ELIGIBILITY CRITERIA AND CATALOGUE OF ELIGIBLE PERSONS ¹³

7.1 Eligibility criteria

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

(a) those who have formal legal rights to the land or other assets affected by the Project (including customary or traditional rights);

(b) those who do not have formal legal title to the land at the time the census begins but have a claim to such land or assets – provided that such claims are recognized under the laws of the country or are identified during the preparation of the LA&RAP,

(c) those who have no recognizable legal right or claim to the property they are occupying.

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

Therefore, the absence of a legal title to the real property shall not be an obstacle by itself to receive compensation or other assistance offered in connection with the involuntary acquisition of the real property.

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

7.2 Catalogue of eligible persons

Project-affected people will be entitled to receive compensation and additional assistance according to the following principles:

- PAPs who are tenants, lessees, holders of perpetual usufruct right and other dependent owners of a real property on the area of the Project will receive full compensation for the loss of such rights,
- PAPs who are holders of limited property rights to real properties will receive full compensation for the loss of such rights,
- owners of crops, plants, buildings and other structures related to the land will receive compensation for such crops, plants, buildings and structures,
- PAPs who, in connection with the Project implementation, will lose income, salaries or possibility to operate a business will receive relevant compensation and, if necessary, a package of tailored protective measures,
- PAPs who own a real property on the area of the Project in an illegal manner, without a legal title and without any prospect to obtain a legal title, will not receive compensation for expropriation of the real property as it is impossible in the light of the Polish law. However, they will receive compensation for the plants, structures and facilities being their property

¹³ The contents of this chapter are in line with the LA&RPF

and, where necessary, a package of specially selected protective measures to restore or improve their quality of life.

For Task 1B.3/2 entitled: Construction of berth mooring infrastructure of the Lower and Border Odra and new marking of the shipping route, 1 real property lessee has been identified and classified for compensation for the effects resulting from the Task implementation, and due to his age, he has been assigned to a vulnerable group.

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

- Permanent loss of the real property – where feasible and where the PAP expresses such a wish, it will be compensated in the “land for land” form by assigning a real property of similar value, location and functions as the expropriated real property. If it is not possible to find a real property that meets the requirement of an adequate compensation, the PAP fails to express a wish to obtain compensation in the “land for land” form or when only a small portion of the parcel is acquired, the compensation will be paid in monetary form and will correspond to the market value of the expropriated real property or its part. PAP not being owners or holders of perpetual usufruct rights, but having legal title to the property will receive compensation corresponding to the value of the expropriated rights.

At the request of a PAP, the Investor may acquire the entire real property and compensate for the acquisition of such property on the terms mentioned above. Any and all transaction costs, including taxes related to the granting of compensation for expropriation, will be covered by the investor. In the case of PAPs who possess real properties in the area of the Contract without a legal title (illegally), granting compensation for expropriation of the real property will not be possible. However, they will receive compensation for plants, plantings and structures belonging to them and, if necessary, the package of assistance required to improve, or at least restore, living conditions and livelihood.

- Compensations for losses related to the expiry of a contract/an agreement, covering any possible transaction costs;
- Compensation for lost plantings (crops, trees, etc.). The loss of plants will be compensated for in cash, taking into account the costs of making and maintaining the plantings, as well as the value of lost fruits in the period from the date of expropriation until the end of full yield, and for trees based on the estimated value of acquirable timber. The compensation for these components of land applies both to the persons holding a title in the property and to possessors. These elements will be evaluated in valuation reports that will be prepared by independent property appraisers.
- As compensation, vulnerable groups will receive a protective package specifically adapted to their needs. Assistance in all formalities related to the acquisition of the real property and continuation of the currently concluded lease agreement will be proposed.

During the preparation for the implementation of this Task, no cases of unregulated legal status of real properties has been identified.

No temporary real property acquisitions are provided for, no impact related to the permanent loss by owners/perpetual usufructuary or persons entitled to the real property, impact on entrepreneurs and employment, as well as due to location of the project, loss or limitation of access to the social infrastructure (e.g. parks) will occur.

A detailed catalogue of persons entitled to compensation is contained in Attachment 2. This attachment shall not be published due to the protection of personal data.

Additional entitlements, with the specification of a social group with the list of minimising measures and offered assistance are indicated in the following table.

7.3 Eligibility matrix¹⁴

Impact / damages	Eligibility	Compensation / Solution
Permanent limitation in using properties	Users, owners of the real property (if identified)	<ul style="list-style-type: none"> monetary compensation for the loss of rights to the property, assistance in finding a similar real property.
	Illegal possessors of properties (if identified)	<ul style="list-style-type: none"> monetary compensation in the amount of the replacement cost of lost assets, transfer or reconstruction of lost assets.
	Leaseholders, tenants, users of properties	<ul style="list-style-type: none"> no compensation for the loss of real property
	Vulnerable groups	<ul style="list-style-type: none"> monetary compensation for losses incurred in connection with the expiry of the agreement covering the transaction costs.
Loss of plants	Users, owners (if identified)	<ul style="list-style-type: none"> assistance in all formalities related to the acquisition of the real property and continuation of the currently concluded lease agreement, assistance in all formalities related to the continuation of aid schemes under the executed lease agreement
	Leaseholders, tenants, users of properties	<ul style="list-style-type: none"> monetary compensation, including the costs of establishment and taking care of plantings and of the lost crops, making it possible to harvest
	Illegal possessors of the real property	<ul style="list-style-type: none"> monetary compensation, including the costs of establishment and taking care of plantings and of the lost crops, making it possible to harvest
Loss of trees	Users, owners (if identified)	<ul style="list-style-type: none"> making it possible to harvest
	Leaseholders, tenants, users of properties	<ul style="list-style-type: none"> monetary compensation including, if necessary, the costs of arranging and maintaining the tree stand as well as the lost trees and benefits
	Illegal possessors of the real property	<ul style="list-style-type: none"> monetary compensation including, if necessary, the costs of arranging and maintaining the tree stand as well as the lost trees and benefits making it possible to cut trees and collect the timber

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

8. PUBLIC CONSULTATIONS

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

External stakeholder	Type of impact on RAP
Head of the West Pomerania Province	Issuing a decision stating ownership rights and representation of the Treasury for SWM PW, in relation to the real property included in the Agricultural Property Stock of the Treasury located in the inter-embankment zone
National Support Centre for Agriculture	1. Representation in connection with exercising ownership rights of the Treasury, 2. Provision of information on active lessees on the investment property, 3. Informing PAPs on the investment implementation.
Mayor of the City of Szczecin, Head of the Commune of Cybianska, Head of the Town and Commune of Stubice, Head of the Commune of Górzycza, Head of the Town and Commune in Cedynia, Head of the Town and Commune in Chojna,	1. Informing on public consultations. 2. Direct participation in social consultations.
Persons to be expropriated	1. Participation in the socio-economic study, 2. Specification of the needs and losses incurred in connection with the planned resettlement.

