ODRA-VISTULA FLOOD MANAGEMENT PROJECT – **8524 PL**

LA&RAP – LAND ACQUISITION AND RESETTLEMENT ACTION PLAN

SUB-COMPONENT 1.B Flood Protection on the Middle and Lower Odra

Contract 1B.6

Flood protection of Nowa Sól and below Krosno Odrzańskie

ENVIRONMENTAL CATEGORY B – ACCORDING TO OP 4.01 of WB

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1 List of abbreviations used in this LR&RAP

ARPA	Agricultural Real Property Agency
AP	*Affected Population*
Contract	Contract 1B.6: Flood protection of Nowa Sól and Below Krosno Odrzańskie.
Task 1B.6/1	Task 1B.6/1 Nowa Sól Stage I and II
Task 1B.6/2	Task 1B.6/2 Wężyska-Chlebowo
World Bank	International Bank for Reconstruction and Development
PCU	Odra-Vistula Flood Management (OVFMP) Project Coordination Unit
WB	See *World Bank*
GDEP	General Director for Environment Protection
GIS	Geographic Information System – a terrain information system consisting of a terrain database concerning a given area as well as procedures and techniques of systematic collection, updating and providing access to data.
CSO	Central Statistical Office of Poland
Joint Venture	A joint venture consisting of the following companies: AECOM Ltd, Halcrow Group Ltd, BRL Ingenierie, AECOM Polska sp. z o.o.
PIU	Odra-Vistula Flood Management (OVFMP) Project Implementation Unit in the Lubuskie Board of Amelioration and Hydraulic Structures in Zielona Góra
Investor	Lubuskie Voivodship - Lubuskie Board of Amelioration and Hydraulic Structures in Zielona Góra
Engineer	See *Consultant*
Consultant	The Consultant for the Lubuskie Board of Amelioration and Hydraulic Structures in Zielona Góra providing services as part of a procurement entitled "Design and Construction Supervision for works. *Project Management, Technical Assistance and Training, Technical Support for the Project and Strengthening of PIU's Institutional Capacity."*
CC	The Law of 23 April 1964 – Civil Code (consolidated text: Journal of Laws of 2016, item 380 as amended)
CAP	The Law of 14 June 1960 – Code of Administrative Procedure (consolidated text: Journal of Laws of 2016, item 23 as amended)
LARPF	*Land Acquisition and Resettlement Policy Framework*
MaxDL	Maximum damming level
NBP	National Bank of Poland
NGO	Non-governmental Organization

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SAC	Supreme Administrative Court
Facility	Construction project consisting one whole as defined by construction law regulations, constituting an element of Task 1B.6/1.
OVFMP	Odra-Vistula Flood Management Project
EIA	Environmental Impact Assessment
OP 4.12	The symbol of a document containing the principles of conducting involuntary resettlement required for Task co-financing with a World Bank loan: Operational Policy 4.12 – Involuntary Resettlement
PAP	Project Affected Person
IPIP	Investment project implementation permit in the scope of flood protection facilities
OVFMP	Odra-Vistula Flood Management Project
POM	Project Operations Manual
LA&RAP	Land Acquisition and Resettlement Action Plan
Project	See *OVFMP*
Valuer/expert	A natural person possessing state professional qualifications in the scope of real property valuation
RDEP	Regional Director for Environment Protection
RZGW WR	Regional Water Management Authority in Wrocław
Road Act	The Law of 10 April 2003 on specific terms of preparing for implementation of projects in the scope of public roads (consolidated text: Journal of Laws of 2015, item 2031 as amended)
Special Flood Act	The Law of 08 July 2010 on specific terms of preparing for implementation of projects in the scope of flood protection facilities (consolidated text: Journal of Laws of 2015, item 966 as amended)
PL	Permanent limitation of the manner of using a real property
EU	European Union
RPM Law	The Law of 21 August 1997 on the real property management (consolidated text: Journal of Laws of 2015, item 1774 as amended)
u.l.	The Act of 28 September 1991 on forests (uniformed text Journal of Laws of 2015, item 2100 as amended)
FGA Law	The Act of 13 December 2013 on Family Garden Allotments (Journal of Laws of 2014, item 40 as amended)
RAC	Regional Administrative Court
Contractor	A company or a legal person performing the Task within the framework of Contract 1B.6: Flood protection of Nowa Sól and Below Krosno Odrzańskie.
Employer	Lubuskie Board of Amelioration and Hydraulic Structures in Zielona Góra
CIRD	Decision on consent for implementation of a road development

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2 Key definitions

This document uses the following key definitions:

Real property price – an amount negotiated with a real property owner and due to that owner for a given real property or its part based on the real property value determined by a qualified valuer.

Economic resettlement – loss of benefits, revenues or means of support stemming from land purchases or difficulties in access (to land, water or forest) arising as a result of construction or operation of designed facilities or related structures.

Groups requiring special assistance – people whose sex, belonging to an ethnic group, age, being handicapped, difficult financial situation or difficult social position makes them more exposed to negative effects of resettlement than other groups and who may have a limited possibility of submitting claims, receiving resettlement assistance or participating in the benefits related to the investment.

Resettlement cost – the scope of compensation for lost goods/real properties which covers the market value of the goods/real properties and the costs of conducting resettlement.

Compensation – paid in cash or in the form of a replacement real property for the real properties that were purchased or that the Project affects. Compensation is paid at the time when the real property has to be handed over by the owner to the Investor. Under the Polish law in this scope, compensation may be paid from the moment when, as a rule, the expropriation decision becomes final and, in all cases, before real property acquisition and seizure for construction purposes.

OP 4.12 Involuntary Resettlement — an operational policy containing the main principles and procedures which constitute the basis for the IBRD to commence involuntary resettlement related to investment projects.

Project Affected Person – every person who, as a result of Project implementation, loses the right of ownership; other benefits related to the owned inhabited (residential, agricultural or breeding) infrastructure; annual or perennial yield and produce; or other related or movable assets – in whole or in part, permanently or temporarily.

Involuntary resettlement – the resettlement is involuntary when it is conducted without the resettled person's consent (against their will) or as a result of granting forced consent (without the possibility of raising an objection to resettlement), e.g. by expropriation.

Expropriation – consists in depriving a person of their property right in the designated real property or limiting that right under an individual legal act.

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Purchase/voluntary sale – a transaction of paid acquisition of the right to the real property from its owner/holder against a price accepted by both parties if the owner has the possibility of refusing the transaction. If the Project resorts to expropriation, the purchase is not considered as voluntary (i.e. willing purchaser/willing seller).

Replacement value – compensation for the loss of goods priced according to their market value together with all transaction costs (e.g. taxes, fees). It is aimed at sufficiently effective substitution of lost goods (replacement value). This value does not include depreciation of the asset.

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3 Introduction

3.1 Contract Description

The Contract falling under this LA&RAP shall be performed within the framework of the *Odra-Vistula Flood Management Project.* It has been included in Component 1: Flood Management in the Middle and Lower Odra, Subcomponent 1.B: Flood Protection on the Middle and Lower Odra

Contract 1B.6: Flood protection of Nowa Sól and Below Krosno Odrzańskie consists of the following Tasks:

- Part of the contract: 1B.6/1 Nowa Sól stage I and II,
- Part of the contract: 1B.6/2 Wężyska-Chlebowo.

Due to formal and legal constraints connected with obtaining administrative decisions, the 1B.6/1 part of the contract: Nowa Sól stage I and II was divided into the following Facilities:

- Nowa Sól – Pleszówek – stage I – the construction of the left-bank Odra embankment at chainage km 429.85÷432,40 and the embankments of Czarna Struga river at chainage km 0+000÷3+330,
- Nowa Sól – Pleszówek – stage II – the construction of drainage pumping station with the upgrading of existing embankments at Czarna Struga river, municipality of Nowa Sól, Otyń.

3.2 Planned works

3.2.1 Works planned within the framework of the Task 1B.6/1 Nowa Sól Stage I and II

The Facility "Nowa Sól – Pleszówek – stage I – the construction of the left-bank Odra embankment at chainage km 429.85÷432.40 and the embankments of Czarna Struga river at chainage km 0+000÷3+330" consists in reconstruction, expansion and demolition of the existing and the construction of the new flood management facilities for the city of Nowa Sól in the district of Pleszówek, located in the left-bank part of the Odra and Czarna Struga river valley.

The scope of works within the framework of the Facility comprises:

1) the expansion of the left-bank Odra river flood embankment at the length of 2.737 km, at the river section km 429.85÷432.40 along with related structures, comprising, among others:
   - embankment expansion at the length of 1.2 km - km 0+000÷1+200 (the Odra river - km 429.85÷431.00),
   - demolition of the embankment body at the length of 1.435 km - the Odra river - km 431.00÷432.40),

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- the construction of the new embankment section with the length of 1.537 km - km 1+200÷2+737 (the Odra river - km 431.00÷432.40), replacing the functionally disassembled embankments i.e. the section of the Odra river embankment and the section of the right-bank backwater embankment of Czarna Struga river,
- the construction of facilities functionally connected with the left-bank flood embankment of the Odra river: the demolition of three exits from the embankment, the expansion of the passage through the embankment, the construction of four passages through the embankment and the construction of the embankment culvert,
- the construction of 4 street lamps at the embankment, in the section at chainage km 0,000÷0+106 and a LV power cable line supplying the lamps, with the length of 106 m,
- the improvement of the internal road D-1 with the length of 1.635 km, located by the disassembled embankment of Odra river, in the embanked area of the Odra river,
- the demolition of 36 arbours, 9 wells, sidewalks, fences, LV power cable lines with the total length of 295 m within the area of allotment gardens, at plots Nos. 179/1 (179), 179/2 (179), 179/3 (179), 182/2 (182) and 182/1 (182), 195/2 (195), 181/3 (181), 180 (180), 181/1 (181) within precinct 3 of the city of Nowa Sól,
- the reconstruction of colliding power grids:
  - the reconstruction of 5 LV power cable lines:
  - the reconstruction of 2 LV overhead power cable lines;

2) the reconstruction of the left-bank backwater embankment of Czarna Struga river, along with related structures, comprising in particular:
   - the reconstruction of the existing embankment body 2.619 km (km 0,000÷2,619 of the embankment),
   - the construction of the new embankment section with the length of 510 m (km 2+619÷3+129),
   - the expansion of four passages through the embankment,
   - the construction of embankment ditch with the length of 79 m and the embankment culvert in km 2+741,
   - construction of D-4 road with the length of 1,340 km, at the embankment landside foot in the section - km 0+127÷1+440,
   - the construction of D-5 road with the length of 0,185 km, at the embankment landside foot in the section - km 2+447÷2+637,
3) the reconstruction of the right-bank backwater embankment of Czarna Struga river, along with related structures, comprising in particular:
   - demolition of the embankment in the section with the length of 244 m - km 0.050÷0.294 of the river,
   - the expansion of the section of the existing flood embankment with the length of 2,402 km - km 0+000÷2+402 of the embankment,
   - the construction of the new embankment section at the length of 371 m - km 2+402÷2+773,
   - the construction of three passages through the embankment,
   - the construction of the manoeuvring site at chainage km 2+753 – at the end of the road in the embankment crest,
   - the reconstruction of the existing embankment culverts.

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- the construction of D-2 road with the length of 1.918 km, at the embankment landside foot in the section - km 0+051÷1+985,
- the construction of D-3 road with the length of 0.764 km, at the embankment landside foot in the section - km 2+016÷2+773,

4) the regulation of the Czarna Struga river bed in the section km 0.000÷3.330 of the river, comprising among others:
   - the execution of the river bed reinforcement with a fascine and rip rap shoulder,
   - local relocation of the river bed – km 0+736÷0+800,
   - the construction of rainwater drainpipe outlets in the left bank of the river.

Facility called: Nowa Sól – Pleszówek – stage II – the construction of drainage pumping station with the upgrading of existing embankments at Czarna Struga river, municipality of Nowa Sól, Otyń" comprises the designed and expanded flood management facilities and the execution of the following construction works:

1) the designed left-bank flood embankment of the Odra river in the section from km 432.5 to km 432.7 of the river, dividing the Czarna Struga river valley in the area of its estuary to the Odra river,
2) the expansion of reciprocal flood embankments of the Czarna Struga river in the section from km 3.330 to km 7.618, along with related structures i.e. embankment culverts, exists and passages through the embankments and the embankment service roads,
3) the construction of the flood pumping station with the capacity of 10 m^3/s, discharging water from the catchment area of the Czarna Struga river in the period of occurrence of high water in Odra river, along with inlet channel, discharge channel, MV power cable line with the length of 1.83 m and transformer station as well as an electrical switchboard building and a power generator,
4) regulation of the estuary section of Czarna Struga river at chainage km 0+085÷0+493 at the length of 408 m, with the relocation of the river bed in the section at chainage km 0+200÷ 0+400 with the length of 0.200 km and backfilling the old river bed at the length of 0.225 km.
5) embankment of the Power Channel at the right bank at chainage km 0+085 – 0+101 and on the left side of the channel at chainage km 0+089 – 0+147,
6) the reconstruction of the existing fences colliding with the designed flood management equipment and within the lane of executed works at the length of 906 m,
7) the reconstruction of the existing utilities colliding with the designed facilities,
8) demolition works:
   - demolition of the existing traffic and transport structures in poor technical condition: structure No. 5 reinforced concrete bridge at chainage km 3+586 of the Czarna Struga river and structure No. 6 steel structure footbridge at chainage km 3+612 and structure No. 27 wood and steel structure footbridge at chainage km 5+612.

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- inactive inspection chambers (5 pcs.) colliding with the designed infrastructure,
- inactive drainage outlets (7 pcs.) colliding with the designed equipment,
- the demolition of a part of brick wall - remains of a masonry building on the right bank of the river at chainage km 3+390÷3+405,
- the demolition of a farm building at the right bank of the river at chainage km 3+705 ÷ 3+710.

3.2.2 Works planned within the framework of the Task 1B.6/2 Wężyska-Chlebowo

The object of the Task 1B.6/2 is the construction of the new embankment in the section between the locations of Wężyska and Chlebowo, which is aimed at replacing the existing embankment being in poor technical condition (damaged during the flood of July 1997). The embankment section in question is a part of the left-side embankment which protects the areas of 4150 ha. The areas include the developed areas of the following towns/villages: Kosarzyn, Łomy, Chlebowo, Wężyska, Czarnowo, Sarbia, Chojna, Retno, Strumienno as well as agricultural and forest areas. The population of the aforementioned towns/villages amounts to 2.8 thousand people.

The scope of the Task in question comprises:

1) the construction of the new embankment with the length of 5.513 km along with auxiliary infrastructure i.e. exits and passages through the embankment - 7 pcs. and the separation of the embankment protection lane at the upstream face with the width of 5 ÷ 10m and at downstream face 1÷16m,
2) the expansion of the existing municipal road (district of Czarnowo and Połęcko), located at the downstream face of the embankment at chainage km 0+180 ÷ 3+095, with the length of L – 2.969 km. Exits from this road to the existing roads - 15 pcs - are designed.
3) the expansion of the existing municipal road (district of Chlebowo), in the section of 0.465 km at the downstream face of the embankment at chainage km 4+750 ÷ 5+170 and the construction of the new road section with the length of L -0.243 km, in the section of the embankment in km 5+170 ÷ 5+410 along with exits - 5 pcs,
4) the construction of embankment and roadside ditches with the total length of 5.802 km along with structures - culverts - 16 pcs,
5) the expansion of the section of regional road No. 138 Gubin to Połęcko at the length of 316.25 m, in the area of junction with the designed Odra river embankment,
6) the reconstruction of 110 kv HV overhead power line Dychów to Cybinka in the precinct of Czarnowo, municipality of Krosno Odrzańskie colliding with the designed Odra river embankment,
7) the demolition of the existing embankment, at sections at chainage km: - 0+792÷2+550 with the length of L-1758 m - 3+250 ÷ 5+130 with the length of L-1880m,

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8) the change of land topography - soil coming from the demolition of the existing embankment shall be managed at the area of 9.29 ha for permanent land elevation with the intended use for usable agricultural land (corresponds with the current use),
9) the reconstruction of the embanked area drainage melioration infrastructure (the construction and removal of some part of melioration ditches).

3.3 CONTRACT IMPLEMENTATION AREA

3.3.1 Task 1B.6/1 Nowa Sól Stage I and II implementation area

[redacted]Expansion of the left-bank Odra river embankment

The reconstruction of the Odra river embankment at the section from km 1+200 to the estuary of the Czarna Struga river comprises the demolition of the existing embankment body and the construction of the new embankment with the length of 1.537 km, moved away from the Odra river bed and functionally replacing the demolished section of the Odra river embankment. The route of the newly designed left-bank Odra river embankment runs through allotment gardens, located at plots with cadastral Nos.: 179, 181 and 182. Moreover, a substantial part of allotment gardens located at plots No. 179 and 182 shall be within the floodplain (high water flow land) and it is necessary to remove them totally and for the investor to pay the compensation for adjustments done on plots No. 179 and 182, with the total area of ca. 1.4 ha.

The embankment construction will cause the removal of a few gardens at plot No. 181. The area of this land amounts to 0.33 ha. It is designed to execute the fencing, entry gates and an internal road enabling communication in the part of allotment gardens in question.

The construction of the new section of the Odra river embankment (km 1+200÷2+737) causes the necessity of acquiring the areas located at 35 plots with the total area of ca. 5.85 ha, including at 35 plots within the city of Nowa Sól at the area of ca. 3.0 ha and at 15 plots within the area of Modrzyca at the area of ca. 2.85 ha.

[redacted]The expansion of the left-bank backwater embankment of the Czarna Struga river.

The expansion of the left-bank backwater embankment of the Czarna Struga river in the section km 0+000÷2+619 consists mainly in removing trees and bushes from the embankment body, levelling the embankment crest gradeline, repairing damages to the body (shortage, slips), reconstructing the embankment-side road and expanding four passages through the embankment.

Therefore, the change of the land management shall be minor and it shall comprise the increase in dimensions of the embankment body, the road body or the passages through the embankment.

The expansion of the existing left-bank body of the backwater embankment of the Czarna Struga river in the section 0+000÷2+619 causes the necessity of permanent acquisition of areas already acquired by the embankment body but also some areas currently adjacent to the existing embankment body with the total area of ca. 8.9 ha, including those located at 26

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plots within the precinct of Modrzyca at the area of ca. 7.3 ha and at 15 plots within district 1 of the city of Nowa Sól at the area of ca. 1.6 ha.

The construction of the new section of the left-bank embankment of the Czarna Struga river – km 2+619÷3+131 causes the necessity of permanent acquisition of areas with the area of ca. 0.5 ha located at 2 plots within precinct 1 of the city of Nowa Sól i.e. at plot No. 607 and No. 606/1.

[redacted] The expansion of the right-bank backwater embankment of the Czarna Struga river.

In connection with the designed reconstruction of the left-bank Odra river embankment, the demolition of ca. 0.24 km of the right-bank embankment of the Czarna Struga river (plot No. 615/2 within the Modrzyca precinct) is designed. The designed connection of the Czarna Struga river embankment with the Odra river embankment constitutes a manoeuvring site and the exit to the road running by the downstream face of the Czarna Struga river embankment.

The designed expansion of the embankment in the section at chainage km 0+000÷2+400 consists in raising the embankment by ca. 0.2-0.4m and expanding the embankment body transversely. Throughout the length of the embankment section in question, by the downstream face of the embankment, D-2 road, with breakstone pavement, with the width of 3 m is designed.

In the area of km 2+000, where the embankment intersects district road No. 3452F (Wodna street), the raising of the embankment is designed, joining it with the road embankment slope. An exit from the district road to D-3 road, running at the embankment downstream face foot, is designed.

The expansion of the embankment at the section km 2+400÷2+773, at high land, in the vicinity of moulder waste heap, consists in the construction of a trapezoidal body with the height of ca. 0.4÷0.8m. At the embankment crest with the width of 6 m, the construction of a 3-metre wide road, made of prefabricated road slabs, is designed. At the end of the embankment, the manoeuvring site with the length of 15 m and the width of 8÷13.5 m is designed.

The expansion of the existing right-bank body of the backwater embankment of the Czarna Struga river and the reconstruction of the river bed causes the acquisition of the areas located at 36 plots with the total area of ca. 8.1 ha, including in the Otyń municipality at the area of ca. 7.4 ha and within boundaries of the city of Nowa Sól at the area of ca. 0.7 ha. Within this area, there are also the areas currently acquired by the embankment body and the Czarna Struga river bed.

[redacted] The regulation of the Czarna Struga river

Within the framework of the contemplated investment project, the performance of partial regulation of the Czarna Struga river at the length of 3.3 km, practically at the existing route, keeping the existing inclination and width of the water course bottom (4÷6m) is foreseen.

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[redacted] The expansion of the river bed and flood embankments of the Czarna Struga river

The area of the investment project in a part comprising the expansion of the river bed and flood embankments of the Czarna Struga river, at the section from km 3.330 to km 7.618, comprises, to a substantial extent, areas currently acquired by the river bed and the bodies of two-side flood embankments. These structures currently acquire the area with the total area of ca. 13 ha, including in the municipality of Nowa Sól - ca. 5.3 ha and in the urban municipality of Nowa Sól - 7.7 ha. The reconstruction and expansion of the Czarna Struga river bed at the section from km 3.330 to km 7.618 is designed mainly within six plots currently used as flowing waters i.e. plots: No. 69/5 and No. 302 in the municipality of Nowa Sól and No. 5, 13, 185 and 608/1 within the city of Nowa Sól. The expansion of flood embankments, related structures, including the construction of embankment-side roads or the execution of communication and protection lanes involves the necessity of taking over the areas adjacent to the river. These are usually land lanes with the width of ca. 1.3 m. These areas are currently used as internal roads, forests (state and municipal ones) and construction site. The area of necessary land takeovers for the investment project shall amount to ca. 2.5 - 2.7 ha.

[redacted] The Odra river flood embankment and flood water pumping station

The areas necessary for the construction of the flood embankment of the Odra river, dividing the Czarna Struga river valley in the area of its estuary to the Odra river and construction of the flood water pumping station along with related facilities, are located within the area of five plots within Modrzyca, in the municipality of Otyń. These plots include Nos: 603/2, 609/1, 610, 613 and 614. The area of necessary land takeovers for the investment project amounts to 2.5-2.8 ha and it is located within the boundaries of the aforementioned plots, apart from plot No. 614 (usable land - flowing water) currently acquired by the Czarna Struga river.

The power cable with the length of ca. 1.7 km, supplying the pumping station with electrical energy is designed to be led in the road along the left-bank foot of the Czarna Struga embankment, in internal roads and through usable agricultural land. Land takeover is not anticipated at the route of the designed power cable. The aforementioned areas shall be sufficient for the functioning of the flood embankment and the pumping station.

