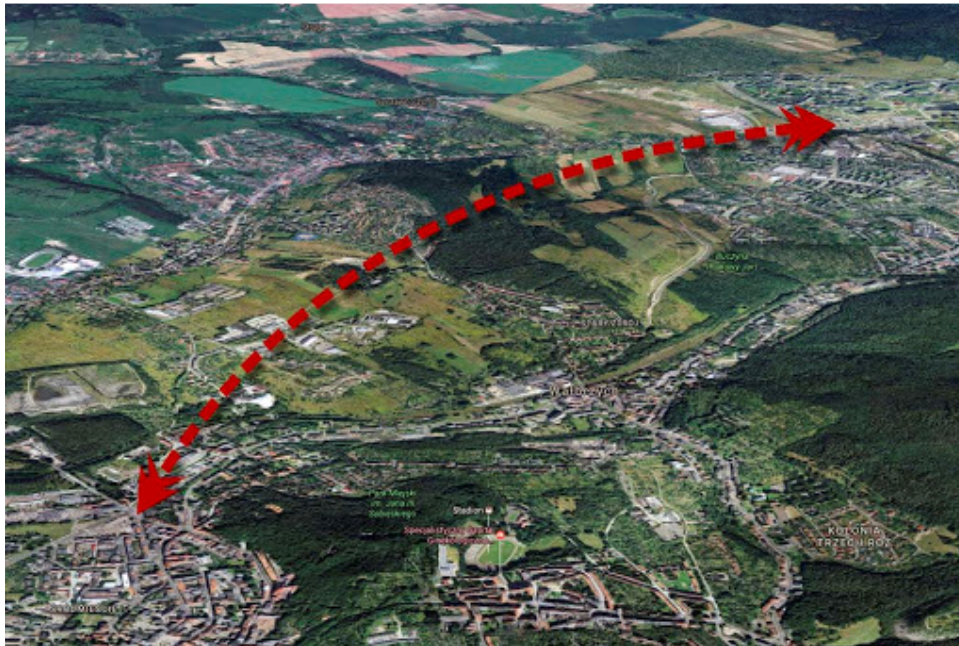


Wałbrzych Bypass Project

REMEDIAL ACTION PLAN

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Prepared in cooperation with:



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Warszawa, October 2020

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1 INTRODUCTION

Kancelaria Środowiskowa Ronikier i Wspólnicy Sp. z o.o. (further referred to as KSR) has been commissioned by the European Bank for Reconstruction and Development (EBRD) to conduct an environmental and social appraisal of the construction of about 6 km of Wałbrzych bypass. The assessment includes reviewing the land acquisition process to date as well as Project documentation relating to land acquisition for compliance with EBRD Performance Requirements (PR5). Remedial Action Plan is a response to identified gaps with a focus on measures required to achieve compliance with PR5.

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The purpose of this document was to check that the resettlement process was undertaken in a socially responsible manner and in line with the Polish law and good international practice.

The document defines identified problems and proposes mitigation measures to be implemented at the final phase of the Project.

2 PROJECT DESCRIPTION

2.1 General overview of the Wałbrzych bypass

The beneficiary of the Project is the city of Wałbrzych (Wałbrzych Municipality) which is a local government unit responsible (since 2013) for the road infrastructure on its territory. The city is responsible for the preparation, construction, operation and maintenance of the new infrastructure.

The Project consists in the construction of a 6 km long bypass which will divert motor traffic from the Armii Krajowej and Wrocławska streets to a higher-speed, dual carriageway with median barriers separating opposing traffic flows ("Project"). The new road will provide an efficient route for transit traffic and improve access to the historical city centre of Wałbrzych for the local traffic.

The City of Wałbrzych undertakes several projects at strategic and operational levels to provide fast and comfortable transportation for the urban agglomeration. The long process of transformation is somewhat tedious for the city inhabitants. The development of a bypass for national road no. 35 is recognized as the main tool for harmonizing transportation in the agglomeration, reducing environmental impacts and improving safety on urban roads. It has to be stressed that over the last 10 years, the City of Wałbrzych has implemented 53 road investment projects, of which 9 were co-financed with EU funds. The bypass is the most important and the largest road development project which will finalize the process.

The Project is expected to contribute to the socio-economic development of Wałbrzych and surrounding areas by reducing travel time and transport costs, the number of accidents and the negative impact of pollutant emissions. Last but not least the Project will help also to attract real estate investors to the City centre as well as to improve living conditions of an important part of the inhabitant population.