Table No. 3 presents the initial identification of stakeholders participating in public consultations, entities that have impact on the preparation and execution hereof.

PAPs and persons operating businesses in the immediate vicinity of the investment location in the city of Szczecin have been informed on the plans of the Task implementation by letters, where the detailed scope and expected date of construction works commencement were presented.

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 WB OP 4.12. The electronic version of the document 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 Szczecin: <https://szczecin.wody.gov.pl/>
- PGW WP RZGW Szczecin (Project website): <http://bs.rzgw.szczecin.pl/>
- Project Coordination Unit: <http://odrapcu2019.odrapcu.pl/>

Paper version is available for viewing in the following premises:

- PGW WP RZGW Szczecin, ul. Tama Pomorzańska 13A, 70-001 Szczecin;
- Project Implementation Office, ul. Teofila Firlika 19, 71-637 Szczecin
- City Hall of Szczecin, Plac Armii Krajowej 1, 70-456 Szczecin;
- Town Hall of Cedynia, Plac Wolności 1, 74-520 Cedynia;

- Town Hall of Cybinki, ul. Szkolna 5, 69-108 Cybinka;
- Office of the Commune of Górzycza, ul. 1 Maja 1, 69-113 Górzycza;
- Town Hall of Słubice, ul. Akademicka 1, 69-100 Słubice.

Detailed 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.3/2.

The publication of the LA&RAP document began on 14 February 2020 and lasted until 28 February 2020 (14 days). 14 days after the document was published, on 02 March 2020, a consultation meeting for interested parties took place, where the Contract (Task 1B.3/2) was presented and a debate was conducted on the issues concerning the acquisition of the properties necessary to implement it, which the invited persons wished to discuss. The parties interested were notified of the place, date and subject of the meeting in the manner provided for publishing the draft LA&RAP.

As part of the public consultation on LA&RAP an open meeting took place in the Town Hall in Cedynia at Plac Wolności 1 in Cedynia at 04:30 PM. A total of 11 people took part in the meeting, including persons directly involved in the implementation of the OVFMP: the representatives of the Investor working on this Task and on other tasks carried out by the State Water Management Polish waters, as well as representatives of the BKP. The Mayor of Cedynia and two representatives of the Cedynia Town Hall also took part in the meeting. None of the inhabitants of the investment implementation area appeared at the meeting.

Due to the fact that, apart from the persons responsible for Task implementation, the only participants of the meeting were the employees of the Cedynia Town Hall and the Mayor of the Cedynia Commune, the meeting was devoted to a discussion. At the meeting, each participant could submit written and oral motions and comments regarding the LA&RAP draft. Two questions were asked at the meeting. They concerned the issues described in detail in the document, and it was concluded that there was no need to make any additions to the LA&RAP draft. Moreover, no written questions or motions were submitted during the document publication period or during the meeting.

A report from the meeting was prepared, which is annexed as Attachment no. 3 to this document and was forwarded to the World Bank.

Because one of the PAPs in this Task was classified as belonging to a particularly sensitive group due to their age, the Consultant and a representative of the PIU went to the PAP's place of residence on 2 March 2020 in order to present all information related to LA&RAP document in person. Plans were made to inform the PAP that the property which is the subject of the PAP's lease agreement was obtained from KOWR for the RZGW in Szczecin and that there was a possibility to sign a new lease agreement with RZGW in Szczecin. The lessee, however, did not agree to the meeting due to their state of health, so the above information was forwarded to the person taking care of the PAP.

Upon obtaining the "no objection" letter from the WB, the final document of the LA&RAP was also made available to the interested parties for review in its paper version presented in the premises of RZGW in Szczecin and PIU, as well as by posting it on websites:

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

- PGW WP RZGW Szczecin (Project website): <http://bs.rzgw.szczecin.pl/>
- Project Coordination Unit: <http://odrapcu2019.odrapcu.pl/>

and it will be left there until the completion of the Contract execution. Any revisions of the LA&RAP will also be available to the parties interested on the website of PIU and PCU.

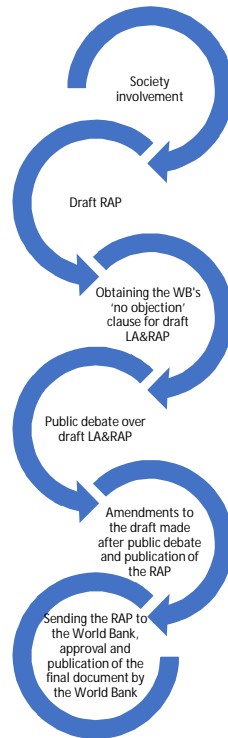


Diagram 1. Public involvement in RAP preparation

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

The investment project shall be implemented on eight real properties that belong to the Treasury, i.e. on plots with numbers 20/4, surveying district 1047 Śródmieście, 290, surveying district 0002 Zatoń Dolna, 2/1, 0009 Osinów Dolny, 1, 0009 Osinów Dolny, 183, 0001 Górzycza, 77, surveying district 0001 Pławidło, 162, surveying district 0012 Kunice and 523/5, surveying district 0008 Rapice. All the real properties constitute the property of the Treasury, out of which seven real properties belong to the Treasury represented by the SWM PW. With respect to one real property, ownership rights are exercised by the National Support Centre for Agriculture Regional Office in Szczecin. Implementation of the project investment requires obtaining rights to such real property by the Investor. Due to the location of the real property in the inter-embankment zone, the Head of the West Pomerania Province will establish the representation of the Treasury under a decision and will establish the exercising of the ownership rights of the Treasury by the State Water Management Polish Waters.