3.3.2 Task 1B.6/2 Wężyska-Chlebowo implementation area

[redacted] Wężyska Chlebowo – the construction of the left-bank flood embankment of the Odra river in km 528.6 – 532.0, the municipality of Maszewo, Gubin. Krosno Odrzańskie

The execution of the investment project consists in the construction of the new embankment along with functionally related facilities and demolition of a section of the old embankment.

The area, within the boundaries of the investment project, is located in three municipalities, at 92 plots, in 3 cadastral precincts i.e. in the precinct of Czarnowo in the municipality of

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Krosno Odrzańskie, in the precinct of Połęcko in the municipality of Maszewo and in the precinct of Chlebowo in the municipality of Gubin.

Current land management of the investment project consists of: the existing flood embankment, agricultural and forest areas behind the embankment and a network of the main and field drainage system, as well as the roads: No. 138 /Gubin - Połęcko/ with bituminous pavement and dirt municipal roads.

The area between the existing embankment and the route of the new embankment has been the area protected against flood so far (the area of potential flood risk). After the construction of the new embankment and demolition of a section of the existing embankment, the area shall be within the Odra river high water area i.e. direct flood risk zone. This shall exert substantial impact on the change of the conditions and the land use. The area shall not be suitable for intensive agricultural use despite substantial potential soil fertility (alluvial soil). Previous agricultural land shall possibly be used extensively.

List of surface areas of the facilities is presented in the table below:

SURFACE AREAS OF THE SPATIAL DEVELOPMENT PARTS	
Description of the facility	Surface area [ha]
the new embankment along with related infrastructure: passages, exits, embankment protection lane, embankment-side ditches, municipal roads	31.170
reconstruction of the regional road	0.650
reconstruction of HV power line	0.004
demolition of the existing embankment along with related infrastructure	10.320
change of land topography	11.530
melioration facilities: sectional removal of ditches	0.640
sectional construction of ditches	0.096

3.4 ISSUED ADMINISTRATIVE DECISIONS

- decision on environmental conditions of 6.02.2011, ref. No. WOO-II.4233.2.2011.TK issued by the Regional Director of Environmental Protection in Gorzów Wielkopolski,
- decision on environmental conditions of 29.06.2012, ref. No. WOOŚ-II-4233.4.2012.AN issued by the Regional Director of Environmental Protection in Gorzów Wielkopolski,

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- decision on water permit of 18.06.2016, ref. No. DM-W-I.7322.77.2011.UU issued by the Marshal of Lower Silesian Province,
- decision on environmental conditions of 31.01.2014, ref. No. WOO-II.4233.3.2012.AN issued by the Regional Director of Environmental Protection in Gorzów Wielkopolski,
- decision on environmental conditions of 3.02.2015, ref. No. WOOŚ-II.4233.11.2014.NC issued by the Regional Director of Environmental Protection in Gorzów Wielkopolski,
- decision No. 1/2015 on the investment project implementation permit of 30.06.2015 ref. No. IB-II.7820.1.2015Dzen issued by Lubuskie Province Governor,
- decision No. 3/16 on the investment project implementation permit for road investment titled "Extension of voivodship road no. 138 at chainage from km 66+917.60 to km 67+283.80 within the framework of the task titled "*Wężyska-Chlebowo – construction of the left flood embankment for the River Odra, Municipality of Maszewo, Gubin, Krosno Odrzańskie"* dated 07/20/2016, ref. no.: IB-II.7820.3.2016.JMud.
- decision No. 18/16 the investment project implementation permit for "Construction of the flood embankment for the River Odra at chainage from km 432.4 to km 432.8, with a pumping station, an embankment culvert, regulation of the estuary section of the River Czarna Struga at chainage from km 0+085 to km 0+493, and extension of flood embankments for the River Czarna Struga at chainage from km 3+705 to km 7+618, including regulation of the River Czarna Struga at chainage from km 3+330 to km 7+618" within the framework of the task titled *Nowa Sól – Pleszówek stage II – the construction of drainage pumping station with the upgrading of existing embankments at Czarna Struga river, municipality of Nowa Sól, Otyń* dated 03/20/2017, ref. no.: IB-II.7820.18.2016.JMud.

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4 Primary principles adopted in the LA&RAP

Unless necessary mitigating and preventive measures are planned and implemented, real property acquisition may create and strengthen social inequalities, cause social exclusion and result in permanent environmental damage. Therefore, the principles below have to be followed in the design and implementation of the land acquisition and resettlement process:

1. Permanent real property acquisition shall be minimized or avoided where possible. Where permanent acquisition is unavoidable, one shall follow the procedures and requirements outlined in this LA&RAP which concern mitigating the impact of real property acquisition on the affected parties.
2. The expropriation procedures should not deteriorate the people's living conditions, which should at least be restored to pre-Project levels.
3. All Project Affected Persons shall participate in social consultations on equal terms and the needs of particularly vulnerable groups shall be taken into account. They shall also be offered a possibility of participation in the Project development process and access to grievance redress mechanisms.
4. Project Affected Persons have access to honest, fair and inexpensive proceedings of their appeal to an independent authority or court without intentional delay if enforced.
5. All cases of real property acquisition, either permanent or temporary, shall undergo procedures based on Polish law and OP 4.12. LA&RAP are in compliance with LARPF (see: http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument _dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf).
6. The LA&RAP is related to permanent or temporary acquisition of real properties, and also to permanent or temporary limitation in usage of the properties, especially resulting in the loss (temporary or full) pf income sources or in deterioration of life standards.
7. The implementation of the LA&RAP shall be monitored and reported and, after its completion, evaluated by the World Bank.
8. The process of social participation as well as protective and mitigating measures shall be carried out in accordance with the necessity of fair treatment regardless of age, sex or disability of Project Affected Persons. Particular attention shall be paid to the households of members of particularly vulnerable groups.
9. The LA&RAP is planned and implemented as an integral part of the Project. All costs connected with the necessity of planning and implementing the compensation measures shall be included in the budget as well as the benefits of the Project.
10. Compensation for Project Affected Persons on whom the Project has an economic impact shall be paid prior to starting the construction works on the real property undergoing expropriation.
11. Priority shall be given to the compensation in the form of allocation of an alternative land with an equivalent productive potential (land-for-land). Cash compensation shall be used in the cases where the acquisition of a real property or its part has no impact on the real property use for its former purposes as well

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as in the cases where the Project Affected Person on whom the Project has an economic impact expresses their will to receive cash compensation.

12. Temporary acquisition of the real property for the purposes of the Task implementation is possible only upon voluntarily expressed consent of the real property owner and on principles defined in the statement on expressing consent.
13. Temporarily acquired real properties shall be restored to their original state after the completion of the works to enable their owners or users to use them in the same manner as before Project implementation.
14. All PAP, without regard to the legal title to the real property, shall receive support of various types, as per the principles set out in the Matrix of Compensation Measures included in this LA&RAP. Lack of a legal title to the real property should not be a bar to receiving compensation and/or a different type of support. Detailed principles of real property acquisition, social participation and mitigating, protective, preventive and compensation measures shall be established in the LA&RAP.

The LA&RAP shall be updated as necessary when the design works progress and new factual or legal circumstances emerge.

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5 Impact mitigation

5.1 SOCIAL IMPACT

Under OP 4.12, social impact related to expropriation includes all direct economic and social losses stemming from real property expropriation as well as from permanent limitation of the former manner of use or of the access to the real property. Thus, the primary criterion of assessing the significance of social impact shall be the percentage ratio of the entire real property to its expropriated part. One shall also take into account the data obtained during a socio-economic survey.

The following criteria compliant with OP 4.12 were adopted to assess the social impact for the purposes of this LA&RAP:

– secondary impact: for farms, this is an impact exerted by an acquisition of less than 10% of the household production area or resources, without physical relocation. For other real properties, such impact is exerted by a loss of less than 20% of the land or resources, without physical relocation;

– significant impact: for farms, this is an impact exerted by a loss of more than 10% of the household production area or resources, or by a real property division line running in a manner preventing agricultural/orchard production on that real property. For wastelands and non-agricultural real properties, such impact is exerted by a loss of more than 20% of the land.

For the introduction of the division into significant and secondary impact, the value of 10% was adopted, in accordance with the World Bank Operational Policy because for some inhabitants running agricultural farms the loss of 10% and more of the farm's production area shall result in some restriction of income from agricultural fields; it shall not, however, exert substantial impact on economic profitability of the farm due to the area structure of the farm.

Simultaneously, local character i.e. cross-border location of the municipality and the location of expropriated real properties in close vicinity to a city should be taken into consideration.

5.1.1 Occurrence of significant impact

In case of areas being the property of the Municipality, the impact was considered minor as acquisition of real properties from that entity does not exert significant impact on its standing and functioning.

For the planned Task, there occurs no impact connected with the necessity of making physical relocation of households or farms.

In case of the planned Task there is one economic resettlement caused by the change of the real property manner of use. Due to implementation of the Task 2 cases of significant impact on PAP shall occur; however, in one case it would be an economic resettlement. There are no physical resettlements. In remaining cases it was identified that impact associated with implementation of the Task shall be insignificant. Impact on particular households was described in the table below:

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No.	Household no	Precinct	Sheet	Stand no before division	Stand no after the division (N - not applicable)	Remarks	Total area of the plot before division [ha]	Area of permanent occupation [ha] (N - not applicable)	Share [%} of permanent occupation (expropriated) to the total area of the plot before the division (N - not applicable)	Impact: S - severe, M - minor
1	2	3	4	5	6	7	8	9	10	11
1	Household no 1	Precinct no 3 of Nowa Sól		176/1	176/4	Enterprise. There is no possibility of assessing use of land and preferred forms of compensation due to lack of contact with the enterprise's management board.	1,0257	0,2055	20,04%	M
2	Household no 1	Precinct no 3 of Nowa Sól		160/1	160/4		2,7225	0,2685	9,86%	M
3	Household no 1	Precinct Modrzyca, the municipality of Otyń		719/1	719/4		0,976	0,2554	26,17%	M
4	Household no 1	Precinct Modrzyca, the municipality of Otyń		720	720/2		0,9121	0,1121	12,29%	M
5	Household no 1	Precinct Modrzyca, the municipality of Otyń		725/1	725/4		1,2094	0,2035	16,83%	M
6	Household no 1	Precinct Modrzyca, the municipality of Otyń		672	672/1		2,5615	0,1115	4,35%	M
7	Household no 1	Precinct Modrzyca, the municipality of Otyń		669/2	669/4		2,1900	0,1300	5,94%	M
8	Household no 1	Precinct Modrzyca, the municipality of Otyń		626	626/1		0,1948	0,0548	28,13%	M
9	Household no 1	Precinct Modrzyca, the municipality of Otyń		685/1	685/2		2,8899	0,0882	3,05%	M
10	Household no 1	Precinct Modrzyca, the municipality of Otyń		673	673/1		0,756	0,006	0,79%	M
11	Household no 1	Precinct Modrzyca, the municipality of Otyń		628/5	628/6		0,4825	0,0025	0,52%	M
12	Household no 1	Precinct Modrzyca, the municipality of Otyń		517	517/2		9,4189	0,0789	0,84%	M

13	Household no 1	Precinct Modrzyca, the municipality of Otyń		514	514/2		25,1266	0,1766	0,70%	M
14	Household no 1	Precinct Modrzyca, the municipality of Otyń		589/1	589/2		1,164	0,014	1,20%	M
15	Household no 1	Precinct Modrzyca, the municipality of Otyń		585	585/1		0,4024	0,0124	3,08%	M
16	Household no 1	Precinct Modrzyca, the municipality of Otyń		578	578/1		0,6979	0,0179	2,56%	M
17	Household no 1	Precinct Modrzyca, the municipality of Otyń		576/1	576/2		1,4192	0,0592	4,17%	M
18	Household no 1	Precinct Modrzyca, the municipality of Otyń		573	573/1		0,455	0,025	5,49%	M
19	Household no 1	Precinct Modrzyca, the municipality of Otyń		609/1	609/3		1,39	0,1824	13,12%	M
20	Household no 2	Precinct Lubieszów, the municipality of Nowa Sól		118	118/1	Household. The owner has not been present at the address for a year. We have not been able to get information about his current location, contact details or land information. The land and buildings register does not provide information on the possible use of the plot.	0,9200	0,0238	2,59%	M
21	Household no 3	Precinct Chlebowo, the municipality of Gubin		121	121/3	2-person household. On the plot is carried agricultural crop (grain) and a part of the plot is planted with a 30-year old oaks. Cultivation covered by subsidies from Agencja Restrukturyzacji i Modernizacji Rolnictwa. Due to the expropriation procedure the owner fears of losing the subsidy and the perceives difficulties in access to the rest of the plot. Preferred financial compensation.	2,5600	0,4186	16,35%	M
22	Household no 3	Precinct Chlebowo, the municipality of Gubin		121	121/4		2,5600	0,6435	25,16%	M
23	Household no 4	Precinct Chlebowo, the municipality of Gubin		118/2	118/8	Single-person household sustaining itselft (making for a living) by working abroad. Plots not cultivated. Preferred financial compensation.	0,3917	0,1163	29,69%	M
24	Household no 4	Precinct Chlebowo, the municipality of Gubin		118/3	118/5		3,6133	0,4777	13,22%	M
25	Household no 4	Precinct Chlebowo, the municipality of Gubin		118/3	118/6		3,6133	2,1711	60,09%	M
26	Household no 5	Precinct Modrzyca, the municipality of Otyń		622	622/1	2-person household. Plot not cultivated. Preferred financial compensation.	0,4309	0,0309	7,17%	M

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27	Household no 6	Precinct Modrzyca, the municipality of Otyń		623	623/1	4-person household (2 adults) sustaining itselft by contract work. The plot (meadow) is a collateral for the mortgage. Preferred financial compensation.	0,4619	0,0319	6,91%	M
28	Household no 6	Precinct no 1 of Nowa Sól		662	662/1		0,6035	0,0132	2,19%	M
29	Household no 7	Precinct no 1 of Nowa Sól		659	659/1	Households of numerous co-owners and heirs. Plots not cultivated. One of the plots planned for sale. Preferred financial compensation.	0,136	0,0131	9,63%	M
30	Household no 7	Precinct no 3 of Nowa Sól		167/1	167/4		1,2044	0,1247	10,35%	M
31	Household no 8	Precinct no 2 of Nowa Sól		8/13	8/32	5-person household. On the area of the plot stands residential building and the construction of 2 garages is nearly finished. The preference for compensation will depend on the specific offer.	0,1966	0,0008	0,41%	M
32	Household no 9	Precinct Modrzyca, the municipality of Otyń		680/1	680/2	Households of numerous co-owners. Only one of the co-owners deals with the plot. Plot is not cultivated. Preferred financial compensation.	1,0972	0,1109	10,11%	M
33	Household no 10	Precinct Chlebowo, the municipality of Gubin		120/7	120/13	2-person household sustaining from agricultural activities and incomes from the owned store. Cultivated grains on the plot. Plot covered by direct subsidies. Owners want to sell the entire plot.	2,4100	0,3209	13,32%	M
34	Household no 10	Precinct Chlebowo, the municipality of Gubin		120/7	120/14		2,4100	0,9662	40,09%	M
35	Household no. 11	Precinct no 3 of Nowa Sól		188/5	188/16	The households of numerous heirs. Heirs want to sell the entire plot. Preferred financial compensation. The land and buildings register does not contain information about the purpose of the plot or the presence of buildings.	1,0015	0,17	16,97%	M
36	Household no 12	Precinct no 1 of Nowa Sól		607	607/1	Households of numerous co-owners. Plot is not cultivated. Preferred financial compensation.	0,3695	0,2361	63,90%	M
37	Household no 13	Precinct no 2 of Nowa Sól		8/4	8/28	Enterprise whose plot is undergoing expropriation procedure is a storage yard. Preferred financial compensation.	0,9773	0,0325	3,33%	M
38	Household no 14	Precinct no 2 of Nowa Sól		170/7	170/106	Household running on the plot a production plant. Expropriation procedure and construction works hinder the functioning of the enterprise. As a compensation, the landlord is interested in exchanging "land for land" for a piece of land owned by the Melioration Management Board.	0,2482	0,0026	1,05%	M
39	Household no 15	Precinct Lubieszów, the municipality of Nowa Sól		122/1	122/4	3-person household. Plot not cultivated. Preferred financial compensation.	0,839	0,0246	2,93%	M
40	Household no 16	Precinct no 2 of Nowa Sól		4	4/2	Manufacturing enterprise. Plots located on the premises of the production plant, one of them is an office container and the shed, the other is empty. The preferred form of compensation will depend on the specific offer.	4,0317	0,0483	1,20%	M
41	Household no 16	Precinct no 2 of Nowa Sól		4	4/3		4,0317	0,0062	0,15%	M
42	Household no 16	Precinct no 2 of Nowa Sól		4	4/4		4,0317	0,0262	0,65%	M

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43	Household no 16	Precinct 6 of Nowa Sól		82/1	82/5		0,3118	0,0249	7,99%	M
44	Household no 17	Precinct Połęcko, the municipality of Maszewo		379/11	379/14	Enterprise's investment plot. Cultivated crops is an important source of income for the enterprise. Plot covered by the subsidy. Preferred financial compensation.	3,93	0,6862	17,46%	S
45	Household no 17	Precinct Połęcko, the municipality of Maszewo		379/11	379/13		3,93	**0,9796**	24,93%	M
46	Household no 17	Precinct Połęcko, the municipality of Maszewo		368/10	368/10		5,30	**5,3000**	100,00%	M
47	Household no 18	Precinct Chlebowo, the municipality of Gubin		36/9	36/23	6-person household, making for a living by working in small/medium enterprises. The plot is a meadow and pasture for the owner's horse and is covered by EU subsidies. Preferred financial compensation.	1,41	0,0968	6,87%	M
48	Household no 19	Precinct Chlebowo, the municipality of Gubin		115/1	115/10	3-person household (including an older person who needs constant care), maintaining a job as a farmer (wage labour) and on its own, with 6 agricultural machines. Plots are planted and subsidies are granted. Preferred financial compensation.	0,400	0,1379	34,48%	M
49	Household no 19	Precinct Chlebowo, the municipality of Gubin		115/2	115/12		0,73	0,2059	28,21%	M
50	Household no 19	Precinct Chlebowo, the municipality of Gubin		117/2	117/7		0,8926	0,3458	38,74%	M
51	Household no 19	Precinct Chlebowo, the municipality of Gubin		117/3	117/5		1,4483	0,0128	0,88%	M
52	Household no 19	Precinct Chlebowo, the municipality of Gubin		124/3	124/5		1,08	0,1187	10,99%	M
53	Household no 19	Precinct Chlebowo, the municipality of Gubin		115/2	115/11		0,7300	**0,5066**	69,40%	M
54	Household no 19	Precinct Chlebowo, the municipality of Gubin		117/3	117/4		1,4483	**1,4355**	99,12%	M
55	Household no 20	Precinct Modrzyca, the municipality of Otyń		577	577/1	2-person household sustaining from working in small companies. On a plot cultivated grass only. The owner willing to sell the entire plot. Preferred financial compensation.	0,5292	0,009	1,70%	M
56	Household no 21	Precinct Modrzyca, the municipality of Otyń		581	581/1	3-person household (2 adults). On a plot (meadow) cultivated exclusively grass. Preferred financial compensation.	0,6788	0,0188	2,77%	M
57	Household no 22	Precinct no 3 of Nowa Sól		2/93	2/137	Enterprise. Building located on a uncultivated part of a plot. Preferred financial compensation.	2,6237	0,0469	1,79%	M

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58	Household no 23	Precinct no 2 of Nowa Sól		167/11	167/15	Enterprise. At the address location of the headquarters of another entity. No evaluation due to discontinued contact from the entity site.	1,3804	0,0065	0,47%	M
59	Household no 23	Precinct no 2 of Nowa Sól		167/11	167/16		1,3804	0,0028	0,20%	M
60	Household no 23	Precinct no 2 of Nowa Sól		167/11	167/17		1,3804	0,0129	0,93%	M
61	Household no 24	Precinct Chlebowo, the municipality of Gubin		123/2	123/6	Single-person household making for a living from wage labor. Plot is not cultivated. Preferred sale of the whole plot and financial compensation.	0,3	0,0294	9,80%	M
62	Household no 25	Precinct Lubieszów, the municipality of Nowa Sól		113/1	113/2	2-person household sustaining from its pensions. Plots are used for recreational purposes, and a small garden parcel is also cultivated. Plots covered by subsidies. Expected compensation is land near home or financial compensation.	3,1300	0,0647	2,07%	M
63	Household no 25	Precinct Lubieszów, the municipality of Nowa Sól		129/1	129/2		2,8100	0,0020	0,07%	M
64	Household no 26	Precinct Lubieszów, the municipality of Nowa Sól		135/1	135/3	4-person household making for a living from agricultural activities and work in state administration. The plot subsidized in the 2016-2021 with agri-environmental package. Preferred land for the land compensation.	0,38	0,0055	1,45%	M
65	Household no 27	Precinct no 1 of Nowa Sól		218	218/2	Household. Plot not cultivated. In plans cultivation or lease. The owner raises many objections regarding the expropriation procedure.	0,8514	0,0108	1,27%	M
66	Household no 28	Precinct no 1 of Nowa Sól		654	654/1	Household. Plot not cultivated. Lack of preferences for any form of compensation.	0,2591	0,0365	14,09%	M
67	Household no 29	Precinct no 2 of Nowa Sól		8/18	8/34	Enterprise. Plots not cultivated. On the plots mortgages established - creditors. Preferred "land for land" compensation.	0,1450	0,0034	2,34%	M
68	Household no 29	Precinct no 2 of Nowa Sól		8/22	8/36		0,0393	0,0007	1,78%	M
69	Household no 29	Precinct no 2 of Nowa Sól		8/25	8/38		0,1214	0,0098	8,07%	M
70	Household no 29	Precinct no 2 of Nowa Sól		8/9	8/30		0,5195	0,1053	20,27%	M
71	Household no 29	Precinct no 2 of Nowa Sól		8/18	8/35		0,1450	**0,0115**	7,93%	M
72	Household no 30	Precinct Chlebowo, the municipality of Gubin		114/9	114/20	2-person household (1 person in poor health, requires constant care). Plot not cultivated. Preferred financial compensation.	0,93	0,1712	18,41%	M
73	Household no 30	Precinct Chlebowo, the municipality of Gubin		114/9	114/21		0,93	**0,7011**	75,39%	M
74	Household no 31	Precinct Chlebowo, the municipality of Gubin		122	122/3	3-person household. On a plot is uncultivated meadow. Preferred financial compensation.	3,59	0,3433	9,56%	M

