



HORIZON 2020

Amendments to the Grant Agreement

Horizon 2020: Model Grant Agreement

Terms and conditions (including specific data, options)

Annex 1: Description of the action

Annex 2: Estimated budget of the action

Annex 3: Accession Forms, 3a & 3b

Annex 4: Financial statements

Annexes 5 and 6: Certificates

Article 55 MGA

What ?

An amendment to the grant agreement is necessary to **change the GA** (e.g. its **terms and conditions** (only specific data and options), and **Annexes**)

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 modifications 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 **FR, RAP, RforP**, or provisions of the **GA itself**

WHEN ?

Requests will be introduced **before the end of the action** (i.e. date set out in Article 3)

↪ **Exception:** After the end of the action in exceptional cases

Example: Change of bank account, change of coordinator to make the payment of the balance

↪ Submitted **sufficiently in advance** (to allow preparation and proper analysis before they are due to take effect)

WHO ?

❖ Requested by the parties

- Consortium
- Commission/Agency
(e.g. to modify Annex 1 following a review of the action, where errors need to be rectified)

❖ Coordinator submits and signs amendments on behalf of the beneficiaries (Annex 3 – Accession Form)

Coordinators must ensure internally the agreement of the consortium based on their internal decision-making processes *(e.g. unanimity, simple or qualified majority etc. set out in the consortium agreement)*

Exception: Change of coordinator without his/her agreement submission request must be done by another beneficiary (acting on behalf of the other beneficiaries)

1. HOW ?

NEW

H2020

Amendments

are PAPERLESS

Prepared electronically in PPGMS

Requesting party encodes the amendment request (automated assistance)

- * Indicates reasons
- * Uploads supporting documents
- * Gets validations done before submitting request (*e.g. new legal entity, bank account*)
- * Launches consultation with receiving party → → optional

Submitted & signed electronically in PPMGS (by PLSIGN)

Counter signed electronically by receiving party (by PLSIGN)

2. HOW – Specific case

Termination of the participation of a beneficiary at the initiative of the beneficiaries (Article 50.2)

Coordinator does not request the amendment directly, instead it has to:

- **NOTIFY termination** to Commission/Agency (via the electronic exchange system) **NEW**
- Inform beneficiary concerned (offline)

Exception: If **coordinator's participation** is terminated **without his/her agreement**, notification is made by one of the beneficiaries (acting on behalf of the other beneficiaries)

3. HOW – Specific case

The notification has to include: **NEW**

❖ Required information

- Opinion of beneficiary whose participation is terminated or proof that this opinion has been requested in writing
- The date the termination takes effect must be a date after the notification (Article 50.2) **NEW**

❖ Amendment request with:

- Proposal for reallocation of tasks, and
- estimated budget of beneficiary concerned



Cases where an amendment is necessary

(some examples)

I. Beneficiaries - changes

1. Removal of a beneficiary whose participation is terminated for:

- non-accession to GA or due to
- non-provision of requested declaration on joint and several liability

Beneficiaries are removed from the beginning (they have not been beneficiaries)

❖ Consequences:

- * Change of Annexes 1 and 2
- * Depending on 'type of beneficiary' and H2020 'status' relevant options will be removed or will become not applicable (e.g. JRC)

I. Beneficiaries - changes

2. Removal of a beneficiary whose participation is terminated

- **Termination by beneficiaries** (Article 50.2)
Amendment request is part of notification of termination
- **Termination by Commission/Agency** (Article 50.3)
 - * Contradictory procedure
 - * Confirmation of the termination
 - 'Termination date' either:
 - Date specified in notification confirming termination, or
 - the day after the coordinator receives the notification confirming termination
 - * After termination coordinator must submit (60 days):
Amendment request with all the supporting documents

I. Beneficiaries - changes

Consequences:

- Termination date is added to the Preamble of the GA - **NEW**
“**[full official name (short name)]**[legal form], [official registration No], established in [official address in full], [VAT number] — **until**
[insert termination date]”
- Change of Annexes 1 and 2
- If the beneficiary was participating with linked third parties, they will also have to be removed (with the same date as the beneficiary)
- GA options for the beneficiary (and its linked third parties) will NOT be deleted or become not applicable (since they were part of the GA and (many) obligations continue to apply after termination)

I. Beneficiaries - changes

3. Adding a new beneficiary

Requirements:

- New beneficiary **must first be validated** and have a PIC
- GPF with declaration on honour
- **Supporting documents** must be **signed** before submission: **NEW**
 - * **Accession Form** (Annex 3) (signed in the electronic exchange system) and **Annex 3a** (if requested)
 - * **Administrative Arrangement** of the JRC (Annex 3b)