The scope of the investment does not include real properties belonging to natural persons.

On the acquired real property, marked as plot number 2/1, surveying district 0009 Osinów Dolny, a lessee has been revealed, who has been classified as a Project Affected Person (PAP). Due to his age, the lessee belongs to a vulnerable group. Nevertheless, it should be emphasised that in connection with obtaining the entire real property, in case when the PAP expresses his will to continue the lease contract, it is possible to enter into a new contract with the RZGW in Szczecin. In such a case, the impact of the implemented investment on the PAP would consist in the change of the leasing entity to RZGW in Szczecin. Due to the fact that the PAP belongs to a vulnerable group, he will be provided with any additional assistance in formal issues related to the conclusion of the aforementioned contract and to benefiting from aid schemes under the valid lease contract. The actions of the Investor will not lead to the deterioration of the PAP's situation.

As a consequence of the above findings, it should be stated that during the implementation of Task 1B.3/2 there will be a direct impact of immaterial nature with respect to one entity - a natural person; and his current status should not be subject to change. There is no impact related to the need to make physical relocation of households or agricultural holdings, and there are no physical or economic resettlements.

The World Bank's Operational Policy OP 4.12 applies where the project execution requires the involuntary taking of land resulting in relocation or loss of shelter, the loss of assets or access to assets, the loss of income sources or means of livelihood, or in the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the project affected persons. It should be noted that the implementation of this investment project will be carried out under the Special Flood Act, as the project in question does not fall within the term of a flood-prevention structure according to the content of the Act provisions, and thus, obtaining a real property for its implementation took place based on a decision of the Head of the West Pomerania Province pursuant to the provisions of the WLA. According to the information presented hereinabove, the implementation of this investment project is not connected with forced seizure or restriction of the real property, nevertheless, the project has direct impact on the aforementioned lessee, who has been classified to a vulnerable group. Upon PAP's approval, the Investor will conclude an amendment to the current lease agreement so as not to change the status of the lessee and will provide any additional assistance needed in this respect. The consultant went to the PAP's place of residence in order to inform him about this possibility and obtain information on whether he accepts the solution of concluding a new lease agreement with PGW WP - RZGW in Szczecin. However, due to his condition and age, the PAP did not agree to the meeting. The consultant will therefore take action to contact the daughter of PAP, with whom he has previously been in contact.

10. INSTITUTIONAL STRUCTURE AND IMPLEMENTATION TEAM

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

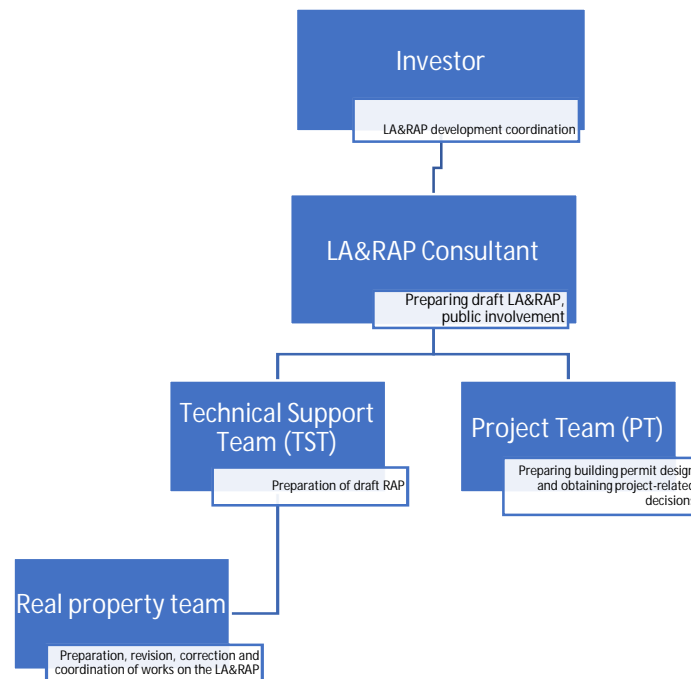


Diagram 2. Institutional structure of LA&RAP implementation

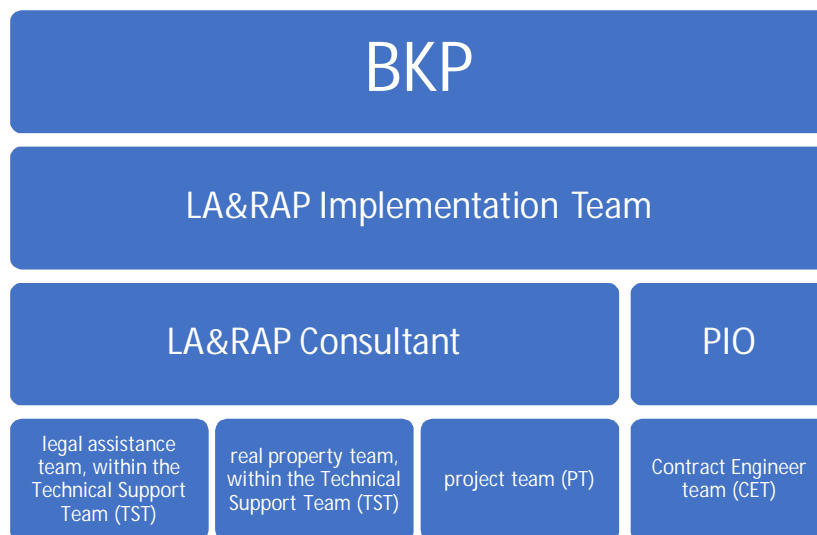


Diagram 3. Institutional structure of LA&RAP implementation, presenting the PCU position

Joint Venture Sweco Consulting Sp. z o.o./ Sweco Nederland B.V./ Sweco Engineering Sp. z o.o./ Ekocentrum – Wrocławski Ośrodek Usług Ekologicznych Sp. z o.o

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

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

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

1. Consultant – preparation of draft RAP:

- a. conducting socioeconomic studies and preparing the study report,
- b. collecting and analysing data concerning the development and use of real properties,
- c. designing a plan of society involvement and public consultations; coordination of the public consultation process,
- d. preparing impact mitigation proposals and analysing the proposals; providing RZGW with proposed amendments to the building permit design,
- e. eligibility analyses,
- f. preparation of compensation packages,
- g. preparing the draft LA&RAP,
- h. conducting public consultations,
- i. preparing the final LA&RAP.