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75	Household no 31	Precinct Chlebowo, the municipality of Gubin		122	122/4		3,59	**0,1902**	5,30%	M
76	Household no 32	Precinct Połęcko, the municipality of Maszewo		361	361/3	Household. No evaluation due to absence of the owner. Failed to obtain any contact information about plot use even from the neighbours.	0,93	0,2188	23,53%	M
77	Household no 32	Precinct Połęcko, the municipality of Maszewo		361	361/2		0,93	**0,2715**	29,19%	M
78	Household no 33	Precinct Chlebowo, the municipality of Gubin		119/2	119/4	Household. One of the official co-owners actually deals with a parcel that is not currently cultivated. Preferred financial compensation.	0,74	0,1044	14,11%	M
79	Household no 33	Precinct Chlebowo, the municipality of Gubin		119/2	119/5		0,74	**0,3369**	45,53%	M
80	Household no 34	Precinct Chlebowo, the municipality of Gubin		36/10	36/26	4-person household (2 adults) sustaining from contract labour and animal farming. Plot sown with mown grass (animal feeding puroposes) and covered by direct subsidy. Preferred "land for land" compensation.	3,44	0,0039	0,11%	M
81	Household no 34	Precinct Chlebowo, the municipality of Gubin		36/10	36/24		3,44	0,052	1,51%	M
82	Household no 35	Precinct no 2 of Nowa Sól		1/8	1/23	Household running on the site of a plot trading enterprise. Historic bunker with shooting hole put in monument register. Expropriation procedure implies the limitation of parking area use and hinders planned development of the enterprise. Preferred compensation is land in close proximity or financial compensation (35 zł/m2).	0,2114	0,0097	4,59%	M
83	Household no 36	Precinct Modrzyca, the municipality of Otyń		714/1	714/3	3-person household (2 people in need of care), making for a living from family members pensions and agricultural activity held on the expropriated plot. Expected financial compensation in the amount of 35 zł/m2.	0,4456	0,0156	3,50%	M
84	Household no 37	Precinct Chlebowo, the municipality of Gubin		116/1	116/12	Household. One of the official owners is deceased. The second owner in poor health. Plot not cultivated. Preferred financial compensation.	0,3	0,1278	42,60%	M
85	Household no 38	Precinct Lubieszów, the municipality of Nowa Sól		119	119/1	3-person household. Plot not cultivated. Preferred financial compensation.	0,6500	0,0204	3,14%	M
86	Household no 39	Precinct Połęcko, the municipality of Maszewo		484	484/1	Household. Plot not cultivated. Planned development in the future. Preferred financial compensation.	27,8100	1,2614	4,54%	M
87	Household no 39	Precinct Połęcko, the municipality of Maszewo		484	484/2		27,8100	**2,2986**	8,27%	M
88	Household no	Precinct Połęcko,		379/1	379/30	The official owner is deceased. 3 heirs, of which 2 people deal	3,98	0,1128	2,83%	M

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	40	the municipality of Maszewo				with the plot - 2-person household. The plot is a pasture where 3 horses owned by farmer are fed. Household owns 4 agricultural machines. The plot receives subsidies from the Natura 2000 program. Preferred financial compensation.				
89	Household no 41	Precinct Modrzyca, the municipality of Otyń		579	579/1	The official owner is deceased. The heir does not use the plot. Preferred financial compensation.	0,5339	0,0139	2,60%	M
90	Household no 42	Precinct Czarnowo, the municipality of Krosno Odrzańskie		497/1	497/1	3-person household making for a living from agricultural activities (own 6 agricultural machines). Plot covered by the program Natura 2000. Previous construction works in range of expropration procedure have already resulted in the lack of subsidies. The expropriation procedure negatively affects the efficiency of crop planning. The planned total occupation of the site implies depriving the main source of income.	10,08	10,08	100,00%	S
91	Household no 43	Precinct no 2 of Nowa Sól		1108/7	1108/10	Household running an enterprise. On the plot located investment worth 4 million PLN (construction of a service hub for the trucks) and a mortgage loan. Form of compensation depends on the submitted offer.	0,6125	0,0269	4,39%	M
92	Household no 44	Precinct no 3 of Nowa Sól		2/36	2/110	Enterprise. No evaluation. No additional information found on perpetual user.	8,5679	0,1548	1,81%	lod
93	Household no 45	Precinct Modrzyca, the municipality of Otyń		726/5	726/7	The enterprise informed that a lawsuit against Lubuskie Board of Amelioration and Water Structures is being developed in reference to illegal – in the enterprise's opinion – use of land, which at the moment lasts for a year and a half. However, no note was provided to LZMiUW. No crucial information provided about the plot. The land and buildings register does not provide any information regarding the parcel's intended use.	4,1104	0,6279	15,28%	M
94	Household no 46	Precinct no 3 of Nowa Sól		172/1	172/4	Enterprise plots. Plots cultivated with grass for cutting and drying purposes. Preferred financial compensation.	1,1066	0,1779	16,08%	M
95	Household no 46	Precinct no 3 of Nowa Sól		189/1	189/4		0,7991	0,353	44,17%	M
96	Household no 47	Precinct Lubieszów, the municipality of Nowa Sól		105/1	105/8	2-person household. Plot not cultivated. In close future plans for development. Urban spacial developement plan expected.	0,3024	0,0336	11,11%	M
97	Household no 48	Precinct Lubieszów, the municipality of Nowa Sól		109/1	109/5	2-person household. Owners stay abroad. Plot not cultivated.	0,5024	0,0272	5,41%	M
98	Household no 49	Precinct Modrzyca, the municipality of Otyń		602	602/1	Single-person household, good economic status. Crops grown on both plots (maize and moss grass).The area was covered by an ecological program. Mortgage on the plots. Fear of losing access to the plots due to expropration procedure. Form of compensation depends on the proposed valuation.	0,958	0,008	0,84%	M
99	Household no 49	Precinct no 3 of Nowa Sól		171/1	171/4		1,0652	0,1418	13,31%	M

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100	Household no 50	Precinct Lubieszów, the municipality of Nowa Sól		109/2	109/3	Household. No evaluation due to absence of owner. Failed to obtain any contact information or information on use of the plot.	0,5154	0,0035	0,68%	M
101	Household no 51	Precinct Lubieszów, the municipality of Nowa Sól		122/3	122/8	2-person household. Plot not cultivated, but there are plans to obtain a decision on building conditions. Preferred financial compensation.	0,8389	0,0016	0,19%	M
102	Household no 52	Precinct Lubieszów, the municipality of Nowa Sól		122/2	122/6	Household. No evaluation due to prolonged absence of the owner. The land and buildings register does not contain information on the purpose of the plot.	0,8389	0,0278	3,31%	M
103	Household no 53	Precinct no 2 of Nowa Sól		1/15	1/25	Enterprise. Industrial plots without investments. Preferred financial compensation.	0,7785	0,4444	57,08	M
104	Household no 53	Precinct no 2 of Nowa Sól		1/16	1/30		0,3693	0,0031	0,84%	M
105	Household no 53	Precinct no 2 of Nowa Sól		1/16	1/31		0,3693	0,009	0,24%	M
106	Household no 53	Precinct no 3 of Nowa Sól		2/84	2/135		2,8082	0,0575	2,05%	M
107	Household no 54	Precinct Połęcko, the municipality of Maszewo		365/1	365/9	Household. No possibility of evaluation due to refusal by the owner. No information on the preferred form of compensation.	0,3000	0,1259	41,97%	M
108	Household no 54	Precinct Połęcko, the municipality of Maszewo		365/2	365/4		3,6400	0,2414	6,63%	M
109	Household no 54	Precinct Połęcko, the municipality of Maszewo		365/2	365/6		3,6400	0,3338	9,17%	M
110	Household no 54	Precinct Połęcko, the municipality of Maszewo		365/2	365/7		3,6400	**2,4610**	67,61%	M
111	Household no 54	Precinct Połęcko, the municipality of Maszewo		365/1	365/10		0,3000	**0,0796**	26,53%	M
112	Household no 55	Precinct no 2 of Nowa Sól		1/7	1/28	Household. Plots not cultivated. On one of the parcels stands building which is put in Lubuskie - Voivodeship Conservation Officer Register. Mortgages and creditors on the plots. Preferred "land for land" compensation.	0,3267	0,0022	0,67%	M
113	Household no 55	Precinct no 2 of Nowa Sól		1/7	1/27		0,3267	0,057	17,45%	M
114	Household no 55	Precinct no 2 of Nowa Sól		8/17	8/41		0,1134	0,0022	1,94%	M
115	Household no 55	Precinct no 2 of Nowa Sól		8/17	8/40		0,1134	0,0268	23,63%	M
116	Household no 55	Precinct no 2 of Nowa Sól		1/7	1/26		0,3267	**0,0180**	5,51%	M

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117	Household no 56	Precinct Modrzyca, the municipality of Otyń		617	617/1	2-person household. Unclear proprietary status of the plot, so far uncultivated. Once the property ownership is determined by a court, site interested in financial compensation for expropriation procedure.	1,7845	0,1445	8,10%	M
118	Household no 57	Precinct Modrzyca, the municipality of Otyń		325/1	325/1	4-person household (2 adults) sustaining from agricultural activities - farming, poultry and grain crops, covered by direct subsidies (2016-2027). On the indicated plot stands residential-commercial building and the plot has established mortgage. Due to planned construction works of the expropriatory site, the decision to build another shed is stopped. Preferred financial compensation.	6,2900	**0,1740**	2,77%	M
119	Household no 58	Precinct Modrzyca, the municipality of Otyń		317/2	317/2	Single-person household. Plot not cultivated. No information on the preferred form of compensation.	1,3200	**0,0235**	1,78%	M
120	Household no 59	Precinct Połęcko, the municipality of Maszewo		368/8	368/8	8-person household. Plot covered by subsidies, planned for sale. Preferred financial compensation.	0,6400	**0,6400**	100,00%	M

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5.2 MITIGATING MEASURES

1. The design works are carried out in such a way as to minimize the number of plots necessary to acquire.
2. The amount of compensation for lost real properties shall be defined on the basis of appraisal reports prepared by independent valuers or by way of a decision of Lubuskie Province Governor. The valuation constituting the basis for determining the amount of compensation shall be reliable, objective and independent to ensure that the former owner of the real property receives a price corresponding to the actual loss and therefore the negative impact of the real property ownership loss on their financial standing is mitigated.
3. Priority shall be given to the compensation in the form of allocation of an alternative land with an equivalent productive potential (land-for-land). Cash compensation shall be used in the cases where the acquisition of a real property or its part has no impact on the real property use for its former purposes as well as in the cases where the Project Affected Person on whom the Project has an economic impact expresses their shall to receive cash compensation and also if there are no similar real properties with an equivalent productive potential and market value present on the market, which prevents compensation in the form of allocation of an alternative land (land-for-land). The proceedings connected with granting compensation have not ended yet.
4. All costs related to protective measures shall be included in the compensation package. No protective measures are currently anticipated, but it may change during Contract implementation.
5. The release of real properties shall take place after the period of current crop harvesting, in case of plots at which agricultural activity is run in a given vegetation year intended for a given crop. If the cultivations are not harvested, a cash equivalent shall be paid.
6. Every expropriated person shall be entitled to use the land free of charge in the former manner till the moment of receiving the compensation or (if no agreement was reached on the amount of compensation) its undisputed part.
7. PAP shall be notified about the commencement of works in advance, which shall allow them to end their management of the real property – no later than 30 days in advance.
8. For the duration of works execution, the investment supervision in agreement with the infrastructure owners network shall be ensured. The network owners shall be informed about the date of works commencement in advance.
9. Temporarily acquired real properties shall be restored to their original state after the completion of works. Real property acquisition for temporary acquisition shall follow the principles defined in this LA&RAP, with the application of the principle of voluntary giving access to real property.
10. Due to implementation of the investment for Nowa Sól – stage I and for Weżyska-Chlebowa properties **remaining a part of the investment** shall be developed, and

they shall be necessary for its functioning, and they will not be owned by the State Treasury, but their application method shall be limited.

Based upon Article 22 item 2 of the *Special Flood Act* the owner or the perpetual user of properties or their parts being a part of the investment, which are necessary for its functioning and are not owned by the State Treasury or units of local authorities, but their application method is permanently limited, may claim for purchasing the property by the State Treasury or by the unit of local authorities through provision of an application within 90 days from receiving a notification on the commencement of proceeding for the issuance of the investment project implementation permit. Those are properties discussed in Article 9 item 5b) of the Special Flood Act.

After analyzing types of limitation for contract 1B.6/1 Nowa Sól stage I and II, the following significant issues related to natural persons/commercial companies/Municipalities were identified:

a) for Object Nowa Sól – Pleszówek - stage I:
– 1 plot of the Allotments Owners Association (181, area 3 of the City of Nowa Sól) – within the investment it is designed to develop new fences, entry gates and an internal road allowing for communication within the redeveloped part of garden allotments. On the border of plot no. 181/1 (181) on the embankment side (plot no. 181/2 (181)) a fence is designed, and an internal allotment road is designed along it. The road is designed to have a width of 3.5 m and 30 cm thick gravel surface (two layers: 15+15cm). Length of the designed road is 150 m, and two descents to the existing internal roads are designed on its ends. A fence made of steel mesh placed on reinforced-concrete posts casted in the ground is designed over a length of 150 m. Two gates with wickets are designed within the fence.

Construction of the road and of fences was not given in the construction design, and in the IPIP application and draft, because the special act does not include redevelopment of technical infrastructure, which does not remain an engineering object associated with the flood embankment. Those works were given in the detailed design the bill of quantities and in the investor's estimate, and shall remain an element of the investment Nowa Sól - Pleszówek -stage I.

An initial agreement was concluded with AOA on 09/24/2012. The case shall be settled in further proceedings.

- 1 plot of natural persons (167/2, area 3 of the City of Nowa Sól) – within the framework of redeveloping the left bank embankment of the River Odra it is also designed to redevelop the existing concrete road running at feet of dismantled Odra and Czarna Struga embankments. The road redevelopment is designed to maintain previous traffic conditions and the access to all plots located within the future embanked area of Odra. It is designed to redevelop the road over a length of L=1635m, i.e. the length of dismantled Odra embankment and the right bank embankment's body for Czarna Struga. The road begins at a maneuvering square at the junction of the designed Odra embankment with the backwater embankment of Czarna Struga. 3m wide and 0.15m thick concrete surface of the road is to be made of precasted road slabs, type Pozbet. In case of the redevelopment it is expected to apply the existing road slabs, with replacement of damaged ones with new ones only.

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This road is located over several plots in area no. 3 of the city of Nowa Sól and on few plots in the area of Modrzyca in municipality of Otyń. The plot owners are the Municipality of Nowa Sól – city, State Treasury and the Municipality of Otyń, and natural persons for plot no. 167/2. In case of plot no. 167/2 court proceedings are currently held for awarding inheritance; hence reaching the owners is difficult. LZMiUW informed the Municipality of Nowa Sól about the case. Potential compensation due to establishing a permanent limitation shall be done based upon the rules determined in this LA&RAP.

b) for Object Nowa Sól – Pleszówek – stage II owners of plot no. 325/1, area of Modrzyca, Municipality of Otyń agreed to place the MV cable line on the aforementioned plot and for providing temporary access to the site within the route of designed cable line within the investment implementation time. For limitation of land use due to the placement of MV cable line the owners expect a compensation in the amount of PLN 80 000.00. The compensation value shall be determined based upon the rules defined in this LA&RAP.

11. As a result of the implementation of contract 1B.6/1 Nowa Sól stage I and II, Object Nowa Sól-Pleszówek – stage I and contract 1B.6/2 Wężyska-Chlebowa, new real properties will be created in the embanked area, i.e. between the river and the new constructed embankment. These real properties and their parts are necessary for Project functioning, but shall not become State Treasury property and shall be subject to permanent limitations in use owing to the change of purpose of the area they are located in. Those properties are currently within an area protected by the flood embankment. This area is flooded only if water breaches the crest of the flood embankment, or if the embankment is destroyed or damaged.

    In the case of contract 1B.6/1 Nowa Sól, stage I and II, Object Nowa Sól-Pleszówek – stage I expansion of the left-bank flood embankment of the Odra river involving demolition of a section of the existing embankment and construction of a new one to replace the demolished one as regards its function, but located up to 200 m from the previous one results in 19.8 ha area of 53 real properties and their parts being located in the embanked are of the Odra river, which is under a particular threat of flood. Owners of these real properties include:

    - The State Treasury (Nowa Sól District Governor) – 13 plots
    - The State Treasury (Agricultural Property Agency) – 15 plots
    - The State Treasury (The State Forests National Forest Holding – Przytok district, ul. Kazimierza Wielkiego 24a, 65-950 Zielona Góra) – 1 plot
    - The State Treasury (the State Treasury – owner; Allotments Owners Association - holder of perpetual leasehold rights; ul. Towarowa 7A, 00-839 Warsaw) – 3 plots
    - Nowa Sól Urban Municipality – 7 plots
    - Otyń Municipality – 2 plots
    - Natural persons and corporate persons – 12 plots

    Allotment gardens are located on plots subject to perpetual leasehold of the Allotments Owners Association with seat in Warsaw. As there is no possibility to continue using them as allotment gardens in the future embanked area due to flood hazard, they are subject to liquidation. Currently, LZMiUW and AOA are settling a

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way to terminate the perpetual leasehold right agreement. The Parties are also settling the manner of future paying of compensation for buildings and other facilities that were brought in or purchased by the holder of perpetual leasehold rights. Appraisal reports on structures on plots No. 179/1, precinct 3 of 0.6157 ha, No. 179/3, precinct 3 of 0.0218 ha and No. 182/1 precinct 3 of 0.5017 ha will be prepared.

In the case of contract 1B.6/2 Wężyska-Chlebowo, Expansion of the left-bank flood embankment of the Odra river involving demolition of a section of the existing embankment and construction of a new one to replace the demolished one as regards its function, but located up to about 0.5 km from the previous one results in 137.4 ha area of 65 real properties and their parts being located in the embanked are of the Odra river, which is under a particular threat of flood. Owners of these real properties include:

- The State Treasury (Agricultural Property Agency) – 26 plots
- The State Treasury (Krosno Odrzańskie District Governor) – 3 plots
- The State Treasury (The State Forests National Forest Holding – Gubin district, ul. Dolna 19, 66-620 Gubin) – 8 plots
- The State Treasury – owner, Lubuskie Province Marshal, ul. Podgórna 7, 66-057 Zielona Góra – management – 1 plot
- Gubin Municipality – 2 plots
- Krosno Odrzańskie Municipality – 2 plots
- Maszewo Municipality – 4 plots
- Lubuskie Province – owner, Province Roads Authority in Zielona Góra, Al. Niepodległości 32, 65-042 Zielona Góra – management – 4 plots
- Natural persons and corporate persons – 15 plots

For Task1B.6/1 Nowa Sól stage I and II, Object Nowa Sól – Pleszówek – stage II – 1 plot of the Municipality of Nowa Sól having a Municipal Status shall be located within the area of significant flood risk.

Location of a property in an area between the flood embankment and the river bank line significantly limits the possibility of its prior use. Permanent limitations for the prior use of the property result directly from provisions under Article 88l of the Water Law, and include a ban to develop water facilities, to construct engineering objects, or to plant trees and shrubs. It may therefore be stated that the properties located within the embanked area are properties with permanent limitation to the prior use. Those however are properties other than given in Article 9 item 5b) of the Special Flood Act; hence a compensation method provided under Article 22 item 2 of this act cannot be applied, and more favourable solutions given in the POM shall be applied, where permanent limitation of prior use is discussed, without a distinction if it is a part of the investment and if it is necessary for functioning of the investment or not, and whether it is located within an area of significant flood hazard.

As imposed by the Polish law, limitation of the use method for properties through an administrative decision is an expropriation of a property, as given in Article 112 item 2 of the RPM Law. The Special Act does not regulate the issue of compensation for limitations in using the property established upon its basis, and therefore provisions under RPM Law shall be applied in the scope not regulated in the Special Act. Article 128 item 4 of RPM Law is relevantly applied to determine compensation for limitation of use for the property established based upon the Special Act, and the Article states that:

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“Compensation also relates to damages caused due to events discussed in Articles 120 and 124-126. Compensation should reflect the value of damages suffered. If the value of property would be reduced due to those events, the compensation shall be increased by an amount referring to this reduction.” Relevancy for application of this provision also results from the fact that the material competence belongs to the voivode and not to the startost (ruling of SAC of 9 November 2012, ref. no.: I OW 142/12).

REGULATION OF THE COUNCIL OF MINISTERS of 21 September 2004 on the evaluation of properties and on the development of valuation survey states that:

§ 43. 1. At estimating the value of damage suffered by a property, as discussed in Article 128 item 4 of RPM Law, the following is especially included:

1) property’s development status on the day of issuing the decision on expropriation, limitation of use method, or allowing for temporary acquisition of the property, respectively, and property’s development status on the day of completing the measures justifying issuance of this decision;

2) loss of profits from the day of issuing the decision to the day of completing the measures justifying its issuance.

3. At establishing a reduction for the property value, as discussed in Article 128 item 4 of RPM Law, the following is included:

1) change of use conditions for the property;

2) change of utility for the property;

3) permanent limitation in the use method for the property;

4) effects caused by an obligation of providing the property for the purpose of implementing the measures associated with maintenance and with removal of failures of arteries, wires, and facilities, as discussed in Article 124 item 1 of RPM Law.

As it has already been mentioned, Article 22 item 2 of the Special Act states that the owner or perpetual user of the property, as discussed in Article 9 item 5b), may claim for purchasing the property by the ST or by the ULT through provision of an application within 90 days from receiving a notification on the commencement of proceeding for the issuance of the IPIP. The purchase method regulated in the Special Act is applicable only in case of so-called permanent limitations established based upon Article 9 item 5b) of the Special Act. Purchase of properties with other type of limitation established, e.g. based upon Article 9 item 8f) of the Special Act or purchase of TO with statute-barred application (after expiration of the 90 days deadline) is feasible in a regular mode only. In this situation – in case of purchasing for the ST – the Starost is the purchasing party upon a voivode’s consent issued in a disposal (see: Article 23 item 1(7) of RPM Law).

Furthermore, although the LARFP developed for the project is in conformity with rules of the Polish Law and with the World Bank’s Operational Policy on resettlements, where there are differences between the Polish provisions and provisions under OP 4.12, provisions more favourable for Project Affected Persons shall be applied. In accordance with item 5.5.2 POM permanent limitation of prior property use shall be compensated in cash, including the loss of market value by the property. A person affected by the resuilts of investment development shall remain an owner of the property, but – due to deterioration of land use conditions – it may apply for a single compensation. The person affected with the results of investment development may

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also apply for the purchase of property, where permanent limitation in the prior use is to be implemented.

