



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

WHEN ?

Requests must be submitted:

* *before the end of the action*

Exception: *After the end of the action in exceptional cases, to change:*

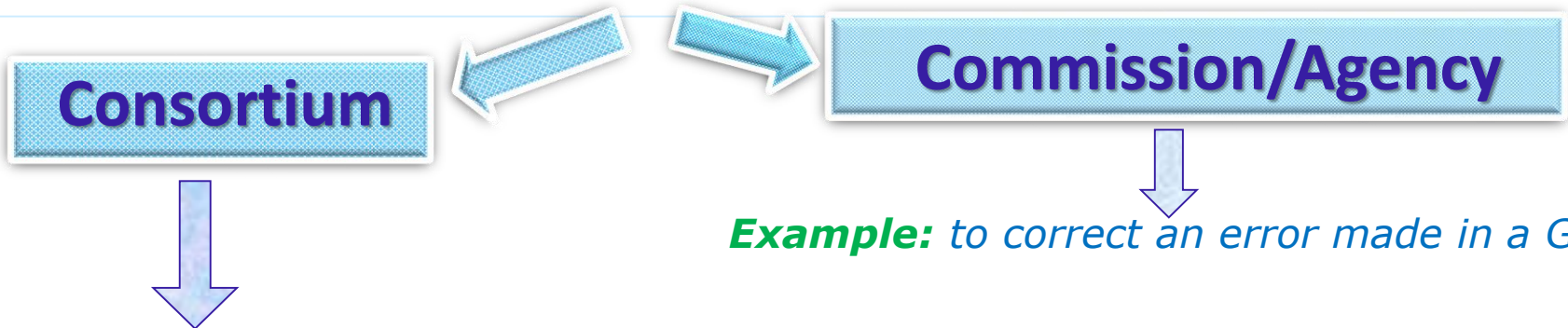
- *coordinator*
- *bank account to make the payment of the balance*

* *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 PP

- * 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)

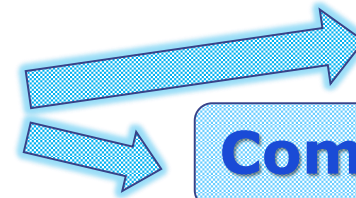


Cases where an amendment is necessary

(some examples)

I. Beneficiaries - changes

**Termination of participation
triggered by:**



beneficiaries

Commission/Agency

Termination by Commission/Agency (Article 50.3)

- ▶ **'Contradictory procedure'** (30 days)
- ▶ **'Termination date'** either:
 - date specified in notification confirming termination, or
 - day after coordinator 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, and
- 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 and 2
- ➡ If termination is since the beginning the applicable options will be removed, changed, or become not applicable

I. Beneficiaries - changes

Adding a new beneficiary

Before submission:

- ⇒ New beneficiary must be validated and have a PIC
- ⇒ Required documents must be signed:
 - GPF with Declaration of Honour
 - Annex 3 - Accession Form (signed in the electronic exchange system)

Consequences:

- ⇒ New beneficiary and accession date are added to Preamble GA
- ⇒ Change of Annexes 1 and 2
- ⇒ The GA options for that beneficiary will be added/changed/become applicable (e.g. linked third party options, 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 related costs
- * 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 transfer:

- ▶▶ 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?
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From one beneficiary to another	NO
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From one budget category to another	NO
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Re-allocation of Annex 1 tasks	YES
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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)
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↪ Transfers within <i>personnel costs</i>	NO
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↪ Transfers to costs of internally invoiced goods and services	NO
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**NEW !
(2017)**

New subcontracts	YES (strongly advised)
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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 PP 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 Participant 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 Participant 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*

Amendment Procedure

NEW

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 the receiving party signs 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:

Participant Portal

At: <http://ec.europa.eu/research/participants/portal/desktop/en/home.html>

 H2020 Annotated Model Grant Agreement (AGA) (Article 55)
http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/amga/h2020-amga_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/portal/desktop/en/funding/guide.html#>



HORIZON 2020

**Thank you
for your attention!**