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

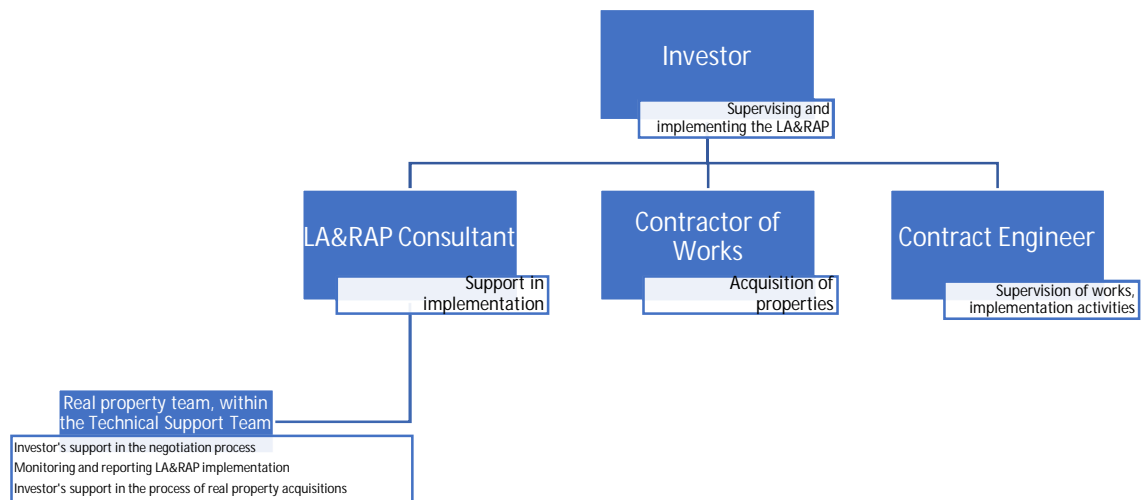


Diagram 4. Institutional structure of LA&RAP implementation during Contract execution

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

1. PGW WP RZGW

- a. supervising LA&RAP implementation,

- b. conclusion, as a result of negotiations, of agreements concerning compensation payments,
- c. payment of compensation,
- d. ensuring the flow of information between LA&RAP Consultant, Engineer and Contractor,
- e. acquisition of real properties with the Consultant's support.
- f. ensuring the absence of impact on the properties that were not acquired and compensated for as properties to be used during the works.

2. Consultant

- a. planning negotiations and participation in negotiations,
- b. hiring a property appraiser (property appraisers) who will prepare relevant valuation reports/valuations,
- c. verifying the valuations / appraisal reports made by licensed appraisers in terms of form,
- d. monitoring the implementation of LA&RAP by the Contractor and Engineer,
- e. proposing remedial actions in case of problematic situations,
- f. supervising the commencement and execution of works,
- g. supervising the execution of obligations under the Contract for Construction Works by the Contractor, including those related to possible temporary acquisitions.

3. Contractor

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

4. BKP

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

11. MECHANISMS FOR MANAGING COMPLAINTS AND REQUESTS

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

11.1 General rules of managing complaints and requests

The general mechanism for managing complaints and requests shall apply to the following complaints and requests:

- a) submitted before the PGW WP RZGW applies for the building permit,
- b) submitted during public consultation over the draft RAP,
- c) submitted directly to the Investor while obtaining the building permit or reaching the agreements on the amount of compensation,
- d) submitted after issuing the building permit and/or reaching the agreements on the amount of compensation,
- e) submitted directly to the PIO, PCU, PGW or WB, or another entity acting on behalf of a PAP.

In relation to this mechanism, the basic principle adopted by the PIU is granting the right to lodge a complaint or request regarding the Tasks to anyone, irrespective of whether his/her real property, rights or assets are on the area intended for the Contract execution.

Filing complaints or motions is not subject to fees. In addition, the person submitting a complaint or request shall not be exposed to any detriment or objection due to submitting such a complaint or request.

Complaints and requests can be submitted in writing, electronically and orally to be included in the minutes. They may be submitted directly at the premises of the PIO (at the address of the RZGW in Szczecin, ul. Tama Pomorzańska 13A, 70-001 Szczecin, by phone +48 91 441 12 00 or to e-mail address: projekt.bs@wody.gov.pl), the Consultant (to the following address: SWECO Consulting Sp. z o.o. ul. Łyskowskiego 16, 71-641 Szczecin, by phone +48 605 071 242 or to e-mail address: odra.szczecin@sweco.pl) and of the Contractor who will be selected for the Task execution.

Complaints and requests shall be archived in a separate register, with the specification of the dates when they were submitted, the dates when responses were provided and the method of examination.

If the consideration of a request or complaint requires a previous explanation, the process will include collection of materials as well as analysis, studies, etc. In such an event, a reply to the complaint or request will be given in 14 days from the date of submission. When it is not necessary to conduct an investigation procedure, a response to a complaint or a request will 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 will be extended to 30 days. If the term is too short, the party will be notified of the cause for not receiving the reply to the party's complaint or motion on time; also the term for providing such an answer should be stated. If the demands expressed in the complaint or request are rejected, the person lodging the complaint or request will be exhaustively informed of the reasons. The diagram of the general mechanism for managing complaints and requests is presented below.