2.2 The state of art at the beginning of 2020

For over 20 years the construction of the Wałbrzych bypass has been the subject of public discussion and planning. In 2006 the Western option was selected as the most efficient and socially acceptable. The General Directorate for National Roads and Motorways (GDDKiA) launched the land acquisition and expropriation process, which was later stopped for a few years

and then restarted in 2012, when the building permit was granted. In total 36 hectares of land were acquired, of which 25% have been in private hands (the rest was public domain). Ownership of land and property for the urban section was transferred by GDDKiA to the Mayor of the City. In 2019 the BUDIMEX company was selected to construct the road and the Project is now (August 2020) in the process of construction works the progress of which is reported on several websites:

<https://www.bing.com/images/search?q=gddkia+Wałbrzych&FORM=HDRSC2>

3 LEGAL FRAMEWORK

3.1 Land acquisition in light of the Polish legislation

The most important acts of Polish legislation concerning land and property acquisition which refer to national road construction include the following:

- The Constitution of the Republic of Poland; adopted on 2 April 1997 (Dz.U. 1997 No. 78 item 483), which protects the right to ownership and inheritance. According to Article 21 of the Constitution, deprivation or restriction of property rights can be made only “for public purposes and against fair compensation”.

Act of 10 April 2003 on Special Conditions for State Road Investments (Polish: Specustawa) (Dz. U. 2003 No. 80 item 721, as amended), which regulates the acquisition of a property and identifies the authorities responsible for implementing acquisition procedures. According to the Specustawa, properties which are located in the area indicated for the motorway location may be acquired through purchase or appropriate compensation for expropriation. If only part of the property is acquired and the remaining part is not suitable for normal use, this part of the property should be purchased as well, on the basis of owner's or perpetual usufructuary's request.

Act of 21 August 1997 on Real Estate Management (Dz. U. 2004 No. 261 item 2603, as amended), which defines the rules for expropriation of a real estate and valuation. According to the act, property expropriation may be effected only for public purposes. The valuation of real estate property can only be done by a surveyor (real estate valuation expert).

- Environmental Protection Law, issued on 27th of April 2001 (Dz. U. 2008 No. 62 item 627, as amended), according to which purchase of properties located in the area of restricted use is required if it is not possible to apply appropriate technical protection measures in this area (against noise, for instance).

The Polish legislation provides for a procedure for property acquisition for appropriate price and a procedure for expropriation against appropriate compensation. Expropriation is permissible only if it is carried out for public purposes and with fair compensation. Thus the fulfilment of a public objective and the guarantee of fair compensation are essential grounds for the constitutional admissibility of any expropriation. The concept of 'expropriation', as contained in Article 21(2) of the Constitution, must be understood broadly, namely as 'any deprivation of property, whatever the form'. The constitutional inclusion therefore extends beyond the framework laid out in the real estate law. It must be pointed out, however, that such a broad view of the scope of the concept of 'expropriation' does not imply recognition of the legislature's full discretion in reaching for various forms of deprivation of property, even with those conditions of 'public purpose and fair compensation'.

Amendments to the 'Specustawa' issued on 25th of July 2008 introduced some changes into the scope of compensation for properties designated for purchase/expropriation (due to road construction). The new regulations also combined two decision processes (location and building

permits) into one, the road development consent (issued by ZRID).

The new regulations provide additional compensation for an immediate release of the land and buildings. According to the amended Act on Special Rules for Implementation of Public Road Investments, it is possible to increase the compensation rate by 5% of the total value of the real estate, only in the case when the owner leaves the land and empties the buildings within 30 days.

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Also, another amendment to the Act on Special Rules introduced an additional compensation bonus. When the expropriation concerns residential buildings, the compensation rate is increased by PLN 10,000 to cover the cost of moving.

According to the Polish law, institutions and authorities involved in the process of expropriation of properties affected by road construction are obliged to analyse the purposefulness and necessity of property takeover. For this reason, to minimize the necessity of acquisition or expropriation, such analysis should be carried out. These activities were undertaken at the early stage of road location.

The value of a property is determined based on an individual valuation of the property made by a real estate valuation expert. The expert is obliged to draw up a written opinion/analysis documentation and present the estimated property value. The expert decides on the approach, methods and techniques of real estate estimation and valuation. The valuation process takes into account various issues. This includes in particular the purpose of valuation, the nature and location of the property, the local development plan, infrastructure, the available data on similar properties and their pricing.

3.2 Public consultations

The current Polish environmental legislation requires public participation and consultations during the EIA for a road project. Every citizen, NGO or other organization is allowed to participate within 21 days from the date the report is made available for review during the statutory public consultations.

The lead authority is responsible for publishing announcements and placing information on the website of the authorities that the report is available for review. It may also hold a public hearing.

Participation may be possible at all stages of the EIA procedure for NGOs recognized as a party to the EIA procedure. NGO may become a party to the EIA procedure at each stage, only if it expresses its willingness to do so, referring to its statutory goals.

