



Cracow, 25th February 2020

Our ref.:

POPDOW/KR/60549311/20/0426

FAG Semafor Management Board

18. Kassali Street

33-100 Tarnów

Contract no. 5.2 Design and Construction Supervision for works, Project Management, Technical Assistance and Training, Technical Support for the Project and Strengthening of PIU's Institutional Capacity

RE: answers to questions submitted by e-mail in reference to the Land Acquisition and Resettlement Action Plan for the Works Contract 3D.2/1 *Construction of the Right Embankment of the Biała River in the City of Tarnów*

Dear Sirs,

Public consultations for the draft document titled "Land Acquisition and Resettlement Action Plan for the Works Contract 3D.2/1 Construction of the Right Embankment of the Biała River in the City of Tarnów", which has been developed in accordance with the World Bank's – i.e. an international financing institution, which granted the Polish Government with a loan for funding flood protection tasks implemented under the *Odra-Vistula Flood Management Project* – operational policy OP 4.12 was held on 02/06/2020. The consultation procedure requires answering all questions – provided orally or in writing – of attendees of such a meeting.

During the meeting, as well as after the meeting one of the attendees asked – in writing – a question to the FAG Semafor Management Board; thus, we kindly request for assistance in answering to the interested person and presenting the factual status.

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The question is:

If due to the issuance of a decision by the governor all agreements referring to that land were terminated, it means also agreements between the gardeners, members of the PAF, and the FAG "Semafor" Management Board, based upon which right the Management Board took fees for the use of plots for 2018 and 2019? (In that time it even "sold" them to new users, although it apparently knew that those are to be removed). Did they not gain the title to use them free of charge as stated on page 33 of the document? If yes, we would need to discuss a considerable amount of over PLN 100 000 (about $PLN\ 275.00 \times 188 \times 2 = PLN\ 103\ 400.00$). (PLN 275.00 is an annual fee paid by me in 2019). Does such potentially groundless, illegal collection of fees not justify "satisfaction" with changing of the investor stated by the Chairman at the meeting and delaying specification of actions related to the development of embankment?

We have not interfered in the text, it has original contents. We shall appreciate if we would receive a related answer to questions provided, so we would be able to complete the public consultations process as soon as possible.

We would simultaneously like to indicate that the gardener has mistaken two legal statuses associated with the issue of payable or free-of-charge use of properties. The issue discussed (based upon provisions given on page 30 of the draft LA&RAP) refers to the free-of-charge use of properties by its previous owners or perpetual lessees after their expropriation until expiration of the time for handing them over, as given in the IPIP decision and discussed under Article 22 (1) of the Special Flood Act.

Fees accounted and collected for the use of allotment gardens result from other legal basis, i.e. the Act of December 13, 2013 on the family allotment gardens (i.e. OJ of 2017, item 2176), where it is stated that the garden fees are fees paid by the gardeners due to participation in expenditures for functioning of family allotment gardens, and especially ones related to management, and maintenance of common sites and garden facilities.

Sincerely yours,

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Barbara Chammas

Project Manager

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- a. Addressee
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