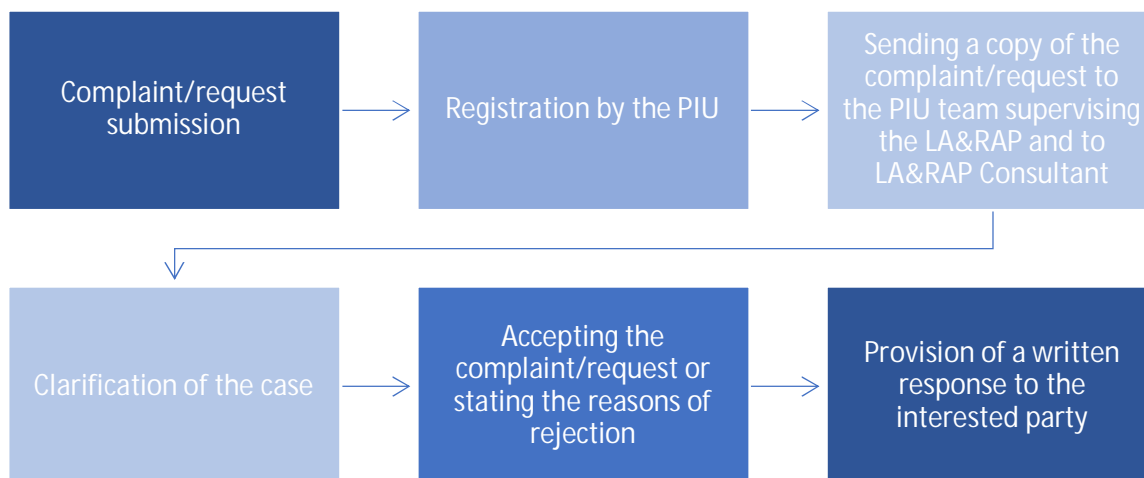


Diagram 5. General mechanism for managing complaints and request.

11.2 Special mechanisms for managing complaints and requests

Task 1B.3/2 entitled: Construction of berth mooring infrastructure of the Lower and Border Odra and new marking of the shipping route will not be exercised with the application of the provisions of the Act of 8 July 2010 on special principles of preparation for the execution of investments in the field of flood-control structures. Therefore, the investment project will not be implemented on the basis of the Investment Project Implementation Permit (IPIP) issued by the voivode, and consequently the mechanism for managing complaints at the IPIP stage will not be applicable.

However, it does not mean that interested parties will be deprived of the possibility to lodge complaints and requests.

11.2.1 Procedure for issuing the building permit

The building permit is an example of an administrative decision with a rigid basis, that is a decision whose issuing conditions are specifically defined by law, which excludes any discretion of the issuing authority when considering the request. If the conditions defined in the statute are satisfied, the competent authority may not refuse to issue the building permit for the investor.

Competent body

As a rule, the building permit is issued by the district starost competent for the project location, which is the construction administration authority of first instance. In cities with district rights, the body competent for cases regarding the construction permit is the mayor of the city, who also acts as head of district. In the cases regarding a construction permit in relation to building structures and construction works listed in Art. 82(3) of the Construction Law and in the cases listed in the Regulation of the Council of Ministers issued under an authorisation included in sec. 4 of that Article, the body of the first instance is the head of province. The authority of higher instance relative to the starost (mayor of a city with district rights) is the voivode, and if the voivode is the authority of first instance, then the Chief Construction Supervision Inspector.

Parties to the procedure

One of the parties to the proceedings for issuing the building permit is the investor. Other parties include the owners, perpetual usufructuaries and managers of the properties located within the impact range of the civil structure. If the construction administration authority finds during the proceedings that the properties of the said entities are situated within the project impact range, he should award them the status of parties to the proceedings and send them the building permit. This allows such entities to appeal against the decision within 14 days of delivery.

The objective of the proceedings for issuing the building permit is to check whether the planned project is in accordance with law and the interests of the entities whose rights may be affected, and the final decision (building permit) is aimed at protecting the values expressed in the Constitution, including the freedoms and rights of others. This objective justifies not only the control exercised by public authorities on construction projects but also the interference of those authorities in the rights of entities entitled to develop a real property (see: Judgment of the Constitutional Tribunal of 20 April 2011, ref. Kp 7/09, OTK-A 2011, No. 3, item 26). In the course of the administrative procedure preceding the issuance of the construction permit, the body of the architectural and construction administration assesses not only whether the investor complies with the technical and organisational, as well as architectural and urban conditions, but also whether there is or might be violation of the interests of third parties, especially owners of the neighbouring real properties.

Time limit

The body shall issue a decision on a construction permit immediately, however, pursuant to the contents of the provisions of Art. 35(6) of the CLA, it can be concluded that according to the act, the body has the time limit of no more than 65 days for the issuance of a decision on a construction permit. Nevertheless, this time limit shall not include time limits provided for in the laws for the performance of specific actions, periods of the procedure suspension and periods of delays attributable to a party or due to reasons outside the control of the body.

Appeal against a decision

It is possible to appeal against a decision on a construction permit issued by a body of the first instance to a body of a higher instance within 14 days of the date when the decision was served. Obviously, the appeal shall be lodged through the body of the first instance. The Construction Law contains no requirements as to the form or contents of the appeal.

The Act of 20 February 2015 amending the Construction Law and certain other Acts, which entered into force on 28 June 2015, has amended Article 28(1) by deleting the word 'final'. According to the present wording, the construction works may be commenced on the basis of the building permit, subject to Articles 29–31. The project initiator underlined that in many procedures for the issuance of a decision on a construction permit concerning one-family residential buildings, there are no other parties apart from the investor, and in the current (i.e. before the amendment) legal situation it is not possible to apply the provision of Art. 130 § 4 of the CAP (a decision shall be executed when it is consistent with the request of all the parties).

To interpret Art. 28(1) in its new wording, in accordance with the system solutions resulting mainly from the Code of Administrative Procedure, it should be assumed that this provision expresses, above all, the principle that the basic measure of the legal and construction regulations in Poland continues to be a construction permit, and exceptions to this principle are provided for in Art. 29-30. On the other hand, we may not assume that the amendment has introduced a rule that the building permit is enforceable before it becomes final and binding.