A crucial criteria for awarding a compensation shall be the objectively assessed permanent limitation in the prior use for the property. The compensation shall of course be done after meeting other criteria indicated in POM. It shall be noted that in accordance with Chapter 5.5.1 POM: The PIU shall establish and disclose the criteria, according to which project affected persons (PAP) shall be acknowledged as qualified to compensation and to other support, due to the expropriation. This procedure shall contain establishments made under the consultations with particular PAP, households, leaders of local communities, local authorities, and – where relevant – also with non-governmental organizations (NGOs).

Within the framework of minimizing measures, the owners (natural persons/commercial companies/municipalities) of all properties with permanent limitation of the use method, have individually been notified about the situation and about a possibility of applying to LZMiUW for purchasing the plot or for paying the compensation.

24 notifications have been submitted. 7 units provided answers associated with the will of purchasing/compensation. The owners shall be still informed about this situation.

12. Prior to the commencement of works, the Investor shall carry out an extensive information campaign about the planned implementation of the Contract and the opening of an information centre for Contract Affected Persons, where they can file their requests and comments as regards the executed construction works and planned seizures. An information leaflet shall be prepared and sent to all Contract Affected Persons. The leaflet shall contain information on the possibility of submitting complaints (in accordance with LA&RAP provisions) and Contact data.
13. Within the information campaign, the Project Affected Persons (PAP) shall also be informed about the possibility of applying for purchase of the remaining part of the real property, i.e. the so called remnant, if the remaining part is not fit for use for its former purposes after real property division and acquisition of its part for the Contract implementation (under art. 23 par. 2 of the Special Flood Act).
14. For Contract 1B.6/2 Flood protection of Nowa Sól and Below Krosno Odrzańskie, the situation is as follows. The planned embankment of the Odra river intersects a high voltage 110 kV transformer/switching station Dychów – transformer/switching station Cybinka overhead power line at km 0+694. The intersection is located on plot No. 497/1, Czarnowo precinct, Krosno Odrzańskie Municipality. Insufficient height of the cable causes the two objects to collide. In light of the above, in order to increase the elevation of the cable over the planned embankment, pole No. 39 of the above-mentioned power line on plot No. 501/2, Czarnowo precinct is planned to be reconstructed. The planned reconstruction of the pole consists in demolition of the existing, 39 m high pole No. 39 and construction of a new, 41 m high pole 6 m further. The line will be reconstructed on the existing route, and it will shorten the span between poles No. 40 and 39 from 270 m to 264 m, while elongating the span between poles 39 and 38 on plot No. 501/2 from 270 to 276 m. Due to the planned reconstruction of the high voltage 110 kV power line, it will be necessary to temporarily acquire some area on plot No. 501/2, about 0.16 ha during construction of

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the new pole and relocation of overhead cables between poles 38 and 39. Execution of foundations for the new pole involves an 8x8 m, 3.2 m. deep excavation. The designer met with the owner of plot No. 501/2 and presented them the scope of acquisition during the planned reconstruction of the high voltage 110 kV power line and obtained consent to make the area available to the Investor. The matter of potential compensation will be settled with the Contractor. Note that the owner of plot No. 501/2 pastures cattle on the plot, and the reconstruction of the power pole will cause a temporary necessity to partially change the pasturing location.

15. Moreover, for Contract 1B.6/1 Flood protection of Nowa Sól and Below Krosno Odrzańskie (Nowa Sól stage II), IPIP established passage and carriage easement assuring the access to the public road for the following properties:
    - Area 2, Nowa Sól – city: 1/19, 181/1, 184/2;
    - Area 6, Nowa sól – city: 81/1;
    - Area of Lubieszów in Municipality of Nowa Sól: 109/4, 109/6, 113/3, 118/2, 119/2, 122/5, 122/7, 122/9.
    - Area of Modrzyca in Municipality of Otyń; 603/3, 603/5, 609/4, 610/4, 613/3.

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6 The socio-economic survey

6.1 Sources and methodology

The socio-economic survey was conducted by the team for legal and social matters, located in the structure of the Consultant responsible for developing this LA&RAP.

The basic source of information on the development and use of the real properties to be acquired is the analysis of GIS data and written extracts from the land and building register as well as verification on the Contract implementation site. The ownership status of the real properties to be acquired was established on the basis of the land and building register and the land and mortgage register. The presence of the infrastructure was established on the basis of the analysis of GIS data, written extracts from the land and building register and design documentation (including that of detailed designs) as well as verification on the Task implementation site.

The main source of data in this analysis is the results of field test of population nature, the objective of which was to reach each owner of plots located at the area of the investment project and falling under the expropriation procedure on that account. During the test also data obtained on the basis of available registers have been considered (e.g. business activity records, National Court Register) and data obtained on the basis of the Contract site visits. The following were also used as the basis: CSO statistical data, materials published on the Internet (information from the websites of authorities, Internet forums, information provided by local press etc.).

Standardized questionnaire interviews constituted the data gathering method. The interviews were extended with an attempt to describe all economic or social costs related to the investment project. Answers to all questions were taken down and they were used to prepare this analysis.

Interviews were partially carried out over the phone; this relates mainly to cases when direct contact with plot owners was impossible or very difficult.

The data presented in this analysis were collected in the period from 04-29.08.2016.

In the period from 04-12.04.2017 the study was updated (repetitive visits as well as telephone interviews with owners and co-owners of plots) aimed at:

- verification that the previously collected data is still up to date,
- re-attempt to gather information from owners with whom contact was not possible before,
- gathering information from owners who have not yet been included in the list of owners subject to expropriation (by the August 2016).

There occurred situations when despite reaching the respondent, he/she refused to give the interview. Such situations may be classified to two categories:

- refusal to participate in the survey and provide any information,
- refusal to fully participate in the survey and provide significant information.

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Respondents refused to discuss/give answers to questions for various reasons such as:

- dissatisfaction of the previous land-related arrangements,
- lack of progress in reference to the information obtained during the last data collection (August 2016),
- minuteness of the questions, in the opinion of the owners.

As a result of interview refusals or inability to reach the owners, no information was obtained on 7 households and 4 enterprises.

Many of discussed owners possesses more than one plot covered by this analysis.

6.2 SOCIO-ECONOMIC DATA

All plots subject to this analysis are located in Lubuskie Province, at the area of three districts: Nowa Sól, Krosno Odrzańskie and Słubice. Below the towns/villages at the area of which the aforementioned plots are located are characterized as per the district criterion.

6.2.1 Towns/villages located at the area of Nowa Sól district, subject to expropriation

[redacted]Primary data on the population

The lands covered by the expropriation procedure, belonging to the Nowa Sól District, are located in the Nowa Sól precincts, in the Lubieszów precinct and in the Modrzyca precinct.

According to the Central Statistical Office in Zielona Góra (CSO), the population of Nowa Sól is 39 413 inhabitants, from which 52.5% are women and 47.5% are men; the percentage of the population at the working age is 61.7% (data for year 2015). Nowa Sól is a municipality, the capital city of the Nowa Sól district. There are located such institutions as: the tax office, the district authority office, the city hall, the municipality office building, 15 schools, municipal museums, etc. It is the third highest populated city in the Lubuskie voivodeship (after Gorzów Wielkopolski and Zielona Góra). 40% of the area within the city is covered by agricultural lands.

Expenditures for state aid for the Nowa Sól municipality in 2015 amounted to 25 360 965.81 PLN (data according to the CSO in Zielona Góra). 5% of the Nowa Sól inhabitants takes advantage of social welfare (according to MOPS [Municipal Social Welfare Centre] in Nowa Sól), data for year 2015.

The Modrzyca village is located in the Otyń municipality in the Nowa Sól district. According to the data acquired from the Municipality Office, the current population of Modrzyca is 1866 inhabitants (as of August 2016). The inhabitants of Modrzyca constitute 27% of the municipality population.

The percentage of the population at the working age in the Modrzyca municipality is 64.7%. Expenditures on social welfare in 2015 amounted to 4 146 558.56 PLN (data according to the CSO in Zielona Góra). The percentage of inhabitants taking advantage of social welfare is 9.3% in the municipality (data according to OPS [Communal Social Welfare Centre] Otyń for year 2015).

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[redacted] Employment and income in Nowa Sól district

Unemployment rate in Nowa Sól district amounted to 14.4% in June 2016 and it was substantially higher than the average of 9% for Lubuskie Province (data of the CSO in Zielona Góra). It was higher in the group of women (women constitute 59% of all registered unemployed).

The average remuneration in the Nowa Sól district, according to the information obtained from the CSO in Zielona Góra, amounts to PLN 3,508 and it is slightly lower than for the Lubuskie Province (PLN 3,568). It substantially deviates from the average remuneration in Poland (PLN 4,151; data for 2015)[1].

It results from the aforementioned data that the situation on the labour market in the district is not favourable when compared to the province.

6.2.2 Towns/villages located at the area of Krosno district, subject to expropriation

Plots covered by this analysis are located in the Krosno District in the Chlebowo precinct and in the Połęcko precinct..

[redacted] Primary data on the population

The village of Chlebowo is located in the commune of Gubin in Krosno Odrzańskie district. According to data obtained from the commune office, the population of Chelobowo amounted to 640 persons at the end of 2015. The inhabitants of Chlebowo constitute 9% of the community population. The percentage of persons at the production age in the municipality of Gubin is 66.1%.

The commune's expenses for social aid in 2015 amounted to PLN 9,421,523.02 (data of the CSO). Persons using the social aid constitute 6.8% of the commune inhabitants.

The village of Połęcko is located in the municipality of Maszewo in Krosno Odrzańskie district. According to data obtained from the municipality office, the population of Połęcko amounts to 324 persons. The inhabitants of Połęcko constitute 11% of the community population.

In the municipality of Maszewo the percentage of persons at production age amounts to 63.8% (data of the CSO for 2015).

[redacted] Employment and income in Krosno Odrzańskie district

According to the data provided by the CSO in Zielona Góra, the unemployment rate in the Krosno District exceeds the 9% unemployment rate in the province and amounts to 14.8% (data as of June 2016). Unemployment among women is higher than among men (women constitute 56.1% of all registered unemployed persons).

[1] These amounts should be considered as approximate, since the methodology of calculation of average remuneration by the Central Statistical Office in Zielona Góra (GUS) comprises only the sector of enterprises.

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The average remuneration in the Krosno District amounts to 3504 PLN and is lower but similar to the average for the Lubuskie voivodeship (3568 PLN). Just like in case of the previously discussed district, it also significantly differs from the average remuneration in Poland (4151 PLN; data according to the Central Statistical Office in Zielona Góra for year 2015).

As it results from the statistics, the situation on the labour market in this district is not the best.

6.2.3 Towns/villages located at the area of Słubice district, subject to expropriation

In Słubice district, on the territory of Cybinka municipality, in the village of Białków there is one plot, whose owners are subject to the expropriation procedure.

[redacted] General data on the population

According to the data of the Cybinka Municipality Office, the population of the village of Białków amounts to 573 persons as of July 2015. The inhabitants of Białków constitute 8.7% of the community population.

In the municipality of Cybinka the percentage of persons at production age amounts to 63.1% (data of the CSO for 2015). The commune expenses for social aid in 2015 amounted to PLN 3,790,404.85; 8% of the municipality population use social aid.

[redacted] Employment and income in Słubice district

According to the data provided by the CSO in Zielona Góra, the employment rate in the Słubice District is 4.9% (data as of June 2016). This rate is considerably lower than in the Lubuskie voivodeship (9%). The percentage of women among all registered unemployed is 47%.

The average remuneration in the Słubice District is 3535 PLN and is comparable to the average for the Lubuskie voivodeship (3568 PLN), but lower than in Poland (4151 PLN; data according to the CSO in Zielona Góra for year 2015).

In the light of the above data, the situation on the labour market can be considered as relatively good against the whole province.

6.2.4 Land use

[redacted] Task 1B.6/1 Nowa Sól Stage I and II

Stage I

Stage I investment project area, amounting to ca. 34.7 ha, is located at 172 plots located within the boundaries of two municipalities i.e.: the Municipality of Nowa Sól (within districts 1 and 3 of the City of Nowa Sól) and the Municipality of Otyń (within the precinct of Modrzyca). Within the boundaries of the Municipality of Nowa Sól the investment project area is located at the area of ca. 14.5 ha, and within the boundaries of commune of Otyń at 20.2 ha.

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The investment project area comprises, to a significant extent, areas currently acquired by the bodies of three expanded flood embankments (left-bank Odra river embankment and two backwater Czarna Struga river embankments) and the Czarna Struga river. These structures acquire the area of the total area of ca. 20 ha.

Agricultural lands as well as concrete roads and dirt (municipality) roads are adjacent to the embankments. Municipal roads, a district road (Wodna street - plot No. 664 and 134/6) as well as internal roads intersect the embankments of the Czarna Struga river. At the junction of the district road with the river there is a reinforced concrete bridge rebuilt after the damage during the flood of 2010.

The Odra river and the left-bank flood embankment of the river run on the north-eastern side of the city of Nowa Sól and behind the embankment there are industrial areas and a large complex of allotment gardens. Below Nowa Sól, within the boundaries of the village of Modrzyca, the embankment runs on the flanges of agricultural areas in the Odra river valley. By the downstream face of the embankment there runs an internal road with the pavement made of prefabricated road slabs.

The embanked area of the Odra river is mainly pastures and diversified lands and forest lands. The designed body of the new embankment (with the length over 1.5 km) runs at a distance of a few dozen to over 200 m from the existing, removed embankment section, through allotment gardens (plot No. 179, 181 and 182) and usable agricultural lands within the boundaries of the city of Nowa Sól and within the boundaries of the village of Modrzyca.

The Czarna Struga river, at a section from the estuary (km 0.0) to km 3.0, runs through usable agricultural lands, and above, to Zielonogórska street, through industrial areas of Nowa Sól. The right-bank embankment of the Czarna Struga river runs directly by the river bank, and the left-bank one at a distance from a few dozen metres to ca. 250 m from the river bank. The embanked area is the agricultural lands, mainly meadows and pastures and, to a minor extent, arable lands.

On the downstream face of the right-bank embankment (to km 2+360) there are agricultural lands and above, at the section from km 2+360 to km 2+773, the embankment runs at a distance of a few to a dozen or so metres from the moulder waste heap of the former Dozamet.

On the downstream face of the left-bank embankment (up to km 0+700) there are usable agricultural lands. Above, at the section from km 0+700 to the junction with the district road (km 2+200 of the embankment) the embankment neighbours the pond, allotment gardens, sewage treatment plant and private properties. Above the district road to Grobla street (km 2+620), the embankment body runs in the vicinity of private properties, and at the major part of this section it is separated from them with a municipal road.

The extension of the embankment by ca. 0.5 km i.e. from the passage to Grobla street (2+619) to the high bank in km 3+131 is designed in the form of a fill body running through usable agricultural land to the Czarna Struga river bank and in the form of a retaining wall running at the river bank, along the boundaries of properties adjacent to the Czarna Struga river.

At the area of the investment project there are two small forest lands - at plot No. 183/1 within district 3 of the city of Nowa Sól and at plot No. 672 within the boundaries of the village of Modrzyca. The areas of these lands are smaller than 0.1 ha, and as a result they do not have the forest status as defined by the act on forests.

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Left-bank embankment of the Odra river

At the initial section of the embankment, with the length of ca. 100 m (in the area of Żwirki and Wigury street), the embankment body neighbours the square intended for the organization of mass events (amphitheatre at plot No. 410/2). Currently, at the downstream face slope of the embankment, there are concrete and stone stairs which are used as standing room for the audience during the aforementioned events. The section of the embankment at a section from km 0+000 to km 0+600 is trapezoidal, unitary or it constitutes a small trapezoidal land elevation, at a high, left bank of the Odra river valley. Two exists from the embankment allow for the maintenance of communication with dirt municipal and internal roads. At a significant length of this section, at the embankment crest, old trees grow, mainly linden.

From km 0+280 to km 0+600 the embankment constitutes small upheaval (executed during the flood in 1997) or a high bank of the Odra river valley. At this section, the embankment runs by the fence of an industrial property (plot No. 387/8) and along wasteland - the area remaining after allotment gardens (plot No. 385/12).

At the section – km 0+600÷1+226 the embankment body section changes into bipartite, with a small foot on the downstream face. At this section, the embankment runs directly by the allotment gardens and by shrub- covered wasteland - areas remaining after allotment gardens. There are two exits to the allotment gardens (plot No. 382/1- municipal road and plot No. 193/1) and one to the internal dirt road (km 1+226). At the section - km 0+756÷1+226 at the embankment foot, there runs a concrete slab road.

From km 1+226 to the estuary of the Czarna Struga river (km 2+700) the embankment runs close to the Odra river bed, where at the length of ca. 400 m it runs at a distance of a few to a dozen or so metres from the left bank of the Odra river, and then it goes away at a distance of a few dozen metres. By the estuary of the Czarna Struga river, the embankment continues as the right-bank backwater embankment of the Czarna Struga river. At the entire contemplated section of the embankment, at the downstream face, there is an internal concrete slab road, and in the area of km 1+500 there is an exit to two internal roads going through the complex of allotment gardens.

Right-bank backwater embankment of the Czarna Struga river and the Czarna Struga river bed

The right-bank backwater embankment of the Czarna Struga river, along with the embankment-side road, is located at 28 plots and it acquires the area of ca. 4.6 ha, including within district 1 and 3 of the city of Nowa Sól, at the area of ca. 1.0 ha and within the boundaries of the village of Modrzyca at the area of 3.6 ha.

The Czarna Struga river bed, along with a dyke on the left bank, is located at 25 plots and it acquires the area of ca. 6.5 ha, including within precinct 1 of the city of Nowa Sól at the area of 2.23 ha and within the boundaries of the village of Modrzyca at the area of ca. 4.2 ha.

The right-bank backwater embankment of the Czarna Struga river starts in the area of the water course estuary to the Odra river, where it goes away westwards from the left-bank embankment of the Odra river - plot No. 615 within the district of Modrzyca.

Throughout its length, the embankment runs directly by the right bank of the Czarna Struga river. At the embankment section from the beginning to km 0+154, at downstream face of

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the embankment there is a concrete slab road, and at the section from km 0+618 to km 0+679, by the embankment foot, an internal road is located (plot No. 682/20). As far as by the district road usable agricultural lands are adjacent to the embankment foot.

In km 2+000 the embankment intersects district road No. 3452F (Wodna Street).

Above the road, the embankment runs by usable agricultural land and in the area of km 2+400 it reaches the high bank, in the vicinity of the moulder waste heap. An internal road runs along the embankment body downstream face foot (plot No. 143/2).

Left-bank backwater embankment of the Czarna Struga river

The left-bank backwater embankment of the Czarna Struga river, along with the embankment-side road, is located at 32 plots and it acquires the area of 7.5430 ha, including within precinct 1 of the city of Nowa Sól, at the area of 1.2660 ha and within the boundaries of the village of Modrzyca at the area of 6.2770 ha.

The left-bank backwater embankment of the Czarna Struga river starts in the area of the water course estuary to the Odra river and the southern end of the agricultural polder of Bobrowniki, where it goes away westwards from the left-bank body of the Odra river embankment.

The embankment at the section from km 0+000 to km 1+450 runs at a distance of 70-170 m from the Czarna Struga river bed. The embankment body's section is two-partite, with a foot on the downstream face. Directly by the embankment's downstream face there is a road with concrete pavement (at the length of 0.2 km) and dirt road at the remaining length of the embankment. In km 0+063 there is a concrete pavement passage through the embankment. At the section from km 0+900 to km 1+100 the embankment runs directly by two urban swimming areas.

Stage II

The contemplated investment project is located at two separate areas located in the Czarna Struga river valley, at a distance of over 3 km from each other. The first area is located in the area of the Czarna Struga river's estuary to the Odra river and the other one in the water course valley, at the section from km 3+330 to km 7+618.

The first area are lands necessary for the construction of the Odra river flood embankment, dividing the Czarna Struga river valley in the area of its estuary to the Odra river and the construction of the flood water pumping station along with functionally related facilities.

A substantial part of the investment project area is located at plots No. 603/2 and No. 609/1, which are located within the embanked area of the Czarna Struga river and are currently used as pastures. At plot No. 614 there is the Czarna Struga river bed, and at plot No. 613 - the maintenance lane on the left bank of the river. At plots No. 615 and 572 there are flood embankments of the Odra river and the Czarna Struga river. At plot No. 610 there is an internal dirt road.

The route of the designed cable power line supplying electrical energy to the pumping station runs through plot No. 603/2 (pasture), further through the embankment (plot No. 572) and along the embankment at plots No. 517, 565 and 514. Further the cable line route runs in the internal road located on the lands of the Otyń Municipality (plot No. 571) which goes away

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from the embankment and runs towards the district road. Before the district road, the cable line runs through a pasture at plot No. 246, within precinct 1 of the city of Nowa Sól and it intersects the district road at plot No. 190/1 and it goes to the agricultural lands within the boundaries of Modrzyca. From the district road the cable line runs through arable lands at plot No. 324/1 and further through an internal road located on the lands of the Otyń Municipality (plot No. 361) and arable lands at plot No. 371/2, where the cable line starts its course by the overhead line pole.

The second area of the investment project comprises the areas intended for the regulation of the Czarna Struga river at the section from km 3.330 to km 7.618 as well as the construction or reconstruction of the existing flood embankments of this water course. This area comprises the land stripe with the width of a few dozen metres, within the boundaries of which the greatest part is acquired by the existing river bed and, on section basis, the embankments on both sides of the river. In administrative terms, the area is located at the lands of the city of Nowa Sól and the lands within the precinct of Lubieszów and Stary Staw in the municipality of Nowa Sól.

In the direct vicinity of the river and its flood embankments there are developed areas, industrial areas, usable agricultural lands, allotment gardens, roads and forest lands.

The Czarna Struga river is intersected by public roads and a railway line, in the following chainage:

- km 3+550 - district road No. 3461F- Zielonogórska Street,
- km 3+938 - district road No. 3431F - Okrężna Street,
- km 4+348 - district road No. 3467F - Przemysłowa Street,
- km 4+520 - railway line No. 273 Wrocław - Szczecin.
- km 5+224 - district road No. 3406F - Chałubińskiego Street,
- km 6+097 - district road No. 3465F Północna Street,
- km 6+703 - national road S-3,
- km 7+618 - internal road located on the land of the Nowa Sól Municipality (to Lubieszów).

