



HORIZON 2020

Amendments to the Grant Agreement

Article 55 MGA

WHAT ?

An amendment to the grant agreement is necessary to **change** the **terms and conditions** of a GA (only specific data, options), **Annexes 1 and 2**

Consequences

The amended provisions **become an integral part of the GA**

All other provisions remain unchanged and have full effect

Conditions

Amendments may not result in changes that if known before awarding the grant — would have had an impact on the decision to award it

Those are mostly changes that:

- ✓ may have had an impact on the assessment of the applicant with regard to the **eligibility and selection criteria**
- ✓ breach the principle of **equal treatment** of applicants
- ✓ involve changes in the action and/or budget which may have affected the assessment with regard to the **award criteria** established in the call
- ✓ do not comply with the **RfP, FR, RAP**, or provisions of **the GA itself**

WHEN ?

Requests must be submitted:

* *before the end of the action*

Exception: special cases where it is necessary to change:

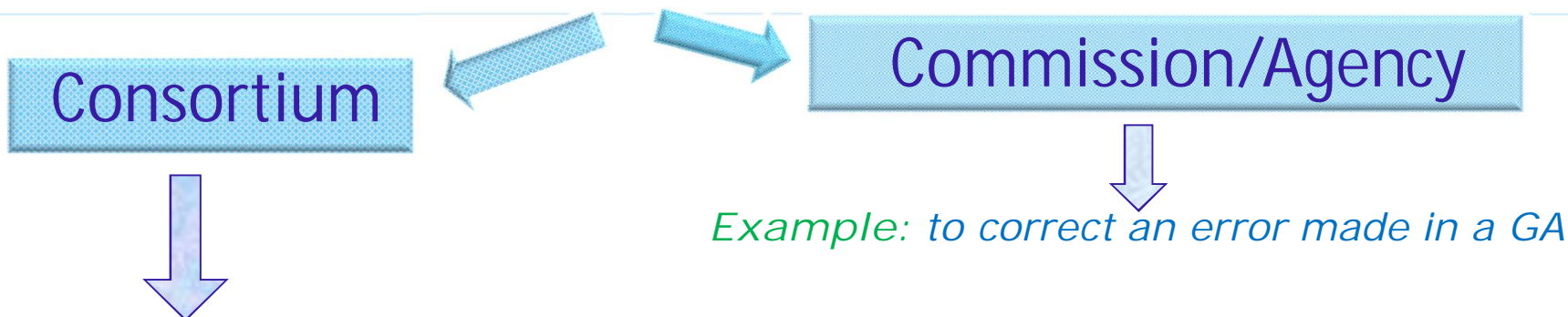
- *coordinator*
- *bank account to make the payment of the balance*

* *sufficiently in advance to allow preparation and proper analysis before the changes are due to take effect*

Requests must be unambiguous and complete

WHO ?

Requested by the parties



Coordinator - submits/signs/receives amendments on behalf of beneficiaries

Exception: if change of coordinator without its agreement request must be submitted by another beneficiary on behalf of the others

Coordinator - must ensure internally the agreement of the consortium

based on internal decision-making processes set out in the consortium agreement
(e.g. unanimity, simple or qualified majority)

H2020

Amendments

are PAPERLESS

▶▶ Prepared electronically

Requesting party encodes the request in the Funding Portal

- * Indicate reasons
- * Upload supporting documents
- * Get validations done before submitting the request
(*e.g. new legal entity, bank account validations*)

▶▶ Submitted & signed electronically (by PLSIGN)

▶▶ Counter signed electronically by receiving party (by PLSIGN)



Cases where an amendment is necessary

(some examples)

I. Beneficiaries - changes

Termination of participation
triggered by:



Termination by Commission/Agency (Article 50.3)

- ▶ 'Contradictory procedure' (30 days)
- ▶ '*Termination date*' either:
 - date specified in notification confirming termination, or
 - day after coordinator or beneficiary concerned receives the notification
- ▶ Coordinator must submit within 60 days after termination an amendment request with supporting documents !

I. Beneficiaries - changes

Termination by the beneficiaries (Article 50.2)

The coordinator:

- notifies termination to Commission/Agency
- submits the amendment request at the same time - **NEW**
 - * Request must include opinion of the beneficiary whose participation is terminated, or proof that it has been requested in writing
 - * 'Termination date' must be after notification

Consequences:

- ➡ Termination date is added to the Preamble of the GA - **NEW**
- ➡ Change of Annexes 1 & 2
- ➡ If termination is since the beginning the applicable options will be removed/changed/become not applicable

I. Beneficiaries - changes

Adding a new beneficiary

Before submission:

⇒ New beneficiary must be validated & have a PIC

⇒ Required documents must be signed:

- GPF with Declaration of Honour
- Annex 3 - Accession Form
- Annex 3a, Annex 3b (if applicable)