The statutory and obligatory public consultations are provided for in the EIA Act in Article 5, Articles 29-38, Article 44 and Article 79. These provisions were aimed at transposing into the Polish legal system the public participation and consultation requirements of the Council Directive 90/313/EEC of 7 June 1990 on the Freedom of Access to Information on the Environment, Council Directive 85/337/EEC of 27 June 1985 on the Assessment of the Effects of Certain Public and Private Projects on the Environment (amended by the Council Directive 97/11/EC of 3 March 1997), as well as two international conventions:

- the UN/ECE Convention on Transboundary Environmental Impact Assessment, which was signed in 1991 in Espoo, hence known as 'the Espoo Convention', and ratified by Poland by the Act of 9 January 1997 (Dz.U. 1997 No.18 item 96);
- the UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, which was signed in Aarhus in

1998, hence known as 'the Aarhus Convention', and ratified by Poland by the Act of 21 June 2001 (Dz.U. 2001 No. 89 item 970).

Information to the public on the EIA proceedings was displayed on the notice board and website of the regional administration of Lower Silesia, on the notice board and website of the City of Wałbrzych and on the notice board and website of the regional administration of the town and commune of Szczawno-Zdrój between 17 October 2011 and 8 November 2011. This information was also published in the local press on 27 October 2011. During that period the documentation was made accessible to the public at the premises of the Administration of Lower Silesia in Wrocław. During the consultation phase three letters with residents' suggestions were received, however these did not refer to the resettlement issues. The consultation at the 2nd stage of EIA resulted in more comments and suggestions from the public concerning the ownership and economic impact, but with no reference to the resettlement issues.

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The EIA decision for the bypass was issued by RDOS (Regional Directorate of Environment Protection) on 14 February 2012 and was made available to the public as required by law. Information at the 2nd stage of EIA proceedings was announced to the public in the local press on 20 March 2012. This information was displayed on the notice board and website of the local administration of Lower Silesia, on the notice board and website of the City of Wałbrzych and on the notice board and website of the regional administration of the town and commune of Szczawno-Zdrój between 13 March 2012 and 30 March 2012.

The Wałbrzych Municipality has not received any complaints against the Project during the consultation process.

4 AFFECTED PROPERTIES ASSESSMENT

4.1 Current status of land acquisition

It is worth noting that the road bypass has been planned in Wałbrzych for more than 20 years, and some of the properties were expropriated or purchased much earlier. KSR has reviewed the process of the takeover of the property taking place since 2012. Information on the purchase of land, the acquisition of real estate, involuntary resettlement and economic migration was provided by employees of the Real Estate Office and employees of the Housing Office of the Municipal Office in Wałbrzych.

Compensation amounts were determined in 2013 and 2014. The valuation was commissioned by GDDKiA Branch in Wrocław. In total, there were 126 proceedings. Many of these properties belonged to the Municipality of Wałbrzych. 14 proceedings concerned real estate wholly owned by the Municipality of Wałbrzych, while in 37 cases the Municipality of Wałbrzych participated in the payment of compensation. In total, the Municipality of Wałbrzych received over PLN 21 million in compensation for the acquired properties. Owners and users of the properties expropriated received in total a compensation of over PLN 19.5 million (details see Annex no 1).

In KSR expert's opinion the real estate appraisal reports were done correctly. The owners of the expropriated properties had the opportunity to make comments and in justified cases, the valuation was promptly corrected. Additional payments in the amount of 5% of the value and PLN 10,000 were paid as required by the provisions of the 'Specustawa' (special law).

Most of the private properties expropriated were garages (transport and communications buildings) in the number of 45, and undeveloped properties, often created as a result of plot division, therefore small scraps of land were also taken over. A total of 50 plots were expropriated. Among them there were no agricultural plots of land, only building grounds or parts of gardens or wasteland and arable areas. Private single-family houses were expropriated, for which the owners received proper compensation. 7 multi-family residential buildings were the subject of takeover. 5 buildings were municipal property of the Municipality of Wałbrzych and 2 belonged to other entities. The Municipality of Wałbrzych also received compensation for the municipal buildings.

Polish regulations do not consider 'resettlement' in the same meaning as EBRD or World Bank requirements. Only cash compensation of the lost real estate value is considered. Compensation rates are estimated in each separate case, based on estimates prepared for each plot by licensed asset valuers, commissioned by GDDKiA. Entitlements are presented in the table below.

The legal framework provides for a uniform approach to every type of property: whether the plot has structures on it, or is undeveloped, or comprises a forest, lake or gravel pit, the procedure is the same. However, the procedures may vary depending on the ownership regime.

