COMMISSION REGULATION (EC) No 188/2003

of 31 January 2003

amending Regulation (EC) No 2222/2000 laying down financial rules for the application of Council Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period ([1]), as amended by Regulation (EC) No 2500/2001 ([2]), and in particular Article 12(2) thereof,

Whereas:

(1) One of the objectives of Article 1(2)(b) of Regulation (EC) No 1268/1999 is to solve priority and specific problems for the sustainable adaptation of the agricultural sector and rural areas in the applicant countries. Damage caused to agriculture and rural areas by exceptional natural disasters can constitute such problems as demonstrated by the flooding which in August 2002 caused considerable damage in various applicant countries. The Community needs to be able to respond appropriately to such exceptional natural disasters using various instruments including the pre-accession instrument set up under Regulation (EC) No 1268/1999 (the pre-accession instrument).

(2) Commission Regulation (EC) No 2222/2000 ([3]), as amended by Regulation (EC) No 2252/2001 ([4]), does not contain any particular provisions concerning the management of aid where the granting of such aid is related to, or affected by, an exceptional natural disaster. Such provisions should be laid down to permit appropriate and rapid action by the Community in the wake of such disasters.

(3) The second indent of Article 5(1) of Regulation (EC) No 2222/2000 lays down that one of the tasks of the Sapard agency is project selection. Experience has shown that in certain circumstances that task need not be handled by that agency.

(4) Article 7(3) of Regulation (EC) No 2222/2000 lays down the rules regarding automatic decommitment of unused appropriations, reflecting those in Article 31(2) of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ([5]), as amended by Regulation (EC) No 1447/2001 ([6]). For those rules to be applied under Sapard in conditions equivalent to those for Member States it should be taken into account that in the absence of Commission decisions conferring management of aid to the applicant countries, the instrument may not be applied, no eligible expenditure on projects may be generated and consequently none of the appropriations for the countries concerned may be the subject of any payment order. The timing of such decisions is likely to have repercussions on use of appropriations in the initial years of application of the pre-accession instrument in each applicant country.

(5) As implementation of Sapard Programmes has only started for most Candidate Countries in 2002, whereas appropriations were first entered in the budget in 2000, it is appropriate to extend for two years the time limit for use of appropriations for the annual allocations 2000 to 2002 and thereafter to move progressively towards the rules of automatic decommitment as provided in Regulation (EC) No 1260/1999. Moreover, where a risk of decommitment is invoked, applications for payment should also be admissible by the end of the quarter concerned.

(6) Regulation (EC) No 2222/2000 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee of the European Agriculture and Guidance Fund (EAGGF),

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2222/2000 is amended as follows:

1. In Article 2, the following point is added:

'(j) "exceptional natural disaster" means a natural disaster on an unusually large scale and causing intense damage and destruction.'

([1]) OJ L 161, 26.6.1999, p. 87.
([2]) OJ L 342, 27.12.2001, p. 1.
([3]) OJ L 253, 7.10.2000, p. 5.
([4]) OJ L 304, 21.11.2001, p. 8.
([5]) OJ L 161, 26.6.1999, p. 1.
([6]) OJ L 198, 21.7.2001, p. 1.