Consequences:

⇒ New beneficiary and accession date are added to Preamble GA

⇒ Change of Annexes 1 & 2

⇒ GA options for that beneficiary will be added/changed/become applicable (e.g. linked third party, IO)

I. Beneficiaries - changes

Change of beneficiary due to "partial takeover"
(FP7: 'partial transfer of rights and obligations')

'Partial takeover' means that some assets of the beneficiary have been taken over by another entity (*e.g. partial acquisition*)

It must be clarified:

- * Contractual position **of former and new beneficiary** (vis-à-vis Commission/Agency and the other beneficiaries)
- * Financial liability **of the new beneficiary for the former beneficiary's debts** towards the Commission/Agency or the Guarantee Fund

III. Action or action implementation - changes

Change to Annex 1 - Description of the action

- * Significant change of action tasks (e.g. if tasks are added/removed) or their division among the beneficiaries
- * Changes concerning subcontracts or in-kind contributions provided by third parties (against payment or free-of-charge)
- * Changes concerning linked third parties, tasks to be carried out and budget
- * Changes to the options in the GA (e.g. options removed or added)

Example: adding the options to provide trans-national access to research infrastructure requires normally a change of Annex 1 &/or Annex 2

IV. Financial aspects - changes

Change to Annex 2 - Estimated budget

Budget transfers:

- ▶▶ between beneficiaries or budget categories (or both) due to a significant change of Annex 1
- ▶▶ to a form of costs that is not used by the beneficiary

Except for transfers : ▶ within the personnel costs, and
▶ to costs of internally invoiced goods and services

Example: access costs for transnational access to research infrastructure

Change of Annex 2a

Additional information on the estimated budget

If calculation of unit costs needs to be provided or updated



Cases where an amendment is not necessary

Cases where NO amendment is needed: Certain budget transfers

Budget transfers and re-allocation	Amendment needed?
From one beneficiary to another	NO
From one budget category to another	NO
Re-allocation of Annex 1 tasks	YES
Transfers between forms of costs (actual costs, unit costs, etc.)	YES if the 'form' receiving the transfer was not included in the budget (a new unit cost under column F)
↪ Transfers within <i>personnel costs</i>	NO
↪ Transfers to costs of internally invoiced goods and services	NO
New subcontracts	YES (strongly advised)

**NEW !
(2017)**

Other cases where no amendment is needed:

- ✓ Change of name/address of beneficiaries & linked third party
- ✓ Change of beneficiary due to universal takeover
(In FP7: 'universal transfer of rights and obligations')
- ✓ Changes to name of the bank/address of branch/
name of account holder (validation of this data on the FP by the
Commission is sufficient)

PROCEDURE to change this information



How is this information updated?

- ▶ Beneficiaries must keep information stored in the 'Beneficiary Register' up to date via the Funding & Tenders Portal (Article 17.2)
- ▶ The LEAR of the beneficiary updates this information
- ▶ Beneficiaries have to inform as well the coordinator (offline)
- ▶ Validation Services validate the information in the IT system
- ▶ The validated changes will be notified via the Portal

Note: If Commission/Agency considers change affects the action implementation, it will inform the coordinator

Example: beneficiary changes its legal address to a third country

After submission of request → receiving party has **45 days** for 'evaluation and validation'

Agreement

Rejection

Request for additional information

Extension of the deadline for assessment

If no reaction within deadline, tacit rejection

Withdrawal

Amendment procedure



A request containing several changes to the GA will be considered as a package

- cannot be divided into several requests
- request will be agreed or rejected as a whole



An amendment request cannot be changed



A request can be withdrawn at any moment before signature



There is no tacit approval of amendments




Entry into force and taking effect

- 👉 An amendment **enters into force and is binding** from the moment both parties sign it (in the electronic exchange system)
- 👉 An amendment **takes effect** (the changes will start to apply):
 - ➔ when the amendment enters into force, or
 - ➔ on the date agreed by the parties
- * This date should normally be after the entry into force
- * If an amendment request involves several changes, they could take effect on different dates. *Example: change of Annex 1 & change of bank account*
- * Depending on the type of change, the date of taking effect may have an impact on the eligibility of costs. *Example: addition of new beneficiary*

ADDITIONAL INFO:

Funding & Tender opportunities Portal

<https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/programmes/h2020>

-  H2020 Annotated Model Grant Agreement (AGA) (Article 55)
http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/amqa/h2020-amqa_en.pdf
-  Guidance: 'Amendment types & supporting documents'
http://ec.europa.eu/research/participants/data/ref/h2020/other/gm/h2020-guide-amend-types_en.pdf
-  Horizon 2020 On-line Manual
http://ec.europa.eu/research/participants/docs/h2020-funding-guide/grants/applying-for-funding/register-an-organisation_en.htm



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Thank you very much
for your attention!