Type of ownership	Legal framework	Administrative procedure	Entitlement	Appeals
Private properties (owned by private entities)	'Specustawa' (Act on Special Conditions for State Road Investments) and Act on Real Estate Management, Code of Administrative Proceedings and Civil Code	Transfer of property right through amicable agreement or expropriation if no amicable agreement is reached	Cash compensation for both land plot and structure according to the evaluation report. Lost profits not included.	Appeal against a decision according to the Code of Administrative Proceedings
State Treasury properties (owned by the State)	'Specustawa' (Act on Special Conditions for State Road Investments)	Establishing permanent management (perpetual usufruct)	Not applicable	Not applicable
Local government properties (owned by Local government)	'Specustawa' (Act on Special Conditions for State Road Investments) and Act on Real Estate Management	Establishing permanent management (perpetual usufruct)	Cash compensation for both land plot and structure according to the evaluation report. Lost profits not included.	Appeal against a decision according to the Code of Administrative Proceedings

Type of ownership	Legal framework	Administrative procedure	Entitlement	Appeals
Properties without regulated legal status (where the property status is unclear, for example the succession procedure is still ongoing and the heirs are not legally confirmed by the notary act)	'Specustawa' (Act on Special Conditions for State Road Investments) and Act on Real Estate Management, Code of Administrative Proceedings	Transfer of property right through expropriation	Cash compensation for both land plot and structure according to the evaluation report. Lost profits not included. The compensation is blocked on a bank deposit for a maximum of 10 years until the status of the property is decided upon by the Court.	Code of Administrative Proceedings
Properties used informally with no legal title	Not addressed	Not addressed	No entitlement	No right of appeal

The provisions of the Polish legislation do not cover any additional compensation for the loss of crops (including timber) – all standing assets are estimated as part of the valuation. No assessment and valuation of lost income and profits is conducted. The project did not include agricultural parcels. The only business activity transferred to another place, i.e. running of a wedding house, received a compensation, which satisfied the owner.

4.2 Social groups resettled and vulnerable people

People who had to change their place of residence were the subject of special attention for the Wałbrzych Municipal Office. Their poor housing conditions were expected to improve as a result of moving to new addresses. The Housing Office was involved in the search for residential premises for persons occupying municipal housing under a lease agreement and occupying premises without legal title in buildings to be demolished.

Municipal buildings from which residents were resettled were at the following addresses:

- Topolowa 39 – one building, with 5 residential units
- Gałczyńskiego 4 and 6 – three buildings, with a total of 31 residential units
- Browarna 1 – one building, with 4 residential units

39 premises with a total of 93 people were emptied in the above-mentioned municipal buildings. In one case, two families, related but conflicted, lived in one apartment. One family consisted of four people, including one with disabilities, and the other family consisted of five people, including two minors. Each of these families received a separate flat with a larger area than that occupied before. No information on people with disabilities.

Six people were moved from multi-flat buildings owned by other entities:

- Building at Topolowa 19 - 1 family – 4 people including 1 woman, 2 men, 1 small child occupied low-standard premises located in a single-family house. They received an 86.79 m² flat, located in the Nowe Miasto district, consisting of 2 rooms, kitchen, entrance hall and bathroom with toilet.
- Building at Żeromskiego 6 - 1 family - 2 people including 1 woman and 1 man occupied a 34 m² premises consisting of 1 room and kitchen, received an apartment consisting of 2 rooms, kitchen, hallway and bathroom with toilet of about 40.36 m² located in the District of Stary Zdrój.

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Properties were also taken over in Szczawno-Zdrój. In municipal buildings at 58 and 60 Łączyńskiego street, a total of 17 families received fully renovated flats. Also, two private buildings were taken over and compensation was paid.

According to a statement by the Head of the Housing Office, Ms Jolanta Pabisz, all families received replacement premises from both municipal buildings and others, although in this case the municipality was not obliged to do so. According to that source, there were no complaints or court proceedings brought by tenants in connection with the resettlement.

The city authorities aimed to provide assistance to all residents. All of the new premises had a much higher standard than the previous ones. According to the statement of the Housing Office, premises with a location suitable for the resettled inhabitants were sought, taking into account the distance from the inhabitants' workplaces. Assistance was also offered in the form of transport when moving. Some families have availed themselves of it.

Taking into account all gathered information and the site visit we can confirm that replacement dwellings met the PR5 requirement of providing better or at least equal living conditions.