At junctions of the aforementioned roads and railway lines with the river, there are bridges with reinforced concrete, steel as well as steel and wooden structure.

For pedestrian crossing, in the industrial zone, at the premises of the former glue factory, as well as in the area of Konstytucji 3-go Maja housing estate, there are footbridges with steel, reinforced concrete or wooden structure.

At chainage km 4+ 016 of the river, there is a weir on the river damming water for power purposes of the water power plant located at the Power Channel. The inlet to the Power Channel is located in km 3+809 and the outlet in km 4+078 of the river. The Kożuszna river flows into the Czarna Struga river at chainage km 6+817, on the right side.

[redacted]Task 1B.6/2 Wężyska -Chlebowo

The investment project area is located in three municipalities, at 113 plots in 3 cadastral precincts i.e. the precinct of Czarnowo in the municipality of Krosno Odrzańskie, in the

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precinct of Połęcko in the municipality of Maszewo, and the precinct of Chlebowo in the municipality of Gubin.

The current investment project land management consists mainly of: the existing flood embankment, agricultural and forest areas behind the embankment as well as a network of the main and field drainage system, as well as the roads: regional road No. 138 /Gubin - Połęcko/ with bituminous pavement and dirt municipal roads.

The existing embankment neighbours, from the side behind the embankment, with agricultural and forest areas. In the area of km 530.25 of the Odra river there is the Połęcko ferry crossing. In this area the existing embankment intersects the regional road No. 138, within the route of which there is the ferry crossing.

The land stripe for the designed embankment along with auxiliary infrastructure (passages, exits, embankment protection lane, ditches) starts in the existing embankment and then it goes through the agricultural lands and it intersects the municipal road. Then at the section of km 0.6÷3.4, the area for the designed embankment runs through forest areas (pine forests). At this section the route of the embankment is located along the municipal road, running through the forest land. In the area of km 3.1 the area intended for the embankment intersects the regional road No. 138. From km 3.4 by the end of the reconstructed section - km 5.513, the embankment runs through usable agricultural land (arable lands, meadows, pastures).

6.2.5 Technical infrastructure

[redacted]Task 1B.6/1 Nowa Sól Stage I and II

Stage I

<u>Expansion of the left-bank Odra river embankment</u>

In km 0+204 of the embankment, the expansion of the exit from the embankment to the municipal road (Fabryczna street – plot No. 388) is designed.

The designed expansion of the embankment body causes the necessity of relocation (moving away from the embankment foot) of 5 power cable lines at sections from Żwirki i Wigury street to the transformer station (located at plot No. 387/7) and the cable line running from the transformer station along the boundary of plot No. 387/8 north-eastwards.
At the contemplated section, the embankment intersects two rainwater drainpipes ϕ1000 mm and ϕ600 mm (in km 0+279 and in km 0+600 of the embankment), running under the embankment towards the Odra river bank. Within the framework of the project, the installation of return flaps at the outlets of rainwater drainpipes at the Odra river bank is designed (plot No. 390).

<u>The expansion of the right-bank backwater embankment of the Czarna Struga river.</u>

The designed expansion of the embankment in the section km 0+000÷2+400 consists in raising the embankment by ca. 0.2-0.4m and expanding the embankment body transversely. Throughout the length of the embankment section in question, by the downstream face of the embankment, D-2 road, with breakstone pavement, with the width of 3 m is designed.

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Within the framework of expansion of the right-bank embankment of the Czarna Struga river, the expansion of three embankment culverts located in km 0+994 (ϕ800 mm), at chainage km 1+740 (ϕ800 mm) and in km 2+053 (2x1000 mm) of the embankment is designed.

<u>The regulation of the Czarna Struga river</u>

At the left bank of the river, the construction of two outlets of sewage collectors - ϕ200 mm in km 3+074 and ϕ300 mm in km 3+175 is designed, and at the right bank in km 3+072 of the river, the extension of the return flap DN1200 mm at the outlet of the existing rainwater drainpipe is designed as well.

<u>The expansion of the left-bank backwater embankment of the Czarna Struga river.</u>

At the section from km 1+450 to 1+850, the embankment runs by the sewage treatment plant area, and ϕ1000 mm, ϕ500 and ϕ300 mm collectors as well as cable networks go through the embankment. In km 1+624 there is a passage through the embankment, going from the internal road at the area of the sewage treatment plant (plot No. 222) to the embanked area of the Czarna Struga river.

From the boundary of the treatment plant to the junction of the embankment with the district road (ul. Wodna) – km 2+200 of the embankment, at the land behind the embankment there are agricultural areas, a waterhole and four developed real properties. At this section, at the embankment crest, there are four overhead telecommunications line poles.

At chainage km 2+200 the embankment intersects district road No. 3452F (Wodna Street). The road and the embankment gradeline at the junction are on a similar level.

At chainage km 2+746 of the embankment, the embankment culvert ϕ600 mm for the discharge of rainwater from behind the embankment to the Czarna Struga river is designed. Along the embankment an intake ditch and a ditch directing water to the culvert.

In connection with the construction of the embankment the reconstruction of two rainwater drainpipes and the construction of outlets at the left bank of the Czarna Struga river are designed.

Stage II

The performance of the investment project will bring substantial changes to the land management, mainly at the estuary of the Czarna Struga river to the Odra river, at the area intended for the flood embankment of the Odra river, pumping station, related facilities and the pumping station Inlet and discharge channels.

[redacted]Task 1B.6/2 Wężyska-Chlebowo

At the route of the designed embankment and the existing embankment intended for demolition, there is a HV 110 kV overhead power line. It runs above usable agricultural lands and wastelands.

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6.2.6 Access and communications

[redacted]Task 1B.6/1 Nowa Sól Stage I and II

Stage I

Left-bank embankment of the Odra river

At the section from km 0+000 to km 0+600 there are two exits from the embankment, allowing for the maintenance of communication with dirt municipal roads and internal roads.

At the section from km 0+600÷1+226 the embankment runs directly by the allotment gardens and by shrub-covered wasteland - areas remaining after allotment gardens. There are two exits to the allotment gardens (plot No. 382/1- municipal road and plot No. 193/1) and one to the internal dirt road (km 1+226).

From km 1+226 to the estuary of the Czarna Struga river (km 2+700) the embankment runs close to the Odra river bed, where at the length of ca. 400 m it runs at a distance of a few to a dozen or so metres from the left bank of the Odra river, and then it goes away at a distance of a few dozen metres. By the estuary of the Czarna Struga river the embankment crosses the right-bank backwater embankment of the Czarna Struga river. At the entire contemplated section of the embankment, at the downstream face, there is an internal concrete slab road, and in the area of km 1+500 there is an exit to two internal roads going through the complex of allotment gardens.

Right-bank backwater embankment of the Czarna Struga river and the Czarna Struga river bed

At the embankment section from the beginning to km 0+154, at downstream face of the embankment there is a concrete slab road, and at the section from km 0+618 to km 0+679, by the embankment foot, an internal road is located. As far as by the district road usable agricultural lands are adjacent to the embankment foot. In km 2+000 the embankment intersects district road No. 3452F (Wodna street). The road gradeline at the junction with the embankment is located ca. 0.9 m above the embankment crest. An internal road runs along the embankment body downstream face foot.

Left-bank backwater embankment of the Czarna Struga river

At the section from km 0+000 to km 1+450, directly by the embankment's downstream face there is a road with concrete pavement (at the length of 0.2 km) and dirt road at the remaining length of the embankment. In km 0+063 there is a concrete pavement passage through the embankment.

In km 2+200 the embankment intersects district road No. 3452F (Wodna Street). The road and the embankment gradeline at the junction are on a similar level.

From Wodna Street to Grobla Street (km 2+619 of the embankment), 11 developed real properties or construction plots of the district of Pleszówek are adjacent to the embankment. At this section, the embankment body runs directly by the developed properties (km 2+200÷2+400) or it is separated from the properties with a dirt road (km 2+400÷2+619). The

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body embankment is located mainly at plot No. 653 which holds the status of a municipal road. In km 2+619 there is an exit to the embanked area, within the area of which the embankment body ends, reaching the high bank of the Czarna Struga river valley at Grobla Street (municipal road).

Stage II

In the direct vicinity of the river and its flood embankments, there are developed areas, industrial areas, usable agricultural lands, allotment gardens, roads and forest lands.

The Czarna Struga river is intersected by public roads and a railway line, in the following chainage:

- km 3+550 - district road No. 3461F- Zielonogórska Street,
- km 3+938 - district road No. 3431F - Okrężna Street,
- km 4+348 - district road No. 3467F - Przemysłowa Street,
- km 4+520 - railway line No. 273 Wrocław - Szczecin.
- km 5+224 - district road No. 3406F - Chałubińskiego Street,
- km 6+097 - district road No. 3465F Północna Street,
- km 6+703 - national road S-3,
- km 7+618 - internal road located on the land of Nowa Sól municipality to Lubieszów.

At junctions of the aforementioned roads and railway lines with the river there are bridges with reinforced concrete, steel as well as steel and wooden structure.

[redacted]Task 1B.6/2 Wężyska-Chlebowo

The scope of the designed investment project comprises:

– the reconstruction of the existing municipal road /plot 682, precinct of Czarnowo and plot 570, plot 210/4 - precinct of Połęcko/ located at the downstream face of the embankment in km 0+180 ÷ 3+095, with the length L -2,969 km, with the execution of breakstone pavement and at the point of joining with the regional road - with bituminous pavement at the section with the length of 30 m. Exits from this road to the existing roads (15 pcs.) are designed.

– reconstruction of the existing municipal road /plot 671- precinct Chlebowo/, at the section 0.465 km from the downstream face of the embankment in km 4+750 ÷ 5+170 and the construction of the new road section with the length L – 0.243 km, at the embankment section in km 5+170 ÷ 5+410 /dz. 36/13, 36/4, 36/7, 36/8, 36/9, 36/10, 671 - precinct of Chlebowo/, with breakstone pavement, along with exits - 5 pcs.

– the construction of embankment-side and road ditches with the total length of 5.802 km along with structures - culverts - 16 pcs.

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– the reconstruction of the section of regional road No. 138 Gubin – Połęcko at the length of 316.25 m, in the area of junction with the designed embankment of the Odra river /volume III/.

6.2.7 Public services

[redacted]Task 1B.6/1 Nowa Sól Stage I and II

Left-bank backwater embankment of the Czarna Struga river

The embankment at the section from km 0+000 to km 1+450 runs at a distance of 70-170 m from the Czarna Struga river bed. The embankment body's section is two-partite, with a foot on the downstream face. Directly by the embankment's downstream face there is a road with concrete pavement (at the length of 0.2 km) and dirt road at the remaining length of the embankment. In km 0+063 there is a concrete pavement passage through the embankment. At the section from km 0+900 to km 1+100 the embankment runs directly by two urban swimming areas.

At the section from 1+450 to 1+850 the embankment runs by the sewage treatment plant. From the boundary of the sewage treatment plant to the junction of the embankment with the district road (Wodna Street) – km 2+200 of the embankment, behind the embankment there are agricultural areas, a waterhole and four developed properties. At this section, at the embankment crest there are four overhead telecommunications line poles.

In km 2+200 the embankment intersects district road No. 3452F (Wodna Street). The road and the embankment gradeline at the junction are on a similar level.

[redacted]Task 1B.6/2 Wężyska-Chlebowo

At the current progress of design works, no public services were identified on which the works performed within the framework of the task could have impact.

6.2.8 Cultural and historical facilities

[redacted]Task 1B.6/1 Nowa Sól Stage I and II

The parts of the land intended for the acquisition for the purposes of the execution of Nowa Sól – Pleszówek Facility - stage I - the construction of the left-bank embankment of the Odra river in km 429.85÷432.40 and the embankments of the Czarna Struga river in km 0+000÷3+330 are located in the strict preservation maintenance zone or the surroundings thereof (within the radius of 1 km from the strict preservation maintenance zone).

In the vicinity of the beginning of the expanded Odra river embankment (km 0+000), along Korzeniowskiego street and Żwirki i Wigury street there runs the boundary of the strict preservation maintenance zone, and moreover in this area there is archaeological site No. 4 (AZP 65-15/2) – cemetery dating back to the Bronze era.

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The area of ca. 10 m of the investment project area in the region of the end of the left-bank backwater embankment of the Czarna Struga river (km 3+129) is located the strict preservation maintenance zone.

The surroundings of the aforementioned zones are within the investment project area and with respect to particular embankments of the Czarna Struga river it reaches:

- the Odra river embankment - from km 1+050,
- left-bank backwater embankment of the Czarna Struga river - to km 1+850,
- right-bank backwater embankment of the Czarna Struga river - to km 1+950,
- the Czarna Struga river - from km 2+200,

As far as the Nowa Sól – Pleszówek Facility – stage II is concerned – the construction of drainage pumping station with the upgrading of existing embankments at the Czarna Struga river, municipality of Nowa Sól, Otyń, the river section between km 2.3 and km 4.5 is within the area of urban and architectural complex of the city of Nowa Sól, entered into the register of monuments under No. L-375a (plot No. 2203). Moreover, at Okrężna street, in direct neighbourhood of the watercourse, there is a kindergarten building, a former villa house of the glue factory director, entered into the register of monuments. In this region, by the watercourse, there is the former Grave brothers glue factory developments dating back to the 19th century.
At the section within the area of the former glue factory, the Czarna Struga river runs in the river bed with almost rectangular section, within retaining walls with various structure (concrete, brick, mixed structure) being in poor technical condition, which are intended for major repair consisting in partial demolition and reconstruction to the designed altitude and supplementing shrinkage and securing the wall structure area at the point of contact with water.

During the execution of construction works, in particular within the period of execution of earth works within the framework of the Task performance, the archaeological supervision shall be ensured.

[redacted]Task 1B.6/2 Wężyska-Chlebowo

Within the area of the Task, no archaeological sites or other monuments falling under preservation maintenance are recorded.

6.2.9 Natural resources

[redacted]Task 1B.6/1 Nowa Sól Stage I and II

At the current progress of design works, no natural resources were identified on which the works performed within the framework of the task could have impact.

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[redacted]Task 1B.6/2 Wężyska-Chlebowo

At the current area behind the embankment, plot No. 210/1, there are two operation boreholes: Połęcko- 3k and Połęcko -4k, owned by PGNiG Branch in Zielona Góra.

6.3 CHARACTERIZATION OF THE PAP

Private persons and companies indicated as the owners of plots falling under this analysis were classified as a result of performed survey to the following categories:

- households exploiting the plots covered by the expropriation procedure for agricultural purposes / enterprises exploiting the plots covered by the expropriation procedure for agricultural purposes (12 households, 2 enterprises),
- households exploiting the plots covered by the expropriation procedure for the purposes other than agricultural / enterprises exploiting the plots covered by the expropriation procedure for the purposes other than agricultural (2 households, 3 households running a business, 2 enterprises),
- households not exploiting the plots covered by the expropriation procedure / enterprises not exploiting the plots covered by the expropriation procedure (38 households, 3 enterprises),
- households unclassified due to the answer refusal or impossibility to reach respondent (7 households, 4 enterprises).

Detailed PAP characterization is included in the Socio-economic Study constituting Annex No. 5 to this LA&RAP. Due to the requirements concerning the personal data protection, the Study shall not be revealed to the public.

6.4 THE NEED FOR UPDATING THE SOCIO-ECONOMIC SURVEY

Due to the permanent nature of data such as the kind, the method of land use or the presence of developments on the land, it may be assumed that data gathered in the field test shall remain valid for a long time.

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7 The binding provisions of law and valuation methodologies

This LA&RAP for the Contract is based on the provisions of Polish law, as well as, due to funding from the resources of the World Bank, on the World Bank's Operational Policy 4.12 – Involuntary Resettlement.

The Loan agreement between Poland and the World Bank is an act governed by international law and by concluding the agreement, Poland obliges to apply the World Bank's policies.

In case of discrepancies between Polish law and WB policies, the provisions which are more beneficial to the affected population are applied.

7.1 OBLIGATIONS ARISING FROM THE POLICY OP 4.12[2]

OP 4.12 is applied whenever the implementation of the Project requires:

a) involuntary real property acquisition resulting in:
   (a) relocation or loss of shelter;
   (b) loss of assets or access to assets;
   (c) loss of income sources or lowering the standard of quality of life
b) involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the quality of life of Project Affected Persons.

The following obligations stem from OP 4.12:

- Involuntary resettlement should be avoided where feasible by exploring all viable alternative projects, and if it is not feasible to avoid resettlement, its range and impact should be minimized;
- Resettlement should be conceived and executed as development activities providing sufficient measures and resources that will enable people affected by resettlement to participate in the benefits of the implemented Project. Assistance should be given to social groups affected by the resettlement process in order to improve their state of the economy, income and standard of living, or at least restore the status from before the Project implementation;
- Resettled persons should be given full compensation before resettlement in an amount equal to the restoration costs, assistance in relocation and assistance and support during the transition period;
- Lack of a legal title to the land should not be a bar to receiving compensation;
- Particular attention should be paid to vulnerable social groups and individuals (e.g. single mothers, the handicapped, the poor);
- Communities should be given opportunity to participate in planning, implementation and monitoring of the resettlement process;
- The resettled persons should be assisted in the integration with the host community;
- Resettlement should be closely linked with the Task implementation schedule so that the resettled persons could obtain the compensation before starting the construction or before other activities of the Project;

[2] Chapter consistent with LARPF

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- Monitoring of resettlement is required as well as its evaluation;
- As regards rural or farming lands, even when it is possible to apply financial compensation, land-for-land compensation is particularly recommended, if economically feasible. Farms that lost their fixed assets entirely and became entirely unprofitable should receive compensation in the amount equal to the value of the entire farm;
- For losses whose valuation or monetary compensation is complicated, for example, access to public services, access to customers or suppliers, fishing areas, access to pasture and forest areas, efforts should be made to establish access to equivalent and culturally appropriate resources and income opportunities.

7.2 POLISH LEGAL REQUIREMENTS

The most important normative acts concerning acquisition of rights to real properties necessary for Task implementation are:

- Constitution of the Republic of Poland of 02 April 1997 (Journal of Laws no. 78 item 483 as amended),
- The Law of 23 April 1964. The Civil Code (consolidated text: Journal of Laws of 2014 item 121 as amended),
- The Law of 8 July 2010 (Special Flood Act) on specific rules for the implementation of flood structures (consolidated text: Journal of Laws of 2015, item 966 as amended),
- The Law of 21 August 1997 on the real property management (consolidated text: Journal of Laws of 2014, item 782 as amended).

The Civil Code governs legal relationships between natural and legal persons, including those concerning conclusion of real property sale agreements. A binding principle here is the freedom of drafting agreement content and deciding if and with whom one wishes to conclude the agreement. Unanimous declarations of the parties determine agreement conclusion. The Civil Code provides for a special form of concluding agreements whose subject is a real property. They should be concluded as a notary deed in order to be valid.

The mechanisms of compulsory acquisition of rights to property is included in the Special Flood Act and RPM law.

7.2.1 Real property acquisition under the Special Flood Act

According to the Special Flood Act the expropriation of real estate or parts thereof, as well as permanent and temporary limitation of the use of property or part of it takes place in IPIP issued by the Province Governor. Expropriation occurs at the moment in which IPIP becomes final.

With the transfer of the property in favour of local government units, the property owner or the holder of perpetual leasehold rights is entitled to compensation in cash or in the form of "land-for-land". The Special Flood Act does not indicate any preference for the land-for-land compensation; financial compensation allowing for purchasing a similar real property at a market price is rather assumed.

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The amount of compensation is determined separately for each real property by the Investor's individual negotiations with the current owner or holder of perpetual leasehold rights. Negotiations are conducted on the basis of an independent and objective valuation of the appraiser, having the appropriate license.

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

In case the Investor and the expropriated party reach an agreement as regards the amount of compensation, a written agreement is concluded, determining the amount of compensation, and time and manner of payment.

However, if the agreement is not reached within 2 months of the date of issuing the final IPIP, the amount of compensation is determined by the Province Governor (a regional authority) in a decision. Before issuing a decision, the Province Governor appoints a valuer. The party has also the right to property valuation prepared by a valuer in the proceedings before Province Governor. In such case the Province Governor has to account for the opinion presented by the affected party in the decision determining the amount of compensation. In the case in which the party makes any comments and proposals in the proceedings before the Province Governor, the Province Governor has to refer essentially to these comments and proposals at the stage of the proceedings, and then in the issued compensation decision.

An appeal to the authority of higher level i.e. to the minister competent in construction (currently the Minister of Infrastructure and Civil Engineering) lies against the decision issued by the Province Governor.

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

The decision issued in the appeal proceedings can be appealed to the Provincial Administrative Court within thirty days of the decision delivery to the applicant. In turn, the party has the right to lodge an appeal in cassation against the judgment of the Provincial Administrative Court to the Supreme Administrative Court within thirty days of the delivery of the copy of the judgment with the justification to the party.

7.2.2 Real property acquisition under the Special Road Act

Under the Special Road Act, expropriation of a real property or its part as well as a permanent or temporary limitation of the manner of using a real property or its part has the form of a CIRD. With regard to communal roads, this decision is issued by the District Governor and for the provincial roads - by the Province Governor. Expropriation takes place the moment the CIRD decision becomes final.

With the transfer of the property in favour of local government units (municipalities, districts, provinces), the property owner or the perpetual user is entitled to compensation in cash or in the form of "land-for-land". The Special Road Act does not provide specific preferences for payment of compensation in the form of "land-for-land"; it assumes rather compensation in

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cash with the assumption that it should allow the purchase of a similar property at the market price.

The amount of compensation is determined by the authority that issued the CIRD in the form of a separate decision establishing the compensation. The decision establishing the compensation is issued separately for each real property based on an independent and objective valuation prepared by a licensed valuer (state professional qualifications for real property valuation). One must highlight that the expropriated person is entitled to present a real property valuation prepared by its valuer during the proceedings concerning the determination of the amount of compensation. In such case the competent authority issuing the decision has to account for the opinion presented by the affected party in the decision determining the amount of compensation. In addition, if a party makes any comments and proposals in proceedings to determine the amount of compensation, the competent authority must essentially refer to these comments and proposals at the stage of the proceedings, and the in its decision determining the amount of compensation.

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

The decision establishing the amount of compensation is issued within 30 days of the date the CIRD becomes final. However, if the CIRD contains an order of immediate enforceability, the decision establishing the amount of compensation is issued within 60 days of the date the CIRD received the order of immediate enforceability.

An appeal lies against the decisions issued by the competent authority (district or province governor) determining the amount of compensation to the authority of a higher level (in the case of CIRD issued by the District Governor – to the Province Governor, and in the case of CIRD issued by the Province Governor - to the Minister of Infrastructure and Civil Engineering).