I. Beneficiaries - changes

Consequences:

- New beneficiary and accession date are added to the Preamble **NEW**
- Change of Annexes 1 and 2
- Depending on 'type of beneficiary' and H2020 'status', applicable options will be added or changed or become applicable

Examples:

** If new beneficiary is the JRC:*

The options for the JRC are added (Preamble, Articles 21.2, Annex 3b) or become applicable (Article 20.3(b)(iii))

The periodic financial report has to contain:

[OPTION if the JRC is a beneficiary: information on the amount of each interim payment and payment of the balance to be paid by the [Commission][Agency] to the Joint Research Centre (JRC);] ~~**[OPTION: not applicable;]**~~

** If new beneficiary is an IOs and there were previously NO IOs:*

*"The options for international organisations are added (**Articles 57.1, 57.2**) and become applicable (**Articles 22.4, 53.2**)"*

I. Beneficiaries - changes

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

'**Partial takeover**' means that a part of the business of the beneficiary (including the GA) is taken over by another entity (*e.g. partial acquisition*)

It must be clarified:

Contractual position of new and former 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

I. Beneficiaries and linked third parties - changes

5. Removal or addition of linked third party (Article 14)

- Linked third party must be validated before submission of request
- Name, starting date/end date are added in Article 14 GA

Example:

" [full official name of the entity (short name)], affiliated or linked to [short name of the beneficiary] [**OPTION if joint and several liability has been requested:**, if it has accepted joint and several liability with the beneficiary (see Annex 3a)] - *as from [insert date][the entry into force of amendment No [insert amendment reference No]]*

II. Coordinator - changes

1. Change of coordinator

Amendment request can also be submitted after the end date of the action
'Handover date' will be added to the Preamble **NEW**

2. Change of the coordinator's bank account for payments

Banking information must be validated before submitting the request

3. Change of the option for 'authorisation to administer'

Option in Article 41.2 is:

- added, or
- deleted, or
- modified (change of name of the entity with 'authorisation to administer')

III. Action or action implementation - changes

1. Change of Annex 1 (description of the action)

- ✓ **Significant change** of the **action tasks** (e.g. if tasks are added/removed) or their **division** among the beneficiaries
- ✓ Changes concerning tasks to be carried out by **linked third parties** and related costs
- ✓ Changes concerning **in-kind contributions provided by third parties** or **subcontracts** (could also be approved with the reports – "approval without formal amendment" **NEW**)
- ✓ Changes to the **options** in the GA (e.g. options are removed or added or modified)

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

III. Action or action implementation - changes

2. Change of action's title, acronym, starting date, duration of the action, reporting periods
3. Amendment for resuming the action after a suspension of the action implementation (Article 49)

The action was suspended for [insert number] days, from [insert starting date] to [insert end date].

The parties agree to lift the suspension (and resume the action) as from [insert end date + 1].

- [End date] of suspension must be before the date on which the amendment enters into force
- [End date + 1] *NEW (in line with Article 54 calculation of periods, dates and deadlines)*

This change may be combined with changes to: duration of the action, reporting periods, Annexes 1 and 2, and removal/addition of a beneficiary

IV. Financial aspects - changes

1. Change of Annex 2

- * Budget transfer of amounts between beneficiaries or budget categories (or both) due to a significant change of Annex 1
- * Budget transfer to a form of costs that is not provided for in Annex 2

Example: from actual costs to unit costs for SMEs owners

Change of Annex 2a 'Additional information on the estimated budget'

If the calculation of the unit costs needs to be provided or updated

IV. Financial aspects and other changes

2. Change of the maximum grant amount, reimbursement rate(s), action's estimated eligible costs, amount of pre-financing, contribution to the GF

3. Change concerning specific cost categories ('specific unit costs')

Options in Articles 5.2 and 6.2 of the GA will be added/deleted or become applicable/non applicable

SPECIFIC CHANGES foreseen for:

- **ERC MGAs** (portability, addition of new beneficiary)
- **MSC MGAs** (transfer of the GA to a new beneficiary, change of time spent on the action for personal or family reasons)



Cases where an
amendment is
not
necessary

Budget transfers

Budget transfers and re-allocation	Amendment needed?
From one beneficiary to another	NO
From one budget category to another	NO
Re-allocating, addition /removal of tasks in Annex 1	YES
Transfers between forms of costs (actual costs, unit costs, etc.)	YES if no budget was foreseen for the "form" receiving the transfer
New subcontracts	YES (strongly advised)