Vulnerable people are always a real problem in the case of resettlement. Their needs are not typical. This is the simple reason why in most cases bureaucratic procedures and standardization is not sensitive enough to those people with their specific problems. Our survey showed that resettlement practice managed by the Housing Office was set up in the right way with attention paid to the following types of individual cases:

- People with disabilities, permanently ill or very old
- Poor individuals or families with low income and/or with unemployed family members (especially important during the recession after the 2020 pandemic period)
- Families with many minors or newborn babies with below-average income level

The resettlement process has been completed but the pandemic situation demands paying additional attention to vulnerable people and possible aggravation of their living conditions when COVID-19 could be defined as a natural disaster. The Municipal Office in Wałbrzych can follow Article 7 of the Act of March 12, 2004, on social assistance grants which defines the right to benefits from social assistance to an individual or family member whose income does not exceed a certain minimum. Among the 15 cases allowed by law, natural or environmental disaster is also indicated.

4.3 Companies and institutions

There were three businesses run inside the Project zone. A utility building was taken over, where a wedding house with a hotel and catering facilities was run. According to information obtained in the Housing Office, the owners of the wedding house for the compensation paid acquired another property in which they run an apartment rental business.

Part of the parish property of the Roman Catholic Church was also taken over where two priests were living. A new clergy house was built nearby. Construction materials and equipment from the acquired rectory were used in the construction of a new rectory, although the amount of compensation entirely covered the cost of the taken over building. The compensation received has enabled the erection of a new church to be completed earlier.

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A part of undeveloped land near a car wash was expropriated; this did not affect the conduct of business.

4.4 Problems identified during site visits

The Housing Office of the Municipal Office in Wałbrzych was responsible for the resettlement policy. Our site visit focused on verifying the resettlement process covering the 5 buildings owned by the city and demolished to enable the bypass works.

- An interview with Ms Jolanta Pabisz, the Head of the Housing Office, was made on 6 March 2020. Ms Pabisz described the rules of the resettlement process (described above)
- Four interviews with representatives of resettled households and one direct visit in a new flat (Piaskowa Góra) confirmed the information obtained at the Housing Office. The rules of resettlement consisted in the following steps: an interview with a head of a household about the needs and expectations concerning the new flat, one or more visits at the new flat with the participation of the resettled family, preliminary agreement between the parties, final contract and relocation free of charge.
- Our survey has shown that the satisfaction level of the resettled families was generally good as the decisive factor was the higher quality of the new flats as compared to that of the old flats. During interviews, some problems were raised by the affected people. According to one respondent, there was not enough time to make the right choice among different offers and to make a decision about the new location. Other case shows that an old woman (83 years old) would like to live at ground level of the building as she is having mobility problems. In one case the regular costs of the flat were higher than that of the old flat: PLN 670 compared to PLN 350, but those tenants are satisfied with the new living conditions.

4.5 Compliance with EBRD Requirements

The Polish procedure does not take into account the resettlement of people in an organized way according to a previously organized plan. All cases concerning real estate acquisition are carried out with individual owners. Under the Polish law, the Polish Government is responsible for real estate acquisition.

EBRD requirements on land acquisition and displacement, relevant for this project can be summarized as follows:

- to avoid or, when unavoidable, minimize involuntary resettlement by exploring alternative project designs; measures to mitigate adverse impacts on displaced persons

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- and host communities should be carefully planned and implemented;
 - to mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons' use of and access to land by providing compensation for loss of assets at replacement cost calculated as the market value of the assets plus the transaction costs related to restoring such assets, before taking possession of acquired assets;
 - to ensure that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;
 - to restore or, where possible, improve the livelihoods and standards of living of displaced persons, including those who have no legally recognizable rights or claims to the land (present in the Project affected area at the time of the cut-off date), to pre-project levels and support them during the transition period;
 - to make special provisions for assisting disadvantaged or vulnerable individuals or groups (present in the project affected area at the time of the cut-off date) that may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of livelihood assistance and related development benefits;
 - to establish a grievance mechanism to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons, including a recourse mechanism designed to resolve disputes impartially.

All purchases and resettlement related to the modernization of the road system have already taken place a dozen years earlier and ended in 2016. It was a long process finalized a few years ago. People affected by the Project participated in the decision process through information meetings with the Mayor of the city. The statutory and obligatory public consultations have been included in the EIA procedures. Some comments and suggestions from the public have been received about the ownership and economic impact with no reference to resettlement issues.

The negative effects of resettlement have been minimized by choosing the most socio-economically beneficial option of the bypass road routes. Based on the feasibility study, the Western option was chosen. The investor, GDDKiA, carried out an examination of the initial situation and reconnaissance activities through the census of the population affected by the Project and the identification of their current situation and needs.

Most of the private properties expropriated were garages (transport and communications buildings) in the number of 45, and undeveloped properties, often created as a result of plot division, therefore small scraps of land were also taken over. A total of 50 plots were expropriated. Among them, there were no agricultural plots of land, only building grounds or parts of gardens or wasteland and arable areas. Private single-family houses were expropriated, for which the owners received proper compensation. 7 multi-family residential buildings were the subject of the takeover - 5 buildings were municipal property and 2 belonged to other entities.