With respect to the decision on a construction permit, the following provisions shall apply: Art. 130 § 1 of the CAP, according to which a decision shall not be enforced before the expiry of the time limit for lodging an appeal, as well as Art. 130 § 2 of the CAP, according to which lodging an appeal shall suspend the enforcement of the decision. This in means in practice that despite deleting the word 'final' from Article 28(1), there remains the rule that the construction works covered by the building permit may be commenced solely when the permit becomes final and binding. The rule does not apply only in the cases referred to in Article 130 § 3(1) and (2) and § 4 of the CAP (since Article 28(1) no longer contains the word 'final', nothing precludes the provisions from being applied to the building permit).

Pursuant to Article 130 § 3(1) and (2) and § 4 of the CAP, a decision shall be enforceable before the expiry of the term for lodging an appeal if:

- 1) the decision is immediately enforceable,
- 2) it is subject to immediate enforcement under the act,
- 3) it is consistent with the requests of all the parties (including the situation when the only party to the procedure is the investor).

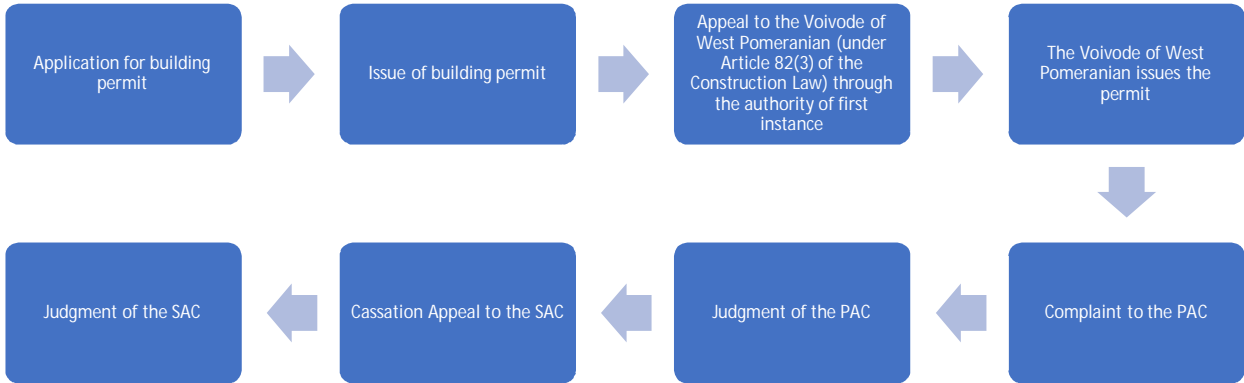


Diagram 6. Mechanism for managing complaints at the stage of obtaining the building permit

11.2.2 Procedure concerning the determination of the compensation amount

As it is mentioned hereinabove, the implementation of this investment will not proceed based on a decision of the head of province – Investment project implementation permit (IPIP); thus, in the case of determination of the amount of the compensation due – the provisions of the Act of 8 July 2010 on special principles of preparation for the execution of investments in the field of flood-control structures shall also be inapplicable.

In addition, among the PAPs revealed as entitled to the compensation, there is only one lessee of the real property.

The case of the lessee will be examined individually, in terms of the possibility to apply the mechanisms from the Civil Code to achieve the objectives of OP 4.12. There is a legal possibility to continue the lease agreement binding the PAP with the National Support Centre for Agriculture through the State Water Management Polish Waters In such a situation, the PAP will be granted the right to lease the

real property, and the negative impact will be limited to the exclusion from the lease agreement of the area of the real property of about 20 square meters, which are composed of wasteland.

It should be emphasised that negotiations with the lessee of the real property are impeded due to lack of response to the forwarded information letters on the project, which also included a request for the provision of information concerning the concluded lease agreements and the possible use of aid schemes. In every case, the amount of the compensation shall be determined based on the valuation reports prepared by an authorised property appraiser. Agreements with the PAP concerning the compensation amount shall be made in writing, or else they shall be null and void. In case of lack of agreement on the compensation, it will be possible for PAP to claim their rights only through an action instituted before a common court.

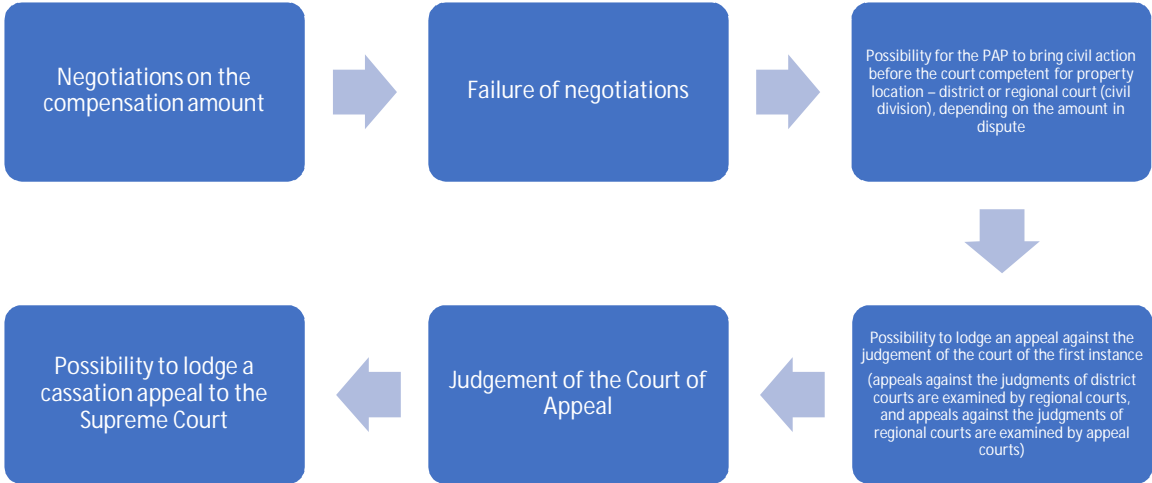


Diagram 7. Mechanism for managing complaints at the stage of determination of the compensation form and amount

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

The mechanism for the submission of complaints and requests concerning the construction and erection/assembly works performed by the Contractor shall be implemented at the beginning of the entire process and it shall be valid for the duration of the execution, functioning and closure of the Investment.