In the event of an appeal lodged against the decision determining the amount of compensation, at the motion of the expropriated person an advance of 70% of the compensation determined by the body of first instance in the decision determining the amount of compensation shall be paid. The advance payment is paid within 30 days of the date of filing such motion (the entire amount is paid once).

The decision issued in the appeal proceedings can be appealed to the Provincial Administrative Court within thirty days of the decision delivery to the applicant. In turn, the party has the right to lodge an appeal in cassation against the judgment of the Provincial Administrative Court to the Supreme Administrative Court within thirty days of the delivery of the copy of the judgment with the justification to the party.

Compensation for the property expropriated under CIRD shall be paid by the Krosno Odrzańskie municipality, Maszewo municipality and Lubuskie Province, in favour of which the expropriation will take place. Therefore, an agreement should be concluded between the Krosno municipality, Maszewo municipality and the Investor obliging the Municipalities to apply the principles of this LA&RAP and OP 4.12 in the procedure for determining and paying the compensations and determining the rules of incurring the associated costs.

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7.2.3 Determining permanent limitations in managing real properties

The initiation of proceedings for the issuance of such IPIP and CIRD requires a motion from the Investor, which is required to identify, among others, real property or parts thereof that are part of the investment necessary for its functioning, which does not become the property of the local government unit, but to which the use is permanently restricted (hereinafter referred to as the PL). Such a motion has to be considered and, depending on the administrative authority's arrangements, disclosed in an IPIP or CIRD decision issued by the Province Governor (art. 9 item 5b of the Special Flood Act and art. 11d par. 1 item 3b of the Road Act respectively).

Another PL category stemming from the IPIP, but not necessarily from the Investor's motion, covers areas exposed to direct flooding risk and areas exposed to potential flooding risk, or areas exposed to particular flooding risk if designated (art. 9 item 8f of the Special Flood Act). Such real properties shall not be subject to a permanent change of the manner of managing them and, as a rule, shall be able to be used by the owner (the holder of perpetual leasehold rights) like before Project implementation, but after Project implementation always with certain functional limitations.

Those however are properties other than given in Article 9 item 5b) of the Special Flood Act; hence a compensation method provided under Article 22 item 2 of this act cannot be applied, and more favourable solutions given in the POM shall be applied, where permanent limitation of prior use is discussed, without a distinction if it is a part of the investment and if it is necessary for functioning of the investment or not, and whether it is located within an area of significant flood hazard. Furthermore, although the LARFP developed for the project is in conformity with rules of the Polish Law and with the World Bank's Operational Policy on resettlements, where there are differences between the Polish provisions and provisions under OP 4.12, provisions more favourable for Project Affected Persons shall be applied. In accordance with item 5.5.2 POM permanent limitation of prior property use shall be compensated in cash, including the loss of market value by the property. A person affected by the resuilts of investment development shall remain an owner of the property, but – due to deterioration of land use conditions – it may apply for a single compensation. The person affected with the results of investment development may also apply for the purchase of property, where permanent limitation in the prior use is to be implemented.

PL imposed under the Special Flood Act and the inconveniences related to them as well as limitations of the economic and market potential of the real property (e.g. a construction ban, a ban on planting trees, a ban on running the agricultural activity) negatively influence the real property market value and have to be made up for by a due compensation. In an extreme case of the property loss of usefulness for the owner (holder of perpetual leasehold rights) they can demand its redemption on civil law making the request to the investor in this regard in accordance with Article. 22 (2) of the Special Flood Act (redemption cannot be claimed by the owner of the property, which includes public roads, i.e. a local government or the State Treasury). In the case of non-use of this procedure, an administrative course remains establishing appropriate compensation.

Neither the Special Flood Act nor the Special Road Act define PL or indicate the administrative authority competent in the subject matter of determining such compensation in administrative proceedings. Such condition, i.e. the lack of an explicit provision of law indicating the subject matter competence of an authority, is caused by an obvious legal

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loophole and authorizes one to apply in the administrative proceedings the premises fixed by the CIRD and defined in the Judgement of the Supreme Administrative Court in Warsaw of 9 November 2012 (ref. no.: I OW 142/12). The Court states unambiguously that *"the competent authority to determine the compensation is the authority that issued the decision on consent for implementation of a road development . . . because the legislator cannot separate the competence to determine the compensation for the results of the same decision depending on the subject of that compensation".*

It should also be accepted that there may be necessity for applying the Article 30 of the Special Flood Act in conducted procedure as well as the Article 23 of the Special Road Act, according to which, "the provisions of the Real Estate Management" shall apply to the extent not regulated in these Acts and realizing that instruction base on the of RPM law.

Therefore, compensations for PL established based on the provisions of both the Special Flood Act and the Road Act shall be governed by procedures and valuation principles described in this LA&RAP which concern determination and payment of compensations for expropriation of real properties or their parts.

7.2.4 Special procedures

Under art. 133 of the RPM Law, the Investor shall submit the amount of compensation to a court deposit in accordance with the decision of the Province Governor requiring the Investor to pay compensation for the deposit, which is equivalent to the fulfilment of performance. It takes place only two cases: when the person entitled refuses to accept compensation or the payment thereof encounters impediments difficult to overcome (lack of legal capacity of the creditor, his prolonged absence in the country in the absence of the establishment of a proxy, natural disasters, martial law) and if the compensation for expropriation applies to properties with unsettled legal status (judgment of the Provincial Administrative Court in Lublin 2005-02-25, Case Ref. II SA/Lu 884/04).

Submission of a court deposit has the same effect as the fulfilment of performance and obliges the creditor to repay the costs of the submission to the debtor.

In the event of a possible dismissal of the application by the Court, the fee shall not be refunded, and additionally if the creditor (as a party to the proceedings) will be substituted by a solicitor or lawyer, the court may order payment of the amount of PLN 120.00 as compensation for a substitution.

7.2.5 Purchase of the remaining parts of real properties

If a part of a real property is acquired and the remaining part is not fit for use for its former purposes, the Investor is obliged to purchase that remaining part of the real property if its owner or holder of perpetual leasehold rights submits a relevant motion (under art. 23 par. 1 of the Special Flood Act and art. 13 par. 3 of the Special Road Act).

The motion concerning the purchase of the remaining part of the real property may be submitted before issuing the IPIP or the CIRD, but the real property purchase may take place only after issuing the IPIP or the CIRD. If an IPIP is issued, the owner of a real property on which a public road is situated may not demand purchase of the remaining part of the real property.

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The remaining parts of real properties shall be purchased by concluding civil law contracts after issuing the IPIP or the CIRD for the Task in accordance with the following procedure:

1. The real property owner/holder of perpetual leasehold rights submits a motion containing:
    a. a justification indicating why the remaining part of the real property after the acquisition is not fit for use for its former purposes;
    b. an attached copy of the land register map with the remaining part of the real property marked on it.
2. Assessment of the submitted motion by the 4-person committee appointed by the Investor. The committee composition shall include the representative of the team for monitoring and implementation of LA&RAP and specialists for technical matters and for the real property management. A representative of the LA&RAP Consultant may participate in commission meetings as an advisor.
3. A decision about purchase or refusal to purchase is made promptly but not before issuing PIP or CIRD and not later than 30 days of the date of receiving a complete motion for purchase of the remaining part of the real property).
4. The motion submitter is notified of the decision about purchase or refusal to purchase.
5. A valuer opinion is obtained on the value of the remaining part of the real property.
6. Negotiations are conducted with the real property owner/holder of perpetual leasehold rights concerning the amount of compensation.
7. A real property purchase contract (a purchase contract concerning the remaining part of the real property) is concluded as a notary deed.
8. The compensation is paid.

In the case of the "remnants" purchased under the Special Road Act and related with the expansion of provincial roads, they will be obtained by the relevant road administrator. As a consequence, an agreement should be concluded between the Investor and the road administrator obliging the road administrator to apply the principles of this LA&RAP and OP 4.12 in the procedure of obtaining "remnants" and payment of compensation as well as defining the principles of incurring the associated costs.

7.2.6 Direct EU

Amontg the properties expropriated for the purpose of investment implementation there may be agricultural/forest properties covered by support programmes, i.e. such properties, for which the owners/holders receive subsidies or support.

Expropriation of such grounds will result in the lack of possibility of fulfilling the liabialities by the farmer/beneficiary under agreements with an accredited state paying agency, i.e. Agency of Agriculture Resturctuirng and Modernization (ARiMR), within the framework of particular programmes. This may in turn connect with determined consequences, including a necessity of returning the received payments, and also with administrative penalties.

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A solution of this problem is implementation – on the level of European Union regulations – of a special meachanism and of a definition for the so-called force majeure, which in an obvious way disables the farmer from fulfilling the contractual liabilities. Those rules contain an opened catalogue of situations, when we face the force majeure. This catalogue contains e.g. expropriation of properties as an event of force majeure. In order to apply this mode it is however necessary to have the farmer's/beneficiary's initiative. He needs to inform the occurrence of force majeure (here: expropriation and/or permanent limitation of the use method for properties) to the ARiMR District Office Manager in writing, along with relevant supporting particulars (in the analyzed case it would be a copy of IPIP decision or a ZRID decision) **within 15 working days** counted from the day he or a person authorized by him may do this (in case of PROW 2007-2013 the deadline is 10 working days).

The ARiMR District Office Manager performs appropriate administrative proceeding and verifies if force majeure occured through a decision.

Consequences of identifying the occurrence of force majeure in the decision:

- for PROW 2007-2013 and 2014-2020 (long-term liabilities and payments): no requirement for returning a part or the whole of the support received for prior years by the farmer/beneficiary, support for a year when force majeure occurred may be awarded in a reduced amount, liabilities or payments are continued in accordance with their original duration (if qualifying parameters are met, e.g. minimum area), and furthermore administrative penalties are not used in the scope of so-called mutual compliance;

- for direct subsidies: received support is not returned, the benficiary keeps the right to payment within the framework of direct support systems in reference to the area or to animals, which where qualified – in the moment of force majeure occurrence – for payment under direct support systems.

It shall be acknowledged that we would also face force majeure in case of properties or their parts being a part of the investment, which are necessary for its functioning and do not become an ownership of the State Treasury, but their method of use is permanently limited (so-called permanent limitations), and in case of so-called "remaining parts" of properties (properties purchased based upon the party's application in case a part of the property is taken over due to IPIP or ZRID, and the remaining part may still be properly used for prior purposes).

The time for notifying about the occurrence of force majeure of this type and an evidence of its occurrence – similarly as in case of expropriation – shall be given in the IPIP/ZRID decision. In this case force majeure was caused also due to the expropriation of properties, and it did not bereave the ownership of this particular part of the property, but caused the lack of possibility of using it for the prior purpose (e.g. agricultural one). It is the same in case of permanent limitations, if they evidently caused the lack of possibility of using the property in accordance with liabilities accepted by the farmer.

Owners of properties taken over, who – during the socio-economic research – informed participation in support programmes, have been informed by the Employer about a necessity of notifiying the ARiMR District Office Manager within the required deadline about the occurrence of force majeure (expropriation and/or permanent limitation of use method for the property), which evidently disabled fulfillment of contractual liabilities.

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7.3 ADOPTED MECHANISMS OF ACQUISITION OF RIGHTS TO REAL PROPERTIES[3]

The LARPF indicates a number of inconsistencies between OP 4.12 and Polish law: **OP 4.12**	**Polish law**	**Corrective measures**
Lack of a legal title to the land should not be a bar to receiving compensation. Persons without a legal title are eligible for compensation.	The Polish legal system does not account for the right to compensation of land owners/users that do not hold legal title to it (except for persons whose legal title to the real property was lost or who acquired the title by usucaption, i.a. a method by which ownership can be gained by uninterrupted possession of the real property for a period indicated in the act).	Each case of a Project Affected Person without a legal title to the real property shall be analysed individually for the possibility of applying general mechanisms from the Civil Code to achieve the objectives of OP 4.12. As per OP 4.12, Project Affected Persons without a legal title to the real property are not eligible to receive cash compensation for the real property. However, they are eligible for compensation for any facilities, plantings or improvements to the real property that were done before the cut-off date and for receiving adequate solutions in cases where they have to be physically or economically displaced. In those cases, additional mitigating measures shall also be applied.
WB policy requires compensation for loss of revenue (e.g. from business or agriculture, etc.) resulting from real property acquisition for the purposes of implementation of the planned Task.	Provisions of Polish law do not provide for compensation for the loss of revenue resulting from Task implementation.	Persons who lost the revenue or employment shall receive support (health insurance, professional trainings etc.) from employment offices. In case of entrepreneurs, it is possible to apply general mechanisms from the Civil Code (covering the loss suffered (damnum emergens) and the expected profits which were lost (lucrum cessans)).

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[3] Table contained in this chapter is consistent with LARPF

The LARPF indicates a number of inconsistencies between OP 4.12 and Polish law: **OP 4.12**	**Polish law**	**Corrective measures**
Particular attention should be paid to the needs of vulnerable social groups, such as the poor, the elderly, single mothers, children or ethnic minorities.	Polish law does not require planning specific measures aimed at providing additional assistance to vulnerable social groups (the elderly, the handicapped, the poor and other groups which may have special needs).	The expropriated persons shall receive all the necessary help in obtaining assistance provided to citizens by offices and institutions. Additional measures shall also be implemented as needed to ensure that the objectives of OP 4.12 are met.
WB Policy requires additional compensation for the expenses incurred by the PAP as a result of physical relocation (e.g. transport of materials) and assistance in implementing the resettlement.	Assistance regarding incurring the costs of relocation and other similar costs resulting from the necessity to move to a new location by citizens and enterprises is not provided in the law.	In order to cover the costs of relocation and other similar costs, it is possible to apply general mechanisms from the Civil Code in a manner that achieves the objectives of OP 4.12.
The compensation should be paid prior to physical acquisition of the land for the purposes of Task implementation.	The Special Flood Act allows for acquiring the land and commencing works before the compensation is paid.	In all cases, no works shall begin until it is confirmed that the Project Affected Person has been informed about the commencement of works in advance, compensation has been paid and permission to enter the land has been granted. The only exceptions are cases where appeal proceedings have been initiated due to negotiation failure, owner absence or the impossibility of determining the owner(s). To minimize the risk of commencing the works before compensating for losses, the Project shall plan and conduct real property acquisition in advance of the commencement of works.

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The LARPF indicates a number of inconsistencies between OP 4.12 and Polish law: **OP 4.12**	**Polish law**	**Corrective measures**
Compensation for the loss of assets is based on their market value plus any transaction costs (e.g. taxes, fees) and the objective is for the compensation to be sufficient to effectively restore the lost assets (replacement value).	The applied methods of valuation may lead to lowering the real property value as compared to prices of similar real properties on the local market.	The valuation of the real property shall be conducted by an independent and experienced expert. The expert's opinion should be verified by the PIU. The expropriated party should be granted a proper amount of time to become familiar with the expert's opinion. Should there be any doubts regarding the sufficiency of the due amount of compensation, the value of the real property should be estimated by an independent expert in the proceedings before the Province Governor. In all cases, the valuation has to indicate the replacement value.
It is required to prepare a socio-economic survey and a LA&RAP as well as to monitor compensation measures, resettlement and life quality level restoration measures and evaluate the efficiency of all the above measures.	Provisions of Polish law do not account for an obligation to prepare a socio-economic survey or a LA&RAP as such. There is no obligation to monitor or evaluate their implementation either.	Socio-economic surveys and the LA&RAP are being prepared based on the LARPF, OP 4.12 and good practices.

In the case of the Task 1B.6 / 1 Nowa Sól stage I and II, the object: Nowa Sól - Pleszówek – stage I - construction of embankment on the left bank of the Odra river at chainage km 429.85÷432.40 and the embankments of the Czarna Struga river at km 0+000÷3+330 the properties have been acquired on the basis of the decision of the Lubuskie Province Governor No. 1/2015 dated 30th June 2015 issued under the provisions of the Special Flood Act.

For Task 1B.6 / 1 Nowa Sól stage I and II, the object: Nowa Sól - Pleszówek - stage II - construction of drainage pumping station with the modernization of the existing embankments on the Czarna Struga river, municipalities of Nowa Sól and Otyń, the real property has been acquired based upon a decision of the Lubuskie Governor dated 03/30/3017, ref. no.: 18/16, issued under the provisions of the Special Flood Act.

In relation to the remaining parts of real properties mechanisms for obtaining the properties shall be applied as given in the Special Flood Act and in the Civil Code. However, as regards the Task 1B.6 / 2-Wężyska Chlebowo, due to formal and legal conditions, the mechanisms of real estate acquisition under the Special Flood Act and the Special Road Act and the Civil Code shall apply (in relation to the remaining parts of real properties).

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Under the provisions of the Special Flood Act and the Special Road Act, plots are acquired as part of the expropriation procedure. In each case, it shall be the Investor's priority to reach an agreement with the PAP concerning real property acquisition conditions (compensation form, real property acquisition date, principles of use after issuing the IPIP/CIRD etc.). After issuing the IPIP, negotiations concerning the amount of compensation shall also be conducted based on an independent valuer's (expert's) opinion. In the case of real estate expropriated under the Special Flood Act, when taken negotiations fail to determine the amount of compensation within 2 months from the date on which the IPIP becomes final, the amount of compensation will be determined by the Lubuskie Province Governor in a decision based on a valuation by a qualified appraiser, appointed by the Province Governor.

In the case of the IPIP, negotiations shall concern the form of compensation and real property acquisition conditions. The amount of compensation itself shall be determined in a decision of a competent authority, in accordance with the provisions of the Road Act. The necessity of the application of this LA&RAP and OP 4.12 in the negotiation process, acquisition of properties and payment of compensation should be the subject of an agreement between the communes of Krosno Odrzańskie and Maszewo municipalities and the Investor.
Conclusion of this agreement is voluntary and shall be done after negotiations between the Municipality and the Investor. The Agreement should determine conditions for providing by the Investor and for settling by the Municipality of funding for payment of compensation by the Municipality, and the essential condition for the transfer of resources for payment of compensation is observance of the rules of this LA&RAP and OP 4.12 by the Municipality. It shall also determine the rules of cooperation between the Investor and the Municipality in implementing, monitoring and reporting for the purpose of verification of implementation correctness for the LA&RAP by the World Bank.

The owner of power, gas and telecommunication lines shall receive compensation in the form of a new transmission structure (transmission grid) implemented in other real properties to replace the demolished structures. In real properties where the new transmission structures shall be implemented, transmission easement on behalf of the transmission entrepreneur being the owner of the demolished and reconstructed grid shall be established. Under art. 305^1 of the CC, transmission easement means burdening the real property with the right to use that real property in the scope determined by the purpose of transmission structures. Such burden includes access, the use by the current operation, the checks, inspections, maintenance, modernization, repair, troubleshooting, replacement of equipment situated on the property to the extent necessary to ensure the proper and smooth functioning of the transmission network of the company (cf. the decision of the Supreme Court of 18 April 2012. V CSK 190/2011, LexisNexis no. 3971510).

The primary manner of establishing transmission easement is a contract between the real property owner and the entrepreneur. The property owner may request an appropriate remuneration in return for the establishment of transmission easement. If the real property owner refuses to conclude the contract, transmission easement may be established by the court in non-litigious proceedings on the entrepreneur's request, with appropriate remuneration. The same concerns easement of a necessary road. The remuneration is determined by the court, usually with an expert's assistance, on the basis of structure type and related manner of real property use by the entitled party as well as the influence of those structures on the limitation in exercising the real property ownership right. The real property owner has the same right if the entrepreneur refuses to conclude the contract concerning the

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establishment of transmission easement necessary to use the abovementioned structures. The act does not state if the remuneration has to be paid one-time or throughout a period, which means the right to choose an equivalent payment for the owner.

All temporarily acquired real properties shall be restored to their original state. The scope and final locations of temporary acquisition shall be determined after the selection of the Contractor. The Contractor negotiating the conditions of a temporary acquisition of real property shall follow the principles set out in this LA&RAP (this process will take place on a voluntary basis).

As for the potential temporary acquisition, which final scale cannot be determined at this stage of advancement of the Project, the Contractor shall conclude voluntary agreements with the owners of land in which the rules of the temporary land making available for investment purposes by the owners shall be specified. In any case, the owners of the property subject to permanent and temporary acquisition shall be effectively informed about the planned investment and the rights vested in them.

Acquisition or temporary acquisition of the property shall take place primarily through consultations with these persons, familiarizing with their expectations and to present the further course of action to them.

The conditions agreed with the owners or authorized holders of real estate shall provide for adequate compensation for the transfer of ownership of the property or adequate compensation for the use of the property during the execution of the Contract.

If the undertaken negotiations fail to determine the amount of compensation for the transfer of ownership within 2 months from the date on which the IPIP becomes final, the amount of compensation will be determined by the Lubuskie Province Governor in a decision based on a valuation by a qualified expert, appointed by the Province Governor.

For Task Nowa Sól-Pleszówek – stage I – construction of left-bank embankment of the River Odra at chainage km 429.85-432.40 and embankments of the River Czarna Struga at chainage km 0+000-3+300, and for the Task Nowa Sól – Pleszówek – Stage II – construction of a draining pumping station with modernization of the existing embankments at the River Czarna Struga, communities of Nowa Sól and Otyń, the Investor conducted negotiations with the owners of real estate on the amount of compensation for expropriated property. Negotiations were conducted through correspondence. Interested parties were informed of their rights in the course of the negotiations, in particular the possibility of referral to the Lubuskie Province Governor to establish the amount of due compensation. In these cases, where negotiations have not led to determine the amount of compensation, the amount of compensation will be determined through a decision of the governor
In case of expropriating the properties, for which subsidies are paid or support provided, those properties shall be identified on a stage of developing a socio-economic study. In case the owner of property received compensation in “land-for-land” form, the replacement property may be notified for subsidies/support, if it is possible under the given measure. In case of “land-for-land” compensation, as well as compensation in cash, at evaluating the property value an independent assessor shall include e.g. a value of expropriated property related to the possibility of obtaining subsidies/support.

Moreover, the owners of properties, who receive subsidies or support, are properly informed on fulfilling the liability of notifying about the occurrence of force majeure in order to avoid returning of priorly obtained support or paying administrative penalties in the scope of so-

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called mutual compliance. Such information shall be presented on e.g. the public consultations stage for the draft of this LA&RAP and on the stage of issuing IPIP/ZRID. The owners of properties shall also be immediately notified – in a form agreed with them – on a date, when IPIP/ZRID became final or on a date, when the decisions gained the order of immediate enforceability. This would allow this people to notify the ARiMR District Office Manager about the expropriation on time.