In order to mitigate the negative socio-economic effects of taking over the property, property owners received reasonable (fair) compensation equal to the cost of purchasing another property anywhere. The amount of compensation was determined based on estimates made by eligible real estate experts.

Based on available documents review and KSR knowledge, the property owners received fair compensation. No replacement properties were proposed. The compensation received allowed to acquire another property that provided similar economic conditions. People resettled from municipal buildings were given flats of much higher standard than those they previously occupied. The living conditions of the resettled people have improved. The Municipal Office was directly involved in the resettlement process, applied and implemented appropriate actions, for

instance by employing two social supervisors providing support to displaced persons. This is an example of an innovative approach to improving housing and living standards for displaced persons, including those without recognized rights. The change of residence of the resettled people had no significant impact on the level of earnings and on job opportunities.

Grievances are received by the City. The current social communication and social consultation programme is managed properly by the Municipal Office in Wałbrzych. During the last 4 years, no grievance concerning this process was reported.

The resettlement process has been carried out in the right way as far as Polish law and formal procedures are concerned. Moreover, the standard of the new flats owned by the city and offered to resettled inhabitants is higher and sanitary conditions are better compared to the old houses. The best way of conducting regular verification is to observe grievances and to apply additional measures to be sure that resettled families and individuals are satisfied.

Among those measures, we propose to organize site visits at new flats and to carry out a telephone survey, at least this year (2020), to measure the satisfaction level of its inhabitants. The costs of carrying out such a survey should be covered by the Municipal Office's own resources, or the survey should be carried out by the Housing Office's own staff.

Especially important are vulnerable people – those with health problems and/or low income – who may require additional help from the Wałbrzych Municipality. We suggest first of all to build a database serving to identify those persons. What seems important is to update this sort of information at least twice a year.

5 GRIEVANCE

5.1 Grievance Mechanism

It is important to keep in mind that submitting a grievance is the first condition and also a necessary tool for the Wałbrzych Municipality to learn of any concerns and to respond to them. In this regard, Wałbrzych City Hall undertakes full responsibility in managing all grievances received and the responses submitted to inhabitants. The key point is conducting an open and trustworthy dialogue with all stakeholders.

The Grievance Mechanism is very useful and practical. Grievances are filed using a form, which is attached hereto in Appendix No 2. The Mechanism is dedicated to receiving, recording, investigating requests, complaints, and questions, also those concerning the Project, and to respond to them. It is worth stressing that the Grievance Mechanism is designed to enable inhabitants and all Wałbrzych Municipality clients to submit their grievances concerning problems not only connected with the revitalization.

In 2005 a quality management system was implemented at the Municipal Office in Wałbrzych, which in 2008 was integrated with the information security management system under ISO 27001:2005. The procedures applied led to an increase in customer service standards and a more effective response to irregularities at every stage of the petitioner's contact with the Municipal Office.

The second important factor that enhances the functioning of the City of Wałbrzych is transparency, providing residents with insight into the most important regulations and decision-making processes. The Municipal Office regularly updates information on its website and in the Public Information Bulletin.

The rules, manner and procedure for accepting, processing and settling complaints and applications of residents at the Municipal Office in Wałbrzych are governed by generally

applicable provisions: the Act of 14 June 1960 - Code of Administrative Procedure (Dz.U. 2016, item 23, as amended, and Dz.U. 2017, item 1257) and issued based on art. 226 of the Code of Administrative Procedure, Regulation of the Council of Ministers of 8 January 2002 on the organization of receiving and examining complaints and applications (Dz.U. 2002 No. 5, item 46) and the provisions of the Organizational Regulations of the Municipal Office.

The register of complaints and motions received by the Municipal Office in Wałbrzych is kept by the Organizational Department, which is located in the Organizational Office. Its tasks include organizing and supervising the receipt and registration of complaints and petitions, as well as supervising the timely and proper settlement of complaints by individual organizational units of the Municipal Office, examining properly submitted complaints and motions.

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The entire complaint handling and response process is the subject of one of the procedures developed at the Municipal Office, i.e. complaint handling procedure.

In carrying out the tasks specified in the Organizational Regulations, the Organizational Department analyses the receipt of complaints and motions. The result of this analysis is an annual study discussing the inflow and manner of handling matters as well as the issues of complaints and motions settled in the period between January 1 and December 31 last year, as well as the reception by the Municipal Office of petitioners in matters of complaints and petitions. The analysis carried out by the Organizational Department at the beginning of each subsequent year, compared to the previous year, takes into account the data contained in the central register of complaints and petitions and in the documentation collected in this regard.