12.1 Place for the submission of complaints

A complaint or a request may be submitted by a party at one of the three places:

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

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

2. Directly at the Employer's premises:

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

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

In addition, complaints and requests may be submitted:

By post to the addresses indicated above; or

Via Internet:

e-mail: projektBS@wody.gov.pl

e-mail: odra.szczecin@sweco.pl

There will be also a telephone information line – complaints may be submitted by calling at: +48 fax: +48

12.2 Time limits for examination of complaints and requests

Time limits for examination of complaints and requests:

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

proposed solutions:

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

- in particularly complex cases or if acceptance of the request or complaint requires amendments to the RAP, the time limit for replying to the complaint or request will be extended to 30 days.

The proposed complaint registration form is presented in Attachment 1.

12.3 Persons responsible for examination of complaints and requests

PGW RZGW Szczecin will designate its employees (Social Matters Consultants), who will be responsible for communication with the public and for handling complaints. There will be also one person appointed from the team of the Engineer-Consultant, with competences and experience in this respect.

12.4 Audits and an independent appeal mechanism

It is assumed that periodically (once every six months) internal audits of the functioning of the "mechanism of complaints and claims" will be performed. They will be conducted to assess the effectiveness of the implemented system.

13. PERSONAL DATA PROTECTION POLICY APPLIED IN THE PROJECT

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

Controller of personal data

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

Contact details of the Personal Data Inspector

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

Legal basis for processing

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

Which personal data may be collected and for what purpose

Personal data are any information of personal nature, which allows for identification of a particular person. The RZGW in Szczecin collects only these data that are necessary to carry out investment tasks implemented by the RZGW in Szczecin (in this case concerning the exercising of Works Contract 1B.3/2. Construction of berth mooring infrastructure of the Lower and Border Odra and new marking of the shipping route). Such data are processed only within the scope specified by the PAPs, based on their voluntary consent expressed by means of a relevant form, and they may include:

- a) data which identify the person: full first and last name and the date of birth,
- b) contact details: telephone number, legal domicile and/or address of residence, e-mail address,
- c) details related to the payment of the compensation for the permanent acquisition of a real property: PESEL No. (Personal Id. No.), series and number of the ID card, first names of the parents, bank account number.

The consent for the storage and processing of personal data is voluntary, but its refusal may prevent the payment of compensations or notifying the PAPs of the commencement and course of construction works.

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

Which personal data have been obtained in the manner other than from the data subject and from which source(s)

To identify the owners / perpetual usufructuaries / possessors and other persons entitled to the properties that will be subject to permanent seizure or restriction on use, PGW WP RZGW Szczecin has acquired personal data from the Land and Building Register, the electronic system of Land and

Mortgage Registers and the register of inhabitants and payers of property tax maintained by the municipal offices competent for the PAP's place of residence. The obtained data include:

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

Who can be provided with the personal data

Personal data of PAPs may be only revealed to:

- a) authorised public entities, for the purposes of their proceedings, if PGW WP RZGW Szczecin is required to provide such data under relevant regulations and documents (such as court summons, judicial order or another legal or administrative procedure),
- b) entities involved in the execution of Works Contract 1B.3/2. The task Construction of berth mooring infrastructure of the Lower and Border Odra and new marking of the shipping route, only to the extent necessary for the performance of a specific action,
- c) postal operators to inform PAPs,
- d) Consultant's representatives and lawyers, in order to support implementation of the Works Contract and to pay compensations.

Personal data will not be provided to third countries or international organisation.

What are the rights of a data subject

Every PAP shall have the right to:

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

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

Contact details of the supervisory authority competent for receiving complaints

President of the Personal Data Protection Office

ul. Stawki 2

00-193 Warsaw

telephone number 22 531 03 00 fax 22,531 03 01

Office working hours: 8.00 – 16.00

Helpline: 606-950-000 available on business days from 10.00 – 13.00

Period of retention of personal data

Personal data will be retained until the expiry of the limitation period of claims for compensation of PAPs.

14. MONITORING AND ASSESSMENT

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

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

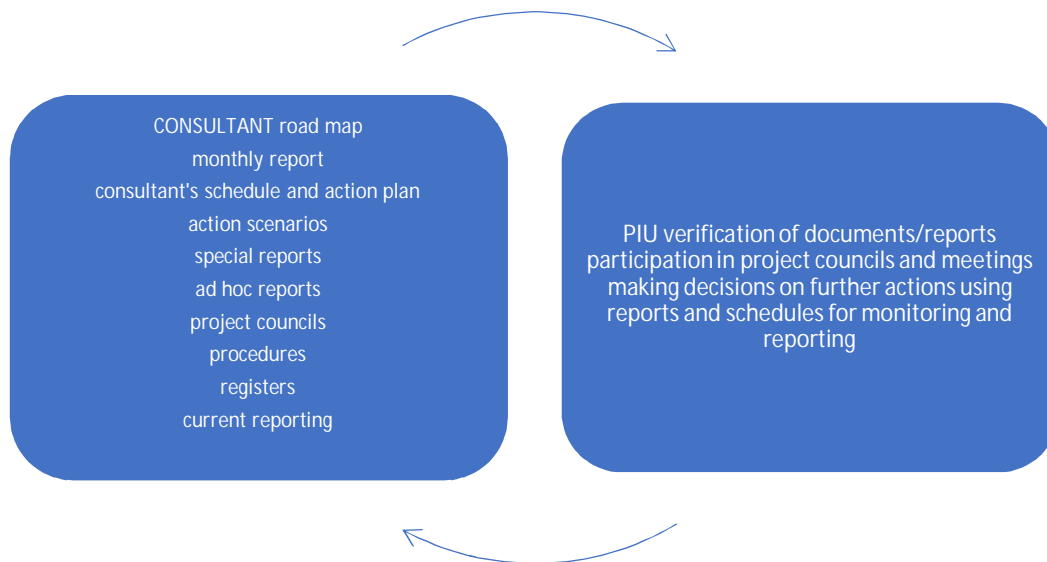


Diagram 8. Monitoring of LA&RAP implementation

An essential role for monitoring the LA&RAP implementation is played by Consultant's and PIU's recording of facts and events, in particular through a register of correspondence, register of complaints, register of progress in acquiring titles to dispose of the property for construction purposes, and register of progress in compensation payment. Data included in such registers are taken into account during the preparation of data on the number of acquired real properties and the amount and type of provided compensation. Any changes are recorded in the registers. The registers are used to thoroughly monitor the following parameters:

- a) number of real properties to be acquired and that have already been acquired,
- 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) compensation paid for loss of the legal title to the real property,
- f) compensation paid for loss of income sources,
- g) other paid compensation related to the investment implementation,

- h) degree and status of the execution of protective activities,
- i) replacement real properties, obtained and assigned,
- j) number of complaints.