7.4 VALUATION PRINCIPLES [4]

The owner or holder of perpetual leasehold rights of a real property (or its part) which is a part of a flood protection investment and is necessary for investment implementation is entitled to compensation for the transfer of ownership of the real property to a local government entity.

In all cases, the compensation must correspond to the replacement value of the property, which means the market value of the property and assets related to it (e.g. planting) plus transaction costs necessary for the restoration, such as tax and charges. Compensation is determined on the basis of a valuation by a valuer and, if necessary, by a team of valuers (e.g. one including an agricultural expert).

According to OP 4.12, with regard to real properties and facilities, “replacement value” is defined as follows:

a) for agricultural lands, it is the pre-Project or pre-displacement (whichever is higher) market value corresponding to the market value of a land with a comparable productive potential or use located in the vicinity of the land acquired for the Task, plus the cost of preparing the land for the functions similar to those of the land acquired for the Task, plus transaction costs;

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

c) for houses and other facilities, it is the market value of the materials to be built in new houses and facilities replacing the project affected houses and facilities, with the amount and quality similar to or better than those of the expropriated or partially project affected houses and facilities, plus: the costs of transporting the materials to the construction site, construction employee remunerations, transaction costs, fees and taxes related to the implementation of the new facilities.

The real properties expropriated for the purposes of Task implementation shall be governed by the principles indicated above in letter a) and b).

In determining the replacement value, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the Project, deducted from the valuation of a project affected asset. Where Polish law does not provide for the necessity of compensation at a replacement value, compensation is

[4] Contents of the Chapter is consistent with LARPF

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supplemented by additional measures so as to meet the replacement value standard, such as support after displacement throughout a transition period based on a reasonable estimate of the time necessary to restore the quality of life (including means of support).

The amount of compensation paid by the State Treasury or the local government entity, respectively, is determined by the Investor and the current owner, holder of perpetual leasehold rights or a person with a limited property right through negotiations.

When IPIP concerns family garden allotments established pursuant to the Act on Family Garden Allotments, the entity in whose interest the family garden allotment or its part is going to be liquidated shall:

- pay the garden allotment holders compensation for the plantings, structures and facilities belonging to the allotment holders and located in the allotments;
- pay the garden allotment holders' association compensation for structures, buildings and facilities belonging to the association which are located in the family allotment garden for the purpose of shared use by the allotment users and ensure proper functioning of the allotment garden;
- secure free-of-charge replacement real property for the purpose of restoration of the family allotment garden.

The amount of compensation determined on the date of issuing the IPIP is subject to indexation as of the payment date according to the principles applicable in the case of expropriated property return.

ATTENTION:

The valuation methods are defined by a legal act in the form of a regulation: the Regulation of the Council of Ministers of 21 September 2004 on real property valuation and appraisal study preparation (Journal of Laws No. 207, item 2109 as amended). This act contains details concerning methods and techniques of estimating the amount of compensation.

7.4.1 Real property valuation[5]

The amount of compensation is determined on the basis of the real property market value. While ascertaining the real property market value, the following factors in particular are taken into consideration: type, location, manner of use and purpose, existing technical infrastructure, overall condition and current market prices. The real property market value is determined based on its current manner of use if the real property purpose compliant with the Project objective does not increase the real property value. If the data from the local or regional real property market allow the valuer to ascertain the real property market value, they shall apply one of the market approaches, i.e. the sales comparison approach, the income capitalisation approach or the combined approach. Should the real property purpose in accordance with the expropriation purpose increase the real property value, its market value shall be ascertained according to the alternative use resulting from that new purpose. If the data from the local or regional real property market do not allow the valuer to ascertain

[5] Contents of the chapter is consistent with LARPF

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the real property market value, they shall ascertain the replacement value of the real property based on the cost approach.

If the previous owner or perpetual user of the property under IPIP would hand this property over or would hand the property over and empty the building and other rooms not later than 30 days from the day the IPIP became final, the amount of compensation shall be increased by the amount equal to 5% of the property value or value of perpetual usufruct right, based upon rules determined in the special flood act. Establishing the date discussed above will be possible after receiving information from the authority issuing the IPIP, as LZMiUW in Zielona Góra does not conduct proceedings and does not have an ongoing access to the case documents, and especially to reception confirmations received from PAP.

7.4.2 Valuation of plantings and crops[6]

The valuation of tree stand or tree cover, if the tree stand includes usable resources, shall involve the valuation of timber in the tree stand. If the tree stand includes no usable resources or if the value of obtainable 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 date of expropriation.

Valuation of fields of perennial plants involves the estimation of the costs of establishing the field and its maintenance until the first yield as well as lost profit in the period from the date 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 date of expropriation. The valuation of crops, cultivations and other yields of annual plants involves the estimation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the collection of the yields.

The valuation of crops, cultivations and other yields of annual plants involves the estimation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the collection of the yields.

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[6] Contents of the chapter is consistent with LARPF

8 Eligibility criteria and catalogue of beneficiaries

8.1 ELIGIBILITY CRITERIA[7]

According to the policy of the World Bank, the following groups of people are eligible for compensation and assistance in connection with real property acquisition resulting in loss of assets and (physical or economic) displacement:

(a) those who have a formal legal title to the land or other project affected assets (including customary and traditional rights recognized under the laws of the country);

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

(c) those who have no legal title or claim to the real property they are acquiring.

Persons included in paragraph (a) or (b) above should receive compensation for the land they lose, as well as other assistance. Persons included in paragraph (c) should be provided with resettlement assistance in lieu of compensation for the land they acquire, as well as other assistance, as necessary, to achieve the objectives of OP 4.12, if they acquire the Project implementation 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 included in paragraph (a), (b) i (c) are provided with compensation for loss of assets other than land.

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

It ought to be noted that this case involves no persons belonging to the group of those who have no legal title to the land. Importantly, however, persons who use real properties without a legal title in Poland are aware of the illegality of their actions and of the fact that the property may return to the rightful owner at any time and without financial compensation.

The manner of estimating the impact on the PAP was described in chapter 4.1. Social impact.

8.2 CATALOGUE OF BENEFICIARIES[8]

Eligibility for compensation and assistance shall be determined according to the following principles:

- PAP being legal possessors of real property in the Project area shall receive full compensation with the priority given to the rule of “land for land”;

[7] Contents of the chapter is consistent with LARPF

[8] Chapter consistent with LARPF

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- PAP being lessees, tenants, life estate holders and other dependent possessors of real property in the Project area shall receive full compensation for the loss of these rights,
- PAP being possessors of limited property rights in real property shall receive full compensation for the loss of these rights,
- owners of cultivations, plants, structures and other constructions related to the land shall receive compensation for those cultivations, plants, structures and constructions;
- residents of houses and flats subject to resettlement shall receive compensation according to the rules specified above as well as assistance in the resettlement, adequate access to social infrastructure and, if necessary, a package of specially selected protective measures;
- PAP who lose their revenue, salaries/wages or ability to run business activity in relation to Project implementation shall receive adequate compensation and, if necessary, a package of adequately selected protective measures,
- PAP being illegal possessors of real property in the Project area who have no legal title and no expectancy right to obtain a legal title to the real property shall receive no compensation for the expropriation from the real property, as that is not possible under Polish law. However, those persons shall receive compensation for plants and constructions owned by them and, if necessary, a package of specially selected protective measures to restore or improve their quality of life.

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

- **Permanent loss of property** - where possible and where the PAP express such will, the loss shall be compensated in the form of “land for land” by way of granting a real property of a similar value, location and functions as the expropriated real property. If finding a real property that meets the criteria of adequate compensation is not possible, the PAP do not express their will to receive compensation in the form of “land for land”, or only a small part of the plot is subject to acquisition, the compensation shall be paid in cash and correspond to the market value of the expropriated real property or its part. In addition, for an immediate release of the real property it shall be possible to increase the compensation by an amount corresponding to 5% of the value of the expropriated real property under the terms of the Special Flood Act. PAP not being owners or holders of perpetual leasehold rights, but having a legal title to the property (e.g. lessees, tenants) shall receive compensation corresponding to the value of the expropriated rights. On the request of the PAP, the Investor may take over the entire real property and compensate for the acquisition of that real property according to the abovementioned principles. Any and all transaction costs, including taxes related to the granting of compensation for expropriation, shall be covered by the Investor. PAP being illegal possessors of real property in the Project area (having no legal title) shall receive no compensation for the expropriation from the real property, as that is not possible. However, those persons shall receive compensation for plants, plantings and constructions owned by them and, if necessary, a package of protective measures to restore or improve their quality of life.

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- **Permanent limitation in the current use of a real property** shall, as a rule, be compensated in cash, taking into account the loss of the real property market value. Depending on the case, specially selected protective measures shall also be offered. On the request of the PAP, the real property to be affected by a permanent limitation in the current use shall be expropriated and the PAP shall receive compensation under the terms applicable to a permanent loss of the real property.
- **Residential buildings** – compensation shall be carried out on the same basis as for a permanent loss of the real property. In addition, the resettled PAP shall receive an additional payment in the amount of PLN 10,000. Depending on the case, such people shall receive replacement residential accommodation from the Investor. Squatters are not entitled to compensation, but in certain cases, the Investor is obliged to grant them replacement accommodation. Such persons shall also be offered a package of protective measures, including assistance in finding their place of residence, and if they are unemployed or addicted, they shall be offered actions supporting their position in the labour market and shall receive a proposal of appropriate treatment.
- **Non-residential buildings and structures (stables, fences, technical infrastructure etc.)** – as a rule, owners and users of these buildings and structures are compensated on the basis applicable to a permanent loss of the real property. Within the framework of protective measures, the Investor shall propose reconstruction of infrastructure networks (and, where appropriate, of structures and buildings) at the Investor's expense. In addition, in the case of local government entities which have implemented or are implementing the affected buildings or structures with the use of funds coming from the budget of the European Union or other foreign sources, financial compensation shall be increased by the amount of refundable resources coming from co-financing together with accrued interest.
- **Loss of plantings** shall be compensated in cash to legal owners of real properties, taking into account the costs of planting execution and maintenance as well as the value of lost profits in the period from the date of expropriation until the end of the full yield.
- **Loss of tree stand** shall be compensated on the basis applicable to the loss of plantings. Depending on the case, compensation may also be made according to an estimate of the value of timber that could be obtained.
- **Impact on enterprises and employment** shall be compensated in cash by compensation for the damage actually incurred by an enterprise and the profit lost as a result of Task implementation. Billing and accounting documents or corporate income tax returns should be the grounds for the determination of such values. Should employees lose their work, they shall receive unemployment benefits. Both employees and contractors working under civil law contracts, in case of loss of their earning capacity, shall receive free-of-charge health insurance, assistance in search for work and possibly also assistance in the form of vocational training to reskill them so that they can find new employment;
- **Loss or limitation of the access to social infrastructure** (e.g. parks) shall be compensated as much as possible by restoring the infrastructure in a new appropriately located site. If it is impossible or unnecessary to restore the infrastructure in the new site, the PAP shall receive access to the existing social infrastructure.

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- **Cost of household relocation** – in order to cover the costs of household relocation, the PAP shall receive the amount of PLN 10,000. They shall also be offered a special package of protective measures including, if necessary, assistance in search for a transport company and coverage of transport costs exceeding the amount of PLN 10,000.
- **Particularly vulnerable groups** shall be covered by a specially selected package of protective measures adjusted to their needs within the compensation (a schedule of measure implementation in this scope shall be determined individually). With reference to children and school teenagers, the assistance shall cover help in finding a new resettlement site which shall enable them to continue education in the current school; the same rule applies to children attending nurseries and kindergartens. The elderly shall be relocated to places which have no architectural barriers hindering movement and offer equal or better access to health care, but at the same time make it possible for the elderly to preserve their existing habits and lifestyle. The poor shall be offered assistance in obtaining additional institutional support from government and local government agencies as well as from non-governmental organizations competent in the scope of their problems.
- **Temporary real property acquisition** shall be compensated in cash through the payment of monthly amounts corresponding to market prices of tenancy or lease of the real property. Moreover, if the PAP incur a loss due to the temporary real property acquisition, the loss shall be compensated separately according to the abovementioned principles. After the completion of construction activities, all real properties shall be restored to their original state.
- **Damage to houses, buildings and structures due to construction works (e.g. vibration, accidents, etc.)** shall be compensated according to their nature in order to make the restoration of the full substance of the affected object or the purchase of a new one possible. Depending on the situation, appropriate rules of compensation payment for the above influences shall be applied.

For Contract 1B.6 the following was identified:

- 167 plots, where owners are entitled to compensation;
- 34 plots, where owners are entitled to compensation for permanent limitation in use of the properties

The number of entities entitled to compensation for the tasks is primarily due to linear nature of the investment.

At the current stage of work on LA&RAP there is no information as to whether the plots belonging to the Agricultural Property Agency are the subject of the lease agreement.
A detailed catalogue of beneficiaries is included in Annex no. 2 to this LA&RAP. However, that Annex shall not be published due to personal data protection.

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8.3 ELIGIBILITY MATRIX[9]

Impact/losses	PAP determination	Compensation
Permanent loss of property	Owners, holders of perpetual leasehold rights, owner-like possessors of real properties	• compensation in the form of "land for land" • if compensation in the form of "land for land" is impossible or unwanted, cash compensation shall be applied • coverage for all transaction costs
	Illegal holders of real properties	• no compensation for real property loss
	Owners of an easement, a mortgage or a lien on the real property	• cash compensation for lost rights • owners of land easements: assistance in finding a solution allowing them to use the real property owned by them (and superior to the expropriated real property), e.g. in the form of a different road necessary to have access to the real property • coverage for transaction costs
	Illegal owners of easements	• illegal owners of easements: assistance in finding a solution allowing them to use the real property owned by them (and superior to the expropriated real property)
Permanent limitation in using real properties	Owners, holders of perpetual leasehold rights, owner-like possessors of real properties	• cash compensation for the losses related to the limitations in using real properties • coverage for transaction costs • offering institutional support and counselling in the scope of the possibilities of using the real property in another manner
	Illegal holders of real properties	• offering institutional support and counselling in the scope of the possibilities of using the real property in another manner

[9] Chapter consistent with LARPF.

Impact/losses	PAP determination	Compensation
	Illegal owners of easements	• assistance in finding a solution allowing them to use the real property owned by them (and superior to the expropriated real property)
Non-residential buildings and structures (stables, fences, technical infrastructure etc.)	Owners, holders of perpetual leasehold rights, owner-like possessors of buildings and structures	• cash compensation, amounting to the replacement value of lost assets • Relocation or reconstruction of lost assets
	Users	• cash compensation, amounting to the replacement value of lost assets • Relocation or reconstruction of lost assets
	Illegal owners of buildings and structures	• cash compensation, amounting to the replacement value of lost assets • Relocation or reconstruction of lost assets
	Lessees and tenants of buildings and structures	• cash compensation, amounting to the replacement value of lost assets • Relocation or reconstruction of lost assets
Loss of plantings	Owners, holders of perpetual leasehold rights, owner-like possessors of real properties	• cash compensation, taking into account the costs of planting execution and maintenance as well as lost yield • making it possible to collect the yield
	Users	• cash compensation, taking into account the costs of planting execution and maintenance as well as lost yield • making it possible to collect the yield
	Lessees and tenants	• cash compensation, taking into account the costs of planting execution and maintenance as well as lost yield • making it possible to collect the yield
	Illegal holders of real properties	• making it possible to collect the yield
Municipality property	Municipality	• restoration or replacement of destroyed facilities based on the agreement reached with the municipalities
Temporary real property acquisition	Owners, holders of perpetual leasehold rights, owner-like possessors of real properties	• cash compensation • restoration of the real property to its original state
	Illegal holders of real properties	• restoration of the real property to its original state

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Impact/losses	PAP determination	Compensation
	Lessees and users of the real property	• cash compensation • restoration of the real property to its original state

Details concerning the eligibility of beneficiaries are included in Annex no. 2 to this LA&RAP. That Annex shall not be published due to personal data protection.

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9 Social consultations and public participation

In relation to obtaining a loan from the World Bank's funds and the necessity of implementing the resettlement process principles stemming from the requirements of OP 4.12, the Investor has taken actions aiming at engaging the society in LA&RAP development and implementation. Society engagement is treated as a continuous process whose correct implementation is anticipated to enable mitigation of risks related to a potential social conflict for the Task.

So far, the local community was informed about the planned Contract by notices, posted on the website of the Provincial Office and as is customary, on publicly available bulletin boards in towns where the Task will be implemented. The local community was informed about the submission of the request for an IPIP by the PIU, about the fact of IPIP issuance and the possibilities to appeal the decision. In addition, PAPs holding real properties in the area of implementation of the Tasks have been informed by letter about the above circumstances.

In the process of initial identification of stakeholders involved in the development of the Project the following entities affecting the preparation and implementation of LA&RAP were identified:

External Stakeholder	Type of impact on LA&RAP
The Ministry of Infrastructure and Construction	1. Examination of the appeal against the IPIP 2. Examination of an appeal against the decision on the amount of compensation
Lubuskie Province Governor	1. Issuance of the IPIP 2. Issuance of the decision fixing the amount of compensation
Nowa Sól District Headman	1. Assistance in identifying the needs of the local community for the Task 1B.6/1 2. Direct participation in public consultations on the implementation of Tasks 1B.6/1
Krosno District Headman	1. Assistance in identifying the needs of the local community for the Task 1B.6/2 2. Direct participation in public consultations for the Tasks 1B.6/2
Słubice District Headman	1. Assistance in identifying the needs of the local community for the Task 1B.6/2 2. Direct participation in public consultations for the Tasks 1B.6/2
Nowa Sól Mayor	1. Assistance in identifying the needs of the local community for the Task 1B.6/1 2. Assistance in solving potential conflicts between the Investor and PAP 3. Representation of Nowa Sól Town and local community 4. Direct participation in public consultations
Otyń Commune Head	1. Assistance in identifying the needs of the interested community and local community for the Task 1B.6/1

	2. Assistance in solving potential conflicts between the Investor and PAP 3. Representation of Otyń Commune and local community 4. Direct participation in public consultations
Gubin Commune Head	1. Assistance in identifying the needs of the interested community and local community for the Task 1B.6/2 2. Assistance in solving potential conflicts between the Investor and PAP 3. Representation of Gubin Commune and local community 4. Direct participation in public consultations
Mayor of Cybinka	1. Assistance in identifying the needs of the interested community and local community for the Task 1B.6/2 2. Assistance in solving potential conflicts between the Investor and PAP 3. Representation of Cybinka Commune and local community 4. Direct participation in public consultations
Maszewo Municipality Head	1. Assistance in identifying the needs of the interested community and local community for the Task 1B.6/2 2. Assistance in solving potential conflicts between the Investor and PAP 3. Representation of Maszewo Commune and local community 4. Direct participation in public consultations
Modrzyca Village Head	1. Informing the local community about the Task 1B.6/1 2. Assistance in identifying the needs of the interested community and local community 3. Assistance in solving potential conflicts between the Investor and PAP 4. Representation of Modrzyca village society in the process of LA&RAP implementation 5. Direct participation in public consultations
Chlebowo Village Head	1. Informing the local community about the Task 1B.6/2 2. Assistance in identifying the needs of the interested community and local community 3. Assistance in solving potential conflicts between the Investor and PAP 4. Representation of Chlebowo village society in the process of LA&RAP implementation 5. Direct participation in public consultations
Połęcko Village Head	1. Informing the local community about the Task 1B.6/2 2. Assistance in identifying the needs of the interested community and local community 3. Assistance in solving potential conflicts between the Investor and PAP 4. Representation of Połęcko village society in the process of LA&RAP implementation 5. Direct participation in public consultations
Białków Village Head	1. Informing the local community about the Task 1B.6/2 2. Assistance in identifying the needs of the interested

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	community and local community 3. Assistance in solving potential conflicts between the Investor and PAP 4. Representation of Białków village society in the process of LA&RAP implementation 5. Direct participation in public consultations
Entities subject to expropriation	1. Participation in inventory 2. Determination of needs and losses incurred in connection with the planned expropriation 3. Selection of the form of damages and compensation 4. Direct participation in public consultations
Inhabitants of Nowa Sól, Modrzyca, Chlebowo, Połęcko, Białków	1. Direct participation in public consultations

After concluding the works on the LA&RAP draft, a public discussion about the LA&RAP draft shall be organized. After obtaining the “no objection” clause issued by the WB for the draft document, the final document shall be made available to the affected persons until the end of Project implementation.

The society shall be informed about the public announcement of the LA&RAP draft, the planned date of a public debate about the LA&RAP draft as well as the possibility of submitting remarks and motions concerning the LA&RAP draft in the following manners:

- placing the information about the consultations on the PIU website;
- placing the information about the consultations on the website of Nowa Sól Town and Modrzyca, Maszewo, Otyń, Gubin, Krosno Odrzańskie, Słubice Municipalities,
- announcement in “Gazeta Lubuska” and ”Tygodnik Krąg”,
- placing the information about the consultations on the municipal notice boards in towns,
- sending individual invitations to the President of Nowa Sól and, Otyń Commune Head, Gubin Commune Head, Mayor of Cybinki, Maszewo Commune Head, village heads of Modrzyca, Chlebowo, Połęcko and Białków and to persons whose real properties shall be expropriated.

The public consultations shall last 21 days so as to enable every affected person to familiarize themselves with the LA&RAP draft and submit their comments It shall be possible to submit the comments to the LA&RAP draft in writing – directly or by sending them to the following addresses: LZMiUW (ul. Ptasia 2B, 65-514 Zielona Góra) or via e-mail to: nowa.sol@melioracja.lubuskie.pl

After the end of social consultations and possible introduction of changes to the construction design and to this LA&RAP, a public debate (a public meeting) concerning the LA&RAP draft shall be organized. The place and date of the public debate shall be stated in the abovementioned information provided to the society. During the public debate, the society shall be able to submit oral and written comments concerning the LA&RAP draft. They shall be recorded in the minutes of the debate. After the public debate, the remarks submitted by

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the society during the social consultations shall be introduced to this LA&RAP wherever justified.

The public discussion report constitutes Annex no. 7 to this LA&RAP.

9.1 NEGOTIATIONS

Negotiations with PAP shall be done individually with a given household, depending on the type of effects for the household. All interested people have a right to participate in the negotiations on equal basis. Fields of negotiations shall depend on the type of property affected, what would allow for satisfying the needs of each household in reference to effects occurring for the given household, i.e.:

- Loss of land,
- Loss of income (e.g. farmers, entrepreneurs),
- Loss of structures or buildings located within the property,
- Loss of infrastructure (e.g. water, electricity, roads, paths),
- Other elements (e.g. support of various kinds, establishment of ownership rights to the property).

Due to the type of effects – in reference to the subject investment – the negotiations shall always relate to the compensation form and to the time of acquring the property. Remaining fields shall be negotiated depending on the case.