The rules and procedure for recording and dealing with complaints, requests and admission of petitioners are set out in Chapter VI of the Organizational Regulations issued by the Order of the Mayor of the City. Complaints filed with the Municipal Office should be submitted in writing and then recorded in the central register. A designated employee in the Organizational Office supervises the timely settlement of all complaints and petitions recorded in that register.

5.2 Grievance processing record for the last three years

The Grievance Mechanism will be in place over the whole life of the Project, namely during all final construction and operation stages. A grievance may take the form of specific complaint about the impacts and damages caused by the Project. Similarly, a grievance may refer to concerns about the access to the stakeholder engagement process or about how the concerns have been addressed.

Since the inhabitants' grievances differ at different phases of the process of bypass construction, we need to identify two types of problems: grievances regarding resettlement and grievances regarding other situations. However, because this differentiation might prove confusing for the general public, the Grievance Mechanism is open to receive all types of grievances including those which are not referring to resettlement process and even not referring to the Project. Those concerning resettlement should be transferred to the Housing Office of the Municipal Office in Wałbrzych.

A summary of the procedure for collecting and handling all complaints in the Municipal Office for the last 3 years is as follows. In 2017, 8 complaints were received, of which 2 were referred to the Housing Office. In 2018, 11 complaints were received, of which 2 were referred to the Housing Office. In 2019, 13 complaints were received, of which 3 were referred to the Housing Office.

According to Ms Joanna Pierzynka, the head of the Organizational Department, among the complaints received by the Municipal Office in 2017-2019 there were no complaints concerning the construction of the bypass and associated inconveniences for natural or legal persons and also related to resettlements that took place when liquidating structures in connection with the construction of the bypass.

6 MONITORING AND EVALUATION

The indicators proposed for monitoring

Issue / topic	Indicator	Source of information	Frequency
Level of satisfaction of the resettled inhabitants	Number of grievances concerning new locations	Housing Office annual report	Once a year
Level of satisfaction of the resettled inhabitants	Percentage of unsatisfied households recorded by the survey with special attention paid to vulnerable people	Site visits and telephone survey managed by the Revitalization Office and Housing Office*	Once a year
Level of satisfaction of the resettled inhabitants	Number of complaints concerning new locations during public meetings with the Mayor	Mayor meetings record managed by the Revitalization Office and Housing Office	Every 6 months

* To monitor the level of satisfaction of the resettled families it is recommended to make interviews with all of them or at least with 50% of the resettled households. Short interview, telephone or face to face, should be made with the head of the household.

** The public meetings with the Mayor are reported only in the form of the number of participants. We propose to note also a list of topics and problems discussed during each meeting.

7 ROLES AND RESPONSIBILITIES

The following table presents the role division in the Wałbrzych Municipality

	Task	Responsible unit at the Municipal Office in Wałbrzych
1.	<u>Resettled inhabitants</u>	Housing Office

	Site visits to check the situation of resettled households and to stay in direct contact with them	
2.	<u>Vulnerable groups and individuals</u> Building and updating a database of those resettled people who require special attention and assistance	Housing Office
3.	<u>Monitoring and evaluation</u> Number and type of complaints registered in the survey and during public meetings with the Mayor	Revitalization Office and Housing Office
4.	<u>Grievance Mechanism</u> Analysis of grievances concerning the new flats and living conditions of resettled families	Organizational Office

8 SUMMARY

The overall summary aims to assess the resettlement process and identify actions that will ensure that the resettlement process will be monitored and modified when necessary. The analysis of the collected information shows that the Municipal Office has made an effective effort to improve or restore livelihoods and the standard of living of displaced individuals and families.