The LA&RAP monitoring system so shaped allows for a rapid response in the event of issues and for smooth reporting within the existing Contract management systems. The document will be updated quarterly.

The main indicators to be monitored with regard to the Contract carried out by RZGW Szczecin as part of Task 1B.3/2 are shown in the following table.

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

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

15. COSTS AND BUDGET

Item	Compensation amount	Total in PLN
The amount of expenditure incurred for the real property, including for any structures, plantings and improvements	No data*	No data*
Court fees	No data	No data
Costs of the LA&RAP**	NA	No data
Unexpected costs	No data	No data

* the compensation will be determined by an independent property appraiser and paid before the actual occupation of the area,

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

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

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

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

16. LA&RAP IMPLEMENTATION SCHEDULE

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

RAP PREPARATION			
Steps	Action	Responsibility	Verification of completed actions
1	Preliminary assessment of social effects of the Task	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team
2	Determination of the final scope of expropriation and development of a construction plan	Designer/Consultant	PGW WP RZGW – LA&RAP Verification Team
3	Setting the framework of coordinating LA&RAP implementation with competent state authorities	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Verification Team
4	Collecting document and map extracts from the LBR and from the zoning plans	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Verification Team
5	Assessing the social effects of the Task	Consultant – Real Property Team	PGW WP RZGW – LA&RAP Verification Team
6	Verification and update of the collected materials, impact analyses and economic analyses	Consultant – Real Property Team	PGW WP RZGW – RAP Verification Team
7	Preparation of draft RAP	Consultant – Real Property Team	PGW WP RZGW – RAP Verification Team
8	Public consultation on the LA&RAP upon the Bank's approval	Consultant – Real Property Team	PGW WP RZGW – RAP Verification Team
9	As far as the comments and requests on the LA&RAP are accepted – verification and update of collected materials, impact reports and economic analyses	Consultant – Real Property Team	PGW WP RZGW – RAP Verification Team
10	As far as the comments and requests on the LA&RAP are accepted – amending the LA&RAP	Consultant – Real Property Team	PGW WP RZGW – RAP Verification Team
11	Submitting the LA&RAP to the World Bank	PIO, PGW WP RZGW	BKP
12	World Bank's no objection	BŚ	-
13	Publication of the RAP	PIO, PGW WP RZGW	-

LA&RAP Implementation			
Steps	Action	Responsibility	Verification of completed actions
1	Setting a detailed schedule of LA&RAP implementation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team

2	Submitting the application for building permit	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
3	Obtaining the building permit	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
4	Notifying PAPs of the acquisition of building permit, related effects and further actions planned by the Employer	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
5	Valuation of outlays on property performed by independent property appraisers according to applicable laws, and verification of the valuation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
6	Providing the Project Affected Persons with appraisal reports and carrying out negotiations (contractless users)	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
7	If the negotiations are unsuccessful, notifying the PAPs of the option to bring action to a common court for setting the amount of compensation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
8	Payment of compensation or providing substitute properties, launching other compensation and protection measures provided for in the RAP	PIO, PGW WP RZGW	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
9	Actual takeover of the acquired properties and commencing works under a civil-law contract and the building permit	PGW WP RZGW supported by Consultant Engineer	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
10	Evaluating LA&RAP implementation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team

CYCLIC TASKS			
Steps	Action	Responsibility	
1	Continuous internal monitoring of LA&RAP implementation	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
2	Reporting to the World Bank	PGW WP RZGW – LA&RAP Monitoring & Implementation Team	BKP
3	Continuous coordination with state and local government authorities	PGW WP RZGW – LA&RAP Monitoring & Implementation Team	BKP

4	Ongoing communication with PAPs	Consultant – Consultant Engineer's Real Property Team	PGW WP RZGW – LA&RAP Monitoring & Implementation Team
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POST-IMPLEMENTATION TASKS			
Steps	Action	Responsibility	Verification of completed actions
1	Evaluating LA&RAP implementation	Independent external auditor	World Bank

17. Attachments number 1 FORM FOR THE SUBMISSION OF COMPLAINTS TO THE CONSULTANT (BASED ON GUIDELINES OF THE WB)

Case no.	
First name and last name <i>Note: the complaint may be filed on an anonymous basis or you may demand that your data not be disclosed to third parties without your consent</i>	Complainant's first name _____ Complainant's surname _____ I would like to file the complaint anonymously _____ I request that my personal details shall not be revealed without my consent
Contact details <i>Please indicate how we should contact with the applicant (by e-mail, telephone, by post)</i>	Post (please provide your correspondence address) _____ _____ _____ By phone: _____ E-mail: _____
Preferred language for communication	Polish German English Other (please specify)
Description of the subject matter Subject-matter of the case/complaint, including the time of occurrence, location concerned by the case/complaint, persons involved in the case, what are the effects of the situation that occurred	
Date of the event/occurrence of the complaint subject/occurrence of the case	
	A non-recurrent event/complaint (date _____) The event occurred more than once (please specify how many times: _____) In progress (currently existing problem)
What measures would solve the issue in our opinion?	
Signature: _____ Date: _____ Please provide this form to: [Last name] OHS Inspector [Name of the company] Address _____ Tel.: _____ or e-mail: _____	

Attachments:

1. Attachment 1 – A complaint form (included in Section 17 of RAP)
2. Attachment 2 – PAP entitled to compensation,
3. Attachment 3 - Consultation report.