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
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.
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

Example: to correct an error made in a GA

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)
HOW?

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 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!
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)

* 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
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

<table>
<thead>
<tr>
<th>Budget transfers and re-allocation</th>
<th>Amendment needed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>From one beneficiary to another</td>
<td>NO</td>
</tr>
<tr>
<td>From one budget category to another</td>
<td>NO</td>
</tr>
<tr>
<td>Re-allocation of Annex 1 tasks</td>
<td>YES</td>
</tr>
<tr>
<td>Transfers between forms of costs (actual costs, unit costs, etc.)</td>
<td>YES if the 'form' receiving the transfer was not included in the budget (a new unit cost under column F)</td>
</tr>
<tr>
<td>Transfers within personnel costs</td>
<td>NO</td>
</tr>
<tr>
<td>Transfers to costs of internally invoiced goods and services</td>
<td>NO</td>
</tr>
<tr>
<td>New subcontracts</td>
<td>YES (strongly advised)</td>
</tr>
</tbody>
</table>
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
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
Funding & Tender opportunities Portal
https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/programmes/h2020

H2020 Annotated Model Grant Agreement (AGA) (Article 55)

Guidance: 'Amendment types & supporting documents'

Horizon 2020 On-line Manual
Thank you very much for your attention!