During the negotiations the Investor shall provided PAP with complex clarifications and information on an ongoing basis, in order to assure that establishments and agreements made are understandable for all affected people. The negotiation process shall be non-discriminatory and shall include the problem of equal treating.

Reservations made by the parties on the stage of negotiations shall be archived in negotiation memos and protocols.

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10 The complaint management mechanism

This LA&RAP assumes a principle stating that the PIU shall take any and all action aimed at settling the complaints concerning the Contract amicably. The complaint management mechanism has to be diversified to integrate it with the administrative procedures binding for various stages of Contract preparation.

10.1 THE GENERAL COMPLAINT AND MOTION MANAGEMENT MECHANISM

The general complaint and motion management mechanism shall be applied to the following complaints and motions:

a) those submitted during the social consultations concerning this LA&RAP draft;
b) those submitted before the Investor applies for an IPIP/CIRD;
c) those submitted directly to the Investor during the processing of the IPIP/CIRD or the decision determining the amount of compensation;
d) those submitted after issuing the IPIP/CIRD or the decision determining the amount of compensation for the expropriated real property.

Concerning this mechanism, the primary principle adopted by the PIU is giving everyone the right to submit a complaint or motion concerning the Project regardless of the fact if their real property, rights or assets are situated in the area intended for Contract implementation or not.

Submitting complaints or motions is not subject to fees. Furthermore, the person filing a complaint or motion may not be exposed to any damage or allegation on account of such submission.

Complaints and motions may be submitted in written, electronic and oral form to the minutes. They may be submitted directly to the headquarters of LZMiUW, mailed to the address LZMiUW (ul. Ptasia 2B, 65-514 Zielona Góra) or via e-mail: nowa.sol@melioracja.lubuskie.pl.

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

If processing of a complaint or motion requires a prior review and clarification of the matter, other materials shall be collected and surveys and analyses shall be performed. In such case, an answer to the complaint or motion shall be provided within 14 days of its submission date to the LZMiUW. If it is not necessary to conduct clarification proceedings, an answer to the complaint or motion shall be provided within 7 days of its submission date.

In particularly complex cases as well as in cases where the examination of the complaint or motion requires introducing changes to the LA&RAP, the term allowed for answering a complaint or motion shall be extended to 30 days. If this term is too short, the party shall be notified of the cause for not receiving a subject matter answer to the party's complaint/motion on time; the term of providing such an answer shall also be stated.

In the case of a refusal to settle a complaint, the person submitting the complaint or motion shall be informed in an exhaustive manner about the causes for the refusal.

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A diagram of the general complaint and motion management mechanism is presented below:

Figure 1 - Scheme of general mechanism for management of complaints and proposals

Special complaint and motion management mechanisms are directly connected with the IPIP/CIRD issue proceedings as well as the determination of compensation for the lost right to the real property and related assets (e.g. civil profits, appurtenance or devices and machines unfit for use in a different location). They shall be applied during the IPIP / CIRD issue, negotiations on the determination of compensation conducted after the release of IPIP / CIRD in the proceedings on the issue of the decisions fixing the amount of compensation by the Lubuskie Province Governor (for communal roads - by the district governor of Krosno) and in appeal and court proceedings concerning IPIP / CIRD and compensation.

Persons whose real properties are situated in the investment implementation area are parties to the IPIP/CIRD issue proceedings. They have the right to actively participate in the IPIP/CIRD issue proceedings free of charge, including the right to submit remarks and motions concerning the case directly to the Lubuskie Province Governor (in the case of CIRD for communal roads - to the district governor of Krosno). One should mention that the remarks and motions submitted during the proceedings do not always require the Investor's answer. In the event that such response is required, the Investor shall immediately take a decision and forward it to the Lubuskie Province Governor (for municipal roads – the district governor of Krosno). The Investor's responses will be served on the parties by the Lubuskie Province Governor (for communal roads - the district governor of Krosno).

If the parties are dissatisfied with the decision issued by the Province Governor or District Headman, they shall have the right to submit an appeal to respectively a minister competent in construction (currently the Minister of Infrastructure and Civil Engineering) or to the Lubuskie Province Governor. All declarations and motions and the evidence submitted in the proceedings before the minister competent in construction shall be admitted by the minister and taken into account when issuing the decision.

If the parties are dissatisfied with the decision issued by the minister, they shall have the right to submit a complaint to the Regional Administrative Court. That court shall examine if the

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Province Governor and the minister conducted the proceedings correctly and reliably, including their taking into account of the remarks and motions and the evidence submitted by the parties to the proceedings. Under the binding provisions of law, a complaint is subject to a court fee of PLN 500. Moreover, the party who loses the case is obliged to reimburse the other party for court proceedings.

If RAC judgement is unsatisfactory to the party, the party shall have the right to cassation, which has to be filed with the Supreme Administrative Court. That court shall examine not only the correctness and legality of the proceedings conducted by the Province Governor and the minister, but also the RAC judgement. Cassation is subject to a court fee of PLN 250. Moreover, the party who loses the case is obliged to reimburse the other party for court proceedings.

Figure 2 – The complaint management mechanism at the IPIP stage

After obtaining the final IPIP/CIRD, the Investor shall conduct negotiations concerning the amount of compensation with persons who lose their right to the real property or asset (e.g. civil profits, appurtenance or devices and machines unfit for use in a different location); in the case of the CIRD, the negotiations shall concern the form of compensation and real property acquisition. Reservations submitted by the parties at the negotiation stage shall be archived in minutes of the negotiation meetings.

If no agreement on the compensation is reached, minutes and other documents sent by the parties to one another during the negotiations concerning real properties expropriated under the IPIP shall be submitted to the Lubuskie Province Governor. Those documents, along with the appraisal study, shall constitute the basis for issuing the decision determining the amount of compensation.

PAP rights in the proceedings concerning the issue of the decision determining the amount of compensation are analogous to those in the IPIP/CIRD proceedings. It means that the PAP have the right to actively participate in those proceedings free of charge, submit remarks and motions, appeal against the decision issued by the Province Governor/District Head and submit a complaint about the appeal decision issued by the Minister of Infrastructure and Civil Engineering / Lubuskie Province Governor and then - to the SAC. However, unlike in the proceedings concerning the IPIP/CIRD issue, a complaint to the RAC about the decision determining the amount of compensation is subject to a proportional court fee which depends on the due amount of money covered by the decision which is appealed against and equals:

1) up to PLN 10,000 – 4% of the complaint subject value, but no less than PLN 100;

2) over PLN 10,000 up to PLN 50,000 – 3% of the complaint subject value, but no less than PLN 400;

3) over PLN 50,000 up to PLN 100,000 – 2 % of the complaint subject value, but no less than PLN 1.500;

4) over PLN 100,000 – 1% of the complaint subject value, but no less than PLN 2,000 and no more than PLN 100,000.

The court fee for cassation to the SAC equals a half of the court fee for the complaint to the RAC, but no less than PLN 100.

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Figure 3 – Complaint management mechanism at the stage of the issuance of the decision determining the amount of compensation (after the issuance of the IPIP)

10.2 THE SUBMISSION MECHANISM OF COMPLAINTS AND MOTIONS CONCERNING THE IMPLEMENTATION OF THE CONTRACT FOR WORKS

The mechanism of submitting complaints and motions concerning the construction and assembly works conducted by the Contractor shall be implemented at the beginning of the whole process and shall be binding throughout the entire period of implementation, functioning and closure of the Contract.

10.2.1 Real property acquisition under the Special Flood Act

A complaint or motion may be submitted by the party in one of the three following places:

1. Directly in the Project main office, which shall fulfil the function of a consultation point:

Engineer – Consultant Office (the address will be provided after selecting the Consultant),

2. Directly in the Employer's seat:

Lubuskie Board of Amelioration and Water Facilities

ul. Ptasia 2B

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65-514 Zielona Góra

3. Directly in the office on the construction site (the address of this office will be announced on the website of the Investment within 1 month before starting work).

In addition, complaints and motions may be submitted:

- via mail to the addresses, as above, or

- via internet:

Website: ……..;

e-mail: ……

- An information telephone line will be activated - complaints can be submitted by calling to:

+48 ……..

fax: +48 ……..

10.2.2 Terms of considering complaints and motions

Terms of considering complaints and motions:

- Written confirmation of receipt of the complaint: within 7 days of receipt of the complaint.

- Proposed resolution: immediately, within 30 days of receipt of the complaint.

The principles referenced in point 9.2 concerning the consideration of complaints and motions are also binding upon this type of complaints.

The proposed complaint registration form is presented in Annex no. 6

10.2.3 Persons responsible for considering complaints and motions

The Employer shall create a unit (Social Consultant) responsible for contact with the society and dealing with social complaints in the organizational structure. That unit shall also include one person from the Engineer-Consultant's team, with competence and experience in this scope.

10.2.4 Audits and an independent appeal mechanism

It is assumed that internal audits of the "complaint and motion mechanism operation" shall be conducted periodically (once in a half year) in order to assess the efficiency of the implemented system.

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11 Institutional structure and implementation team

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

Figure 4 - The institutional structure of the LA&RAP developing team

The LA&RAP Consultant for the preparation of this LA&RAP is a JV of the following companies: AECOM, Halcrow and BRL INGINIERIE.

The scope of competence of the LA&RAP developing team is as follows:

1. The Investor – LA&RAP preparation coordination:
    a. facilitation supervision over LA&RAP preparation;
    b. ensuring information flow between the LA&RAP Consultant and the Designer;
    c. ensuring the implementation of changes arising during LA&RAP preparation to the detailed design;
    d. conducting social consultations;
    e. monitoring the LA&RAP preparation process.
2. The LA&RAP Consultant – LA&RAP draft preparation:
    a. conducting the socio-economic survey and preparation of a socio-economic study;
    b. collection and analysis of the data on real property management and use;

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c. coordination of the social consultation process;
d. preparation of impact mitigation proposals and their technical analysis; submission of proposed changes to the detailed design to the Investor;
e. eligibility analyses;
f. preparation of compensation packages;
g. LA&RAP draft preparation.

3. Designer
   a. preparation of a detailed design;
   b. obtaining administrative decisions, including decisions on the environmental conditions, IPIP and CIRD;
   c. a technical analysis of the proposed changes to the detailed design which are presented by the Investor.

The LA&RAP developing team on the side of the LA&RAP Consultant is not located in the Investor's organizational structure.

The scope of competence of the LA&RAP implementation team is as follows:

Figure 5 - The scope of competence of the LA&RAP implementation team

The scope of competence of the LA&RAP implementation team is as follows:

1. Investor
   a. facilitation supervision over LA&RAP implementation;
   b. concluding the compensation agreements;
   c. compensation payment;

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d. ensuring information flow between the LA&RAP Consultant, the Engineer and the Contractor.

2. LA&RAP Consultant
    a. negotiation planning and participation in the negotiations;
    b. preparation of opinions and valuations by expert valuers for the purposes of negotiations with the PAP;
    c. monitoring of LA&RAP implementation by the Contractor and the Engineer;
    d. proposals of mitigation actions in case of problematic situations;
    e. real property taking over.
3. Engineer
    a. supervision over the commencement and implementation of works;
    b. supervision over meeting the obligations by the Contractor.
4. Contractor
    a. real property obtainment for temporary acquisition;
    b. payment of compensation for real properties acquired for temporary acquisition;
    c. implementation of works on permanently acquired real properties;
    d. restoration of real properties acquired for temporary acquisition to their pre-Contract state.

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12 Monitoring and evaluation

LA&RAP implementation monitoring is an integral part of the Contract monitoring and management system. Therefore, the tools used for Contract implementation monitoring shall be used for the purposes of LA&RAP implementation monitoring. Its task is reporting to financing institutions and providing current information about problems, random incidents and irregularities. LA&RAP is an integral part of the investment process that allows immediate response in the event of problems or irregularities. Ensuring appropriate cooperation between the Consultant, the PIU and the PCU is also of fundamental importance. Schematic flow of information within the framework of the monitoring is shown in the chart below.

General procedures of monitoring and evaluation are described in greater detail in a document entitled Land Acquisition and Resettlement Policy Framework (LARPF) available at the following address:

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

Figure 6 – Scheme of LA&RAP implementation monitoring

It is crucial for LA&RAP implementation monitoring that the Consultant and the PIU register events and facts, in particular via a correspondence register, a register of progress in obtaining titles to use real properties for construction purposes and a compensation payment progress register. The data contained in those registers are used for preparing a set of data on the number of acquired real properties and the amount and type of provided compensation, in accordance with Appendix no. 1.

All changes have to be recorded in the registers. The abovementioned registers are the basis for a detailed monitoring of the following parameters:

a) the number of real properties to be expropriated and those already expropriated,
b) the number of people requiring resettlement and already resettled,
c) the number of real properties to be temporarily acquired (planned and achieved),
d) the sum of all expenses of the resettlement process (planned and achieved),
e) compensations paid for the loss of legal titles to real properties,
f) compensations paid for loss of income sources,
g) acquired and granted replacement real properties,
h) the implementation degree and status of protective measures,
i) the number of complaints.

The LA&RAP implementation monitoring system shaped in this manner allows for a quick reaction to problems and efficient reporting within the existing Contract management systems. The document shall be updated once in a quarter of a year.

The main indexes to be monitored in relation to the Contract implemented by LZMiUW are shown in the table below.

Index	Source of information	Frequency of monitoring	Progress indicator
Assumed parameters			
The number of real properties subject to expropriation	IPIP decision	Once, after issuing the decision	Number (items)
The number of real properties subject to permanent limitations	IPIP decision	Once, after issuing the decision	Number (items)
Number of persons affected by the project implementation (PAP)	Land and mortgage registers, written extracts from land registers, IPIP decision	Once, after issuing the decision Continuous updating during the period of agreeing on and paying the compensations	Number
The sum of all expenses of the compensations (planned)	Registers of LZMiUW/ Consultant	Monthly/Quarterly	PLN
The number of acquired	Registers of LZMiUW/	Monthly/Quarterly	Number

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real properties	Consultant		(items)
Achieved parameters			
The sum of all expenses of the compensations (expenses)	Financial registers of LZMiUW	Monthly/Quarterly	PLN
The number of acquired real properties	Registers of LZMiUW/ Consultant	Monthly/Quarterly	Number (items)
Efficiency indicators			
The number of complaints	Registers of LZMiUW/ Consultant	Monthly/Quarterly	Number (items)
Paid compensations, other	Financial registers of LZMiUW W	Monthly/Quarterly	PLN

ATTENTION: Concerning the process of acquiring real properties for temporary acquisition, the Contractor shall be responsible for the entire process

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13 Costs and budget

No.	Properties within the investment boundaries	Price PLN/m^2	Area [ha]	Total [PLN]
1	Permanent acquisition	8.44	26.5158	2 237 933.52
2	Permanent limitation	5.91	21.01	1 241 691.00
3	Temporary acquisition	15.00	1.44	216 000.00
4	Unforeseeable expenditures (20% of total for items no.: 1-3)	not applicable	not applicable	739 124.90
5	Protective measures (5% of total for items no.: 1-3)	not applicable	not applicable	184 781.23
6	Handing the property over earlier than 30 days from the final IPIP (+5% for items no.: 1)	not applicable	not applicable	111 896.68
7	Overall: (total for items no.: 1-6)			4 731 427.33

The estimated values of the abovementioned costs were determined on the basis of average market prices of real properties in the analysed area, established based on sale prices of agricultural and construction real properties in the analysed area offered on websites dealing with real property sale. Those values were indicated for budgeting purposes and may change after developing the appraisal studies.

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14 LA&RAP implementation schedule

The individual steps necessary for the preparation and implementation of LA&RAP, according to LARPF are shown in the table below. A detailed schedule in this regard is contained in Annex no. 3 to this document.

LA&RAP DEVELOPMENT			
Steps	**Action**	**Responsibility**	**Verification of performed actions**
1	Preliminary social impact estimation	Joint Venture – the team for legal and social matters	LZMiUW – team for LA&RAP verification
2	Determination of the final scope of expropriation and development of a detailed design	Designer	LZMiUW – team for LA&RAP verification
3	Determination of coordination framework for LA&RAP implementation with relevant government administration authorities	Joint Venture – the team for legal and social matters	LZMiUW – team for LA&RAP verification
4	Collection of written and graphic extracts from land and building registers and from spatial management plans	Joint Venture – the team for legal and social matters	LZMiUW – team for LA&RAP verification
5	Social impact estimation	Joint Venture – the team for legal and social matters	LZMiUW – team for LA&RAP verification
6	Verification and update of collected materials, impact analyses and economic analyses (Detailed Measurement Survey)	Joint Venture – the team for legal and social matters	LZMiUW – team for LA&RAP verification
7	LA&RAP draft development	Joint Venture – the team for legal and social matters	LZMiUW – team for LA&RAP verification
8	LA&RAP public consultations	Joint Venture – the team for legal and social matters	LZMiUW– team for LA&RAP verification
9	Introduction of changes into the detailed design as a result of public consultations	Designer	LZMiUW – team for LA&RAP verification

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LA&RAP DEVELOPMENT			
Steps	**Action**	**Responsibility**	**Verification of performed actions**
10	In the scope resulting from taking into consideration comments and motions to the LA&RAP – verification and update of collected materials, impact analyses and economic analyses	Joint Venture – the team for legal and social matters	LZMiUW – team for LA&RAP verification
11	In the scope resulting from taking into consideration comments and motions to the LA&RAP – introduction of changes into the LA&RAP	Joint Venture – the team for legal and social matters	LZMiUW – team for LA&RAP verification
12	Submission of the LA&RAP to the World Bank	LZMiUW	PCU
13	No remarks from the World Bank	WB	
14	LA&RAP publishing (also on the World Bank web page)		LZMiUW - team for LA&RAP verification

LA&RAP IMPLEMENTATION			
Steps	**Action**	**Responsibility**	**Verification of performed actions**
1	Determination of a detailed LA&RAP implementation schedule	Consultant for LA&RAP – team for legal and social affairs	LZMiUW –team for monitoring and implementation of LA&RAP
2	Submission of motions for the IPIP	Designer	LZMiUW –team for monitoring and implementation of LA&RAP
3	PIU's acquisition of real properties that shall be handed over as replacement real properties	Consultant for LA&RAP – team for legal and social affairs	LZMiUW –team for monitoring and implementation of LA&RAP
4	Obtaining the IPIP	Designer	LZMiUW –team for monitoring and implementation of LA&RAP

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LA&RAP IMPLEMENTATION			
Steps	**Action**	**Responsibility**	**Verification of performed actions**
5	Informing the PAP about obtaining the IPIP, its effects and the Investor's further planned actions	Consultant for LA&RAP – team for legal and social affairs	LZMiUW –team for monitoring and implementation of LA&RAP
6	Valuation of real property by valuers, in line with the law in force, and valuation verification	Consultant for LA&RAP – team for legal and social affairs, team for economic issues	LZMiUW –team for monitoring and implementation of LA&RAP
7	Delivery of the appraisal studies to the expropriated persons and conducting negotiations	Consultant for LA&RAP – team for legal and social affairs, team for economic issues	LZMiUW –team for monitoring and implementation of LA&RAP
8	Should negotiations fail – obtaining a decision from the Province Governor on the amount of compensation	Consultant for LA&RAP – team for legal and social affairs	LZMiUW –team for monitoring and implementation of LA&RAP
9	Payment of compensation or handover of replacement real properties, commencement of other compensation and protective measures stipulated in the LA&RAP	Consultant for LA&RAP – team for legal and social affairs	LZMiUW –team for monitoring and implementation of LA&RAP
10	Physical acquisition of expropriated real properties and commencement of works	Contractor	LZMiUW –team for monitoring and implementation of LA&RAP
11	LA&RAP implementation evaluation	Consultant for LA&RAP – team for legal and social affairs, team for economic issues	LZMiUW –team for monitoring and implementation of LA&RAP

CYCLIC TASKS			
Step	**Action**	**Responsibility**	**Verification of performed actions**
1	Internal permanent monitoring of LA&RAP implementation	Consultant for LA&RAP – team for legal and social affairs	LZMiUW –team for monitoring and implementation of LA&RAP

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2	Reporting to the World Bank	LZMiUW –team for monitoring and implementation of LA&RAP	PCU
3	Permanent coordination with the government and local government administration authorities	LZMiUW –team for monitoring and implementation of LA&RAP	PCU
4	Permanent communication with the PAP	Consultant for LA&RAP – team for legal and social affairs	LZMiUW –team for monitoring and implementation of LA&RAP

POST-IMPLEMENTATION TASKS			
Step	**Action**	**Responsibility**	**Verification of performed actions**
1	LA&RAP implementation evaluation	Independent external auditor	World Bank

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15 Annexes

15.1 Real property acquisition progress monitoring table

Table attached in an electronic version on a CD

15.2 Table - list of real property, owners and impacts

Table attached in an electronic version

15.3 Real property acquisition schedule

Schedule attached in an electronic format on a CD

15.4 Maps with plotted boundary lines of the investment site (13 sheets)

The maps are included in an electronic version on a CD.

15.5 The socio-economic survey

The survey is attached in an electronic form

15.6 Form of submitting complaints to the Consultant (based on WB guidelines)

Case no.:	
Name and surname *Attention: a complaint may be submitted anonymously or the applicant may demand that their data be disclosed to third persons only with the applicant's consent*	Name of the applicant _____ Surname of the applicant _____ ☐ I wish to submit a complaint anonymously I demand that my data be disclosed to third persons only with my consent
Contact details **Please indicate the manner in which the applicant should be contacted (by e-mail, phone or post)**	**By post (please enter the correspondence address):** _____ _____ _____ **By phone:**_____ **E-mail**_____
Preferred communication	**Polish**

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language	**English** **Other (please specify): ……..**
Description of the subject of the case or complaint	Please specify: the subject of the case/complaint, the date of the event, the place affected by the case/complaint, the persons involved in the case and the effects of the situation.
Date of occurrence of the complaint subject/of the case	
	A one-time event/complaint (date: _____) **It happened more than once (please state how many times: _____)** **Pending (an existing problem)**
What actions, in the applicant's opinion, would enable solving the problem?	
Signature: _____ Date: _____ **Please hand over this form to: [Surname] OHS Inspector [Company name]** **Address: _____ Tel.: _____ or e-mail: _____**	

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15.7 TABLE – SUMMARY OF PROGRESS OF THE PROCUREMENT OF PROPERTY

The table is included in an electronic version on a CD.

15.8 REPORT FROM THE ORGANIZED PUBLIC DISCUSSION ABOUT THE LA&RAP DRAFT

[Appendix will be included in the final version of LA&RAP after public discussion and taking into account the results of this public discussion]

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