Certain budget transfers

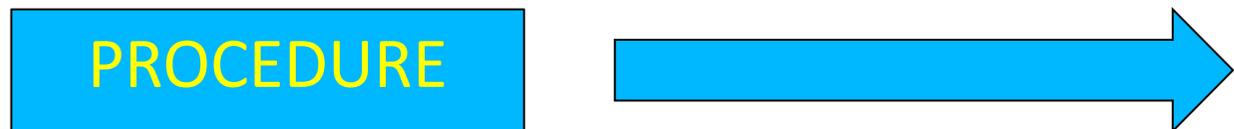
Estimated eligible* costs (per budget category)							
A. Direct personnel costs		B. Direct costs of subcontracting		[C. Direct costs of fin. support]	D. Other direct costs		
A.1 Personnel A.2 Natural persons under direct contract A.3 Seconded persons [A.6 Personnel for providing access to research infrastructure]		A.4 SME owners without salary A.5 Beneficiaries that are natural persons without salary			D.1 Travel D.2 Equipment D.3 Other goods and services D.4 Costs of large research infrastructure		
Form of costs****	Actual	Unit ①	Unit ②		Actual	Actual	Actual
			XX EUR/hour				
	(a)	Total (b)	No hours	Total (c)	(d)	(e)	(f)
Beneficiary 1	500.000	0	100	3.213	150.000	0	325.000
Beneficiary 2	0	300.000	0	0	0	0	125.000

Cases where no amendment is needed:

Change of name or address of beneficiary/coordinator/linked third party (Preamble, Article 14)

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 (requests validation of this data in the PP) **NEW**



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 also to inform the coordinator (offline)
- ❖ Validation Services validate the information in the IT system(s)
- ❖ The validated changes are notified via the Participant Portal
(to ensure an appropriate record of the modifications and to avoid uncertainties)

Note: These changes may have other consequences for the GA
(e.g. if beneficiary changes its address to a third country)

1 - AMENDMENT PROCEDURE

NEW

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

Agreement

Rejection

Request for additional information

new deadline 45 days from receipt of additional information/documents

Extension of the deadline for assessment

for a period to be determined case-by-case

If no reaction within deadline, tacit rejection **NEW**

Withdrawal

2 - AMENDMENT PROCEDURE



Amendment requests cannot be modified

Requesting party has to withdraw and submit a new one



Requests containing several changes to the GA will be considered as a package, partial approval is not possible

Requests will be agreed or rejected by the other party as a whole (cannot be modified)



There is **no tacit approval of amendments** (contrary to FP7)

1. Entry into force and taking effect

- * An amendment **enters into force** and it is **binding** from the moment the receiving party signs it (i.e. in the electronic exchange system)
- * An amendment **takes effect** (i.e. the changes will start to apply) on the date:
 - * when the amendment enters into force, or
 - * agreed by the parties

This date should normally be *after* the entry into force. In justified cases it may be before.

Example: *the GA provides for retroactivity in case of suspension of the implementation of the action (Article 49.2.2).*

2. Entry into force and taking effect

- If an amendment request involves a number of changes, these could **take effect** on **different dates**

Example:

Amendment to change the bank account and to add a new linked third party:

- *The change of bank account takes effect on the date of entry into force of the amendment*
- *The addition of the linked third party takes effect on a specific date stated in the amendment*

- Depending on the nature of the modification, the **date of taking effect may have an impact on the eligibility of costs**

Example: In case of addition of a beneficiary, costs will be eligible from the date the change takes effect (stated in the Accession Form – Annex 3)

ADDITIONAL INFO:

Participant Portal

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



Horizon 2020 Annotated Model Grant Agreement
Annotations to Article 55

http://ec.europa.eu/research/participants/portal/desktop/en/funding/reference_docs.html



Wiki page on how to launch and submit an amendment:

<https://webgate.ec.europa.eu/fpfis/wikis/display/ECResearchGMS/Consortium+requested+amendments>



EUROPEAN COMMISSION

European Commission

Participant Portal IT Manual



Espaces ▾

Personnes

Calendriers

Espace ▾

Suite ▾

Créer

🔍 Recherchez l'espace



Home Beneficiaries Experts Proposals Grants Identity and Access Management H2020 Online Manual What's New IT Support



/ ... / 2. Amendments

👁 Surveiller 📄 Partager ⚙ Outils ▾

Consortium requested amendments



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Introduction



HORIZON 2020

**Thank you
for your attention!**