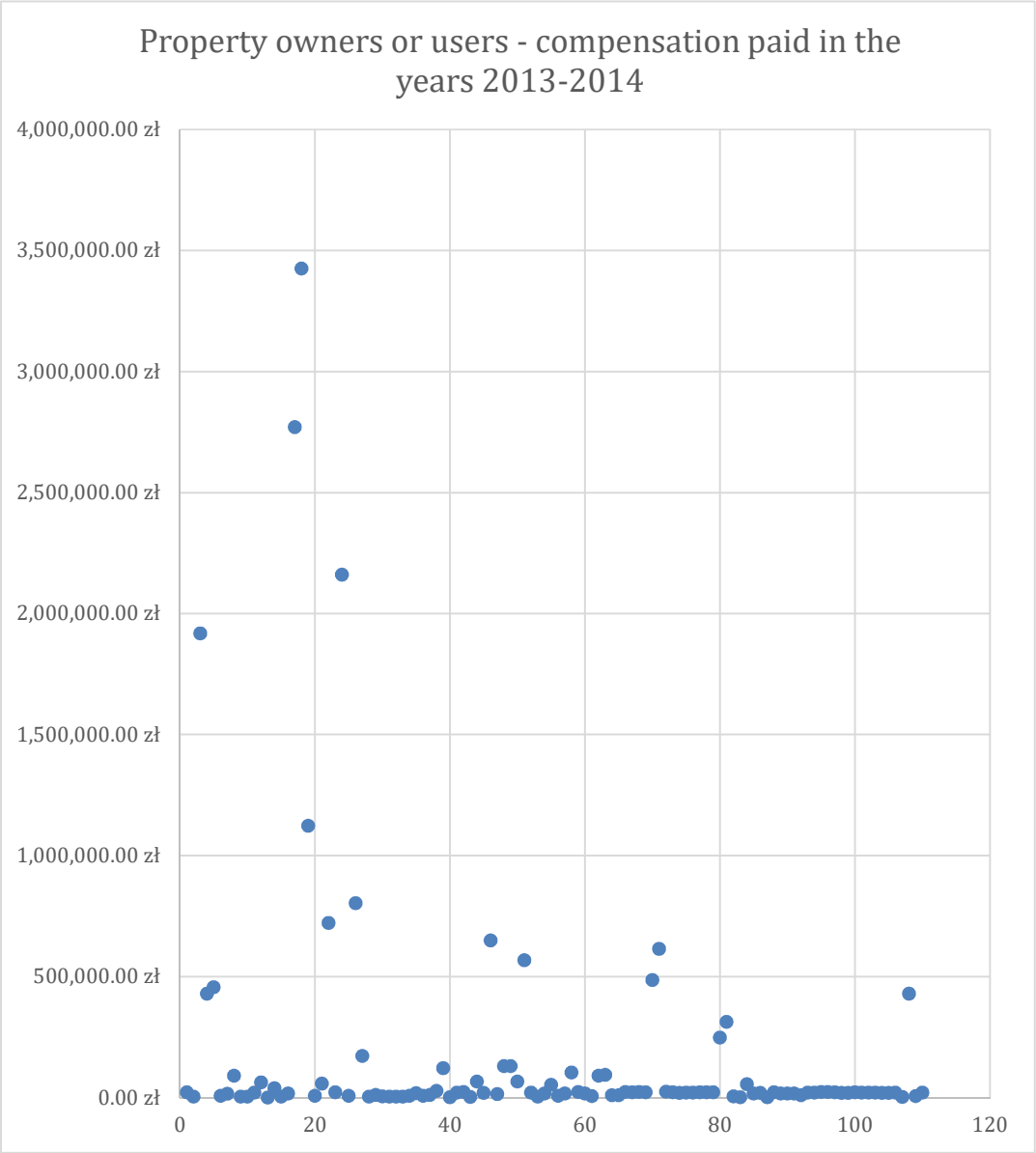
Even though the resettlements were carried out several years ago, methods should be developed to monitor their implementation and evaluate their impact. Under the EBRD policy and procedures for involuntary resettlement, the City is expected to ensure that affected people are at least as well off subsequent to physical and economic displacement as before.

For this purpose, the City will implement measures as part of the Remedial Action Plan, including:

- Obtaining feedback from affected hosts and resettlers using dedicated questionnaires and making site visits.
- Evaluation of impacts, including the integration with the host community and related development benefits achieved.
- Maintain the grievance mechanism.

All information about those resettled people who have health problems and/or low income should be transferred by the Housing Office to the Municipal Social Welfare Centre.

APPENDIX No 1. Additional information on the amount of compensation paid to property owners or perpetual usufructuaries



APPENDIX No 2. Public Grievance Form

PUBLIC GRIEVANCE FORM

You can submit your grievance anonymously if you wish. However, the more information you can provide, including your contact details, the more efficiently we will be able to follow-up.

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Full Name <i>(Note: You can remain anonymous if you prefer)</i>		
Mark if applicable	<input type="checkbox"/> I request not to disclose my identity without my consent. <input type="checkbox"/> I wish to raise my grievance anonymously.	
Contact Information <i>(Note: You do not have to give your details if you do not wish to provide them)</i>	Address: Telephone: E-mail:	
Please mark how you wish to be contacted	<input type="checkbox"/> By Post <input type="checkbox"/> By Telephone <input type="checkbox"/> By E-mail	
Description of Grievance or Concern		
Which section of the bypass does this Grievance or Concern relate to?	<i>(Please provide the name/s of village/town/city)</i>	
What would you see to happen to resolve the problem?		
	Date:	Signature <i>(if applicable)</i> :
Please return this form to	<i>[Address of appropriate local office]</i>	