

4th FP7 ICT Coordinators Day

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Amendments

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What is an amendment?

An amendment is a legal act implemented to modify the grant agreement (GA) signed between the **Commission** and the **coordinator** on behalf of the consortium



How does it look like?

- Agreement of **Commission** and **consortium** required
- Exchange of letters (only in writing)
- Sometimes a NEF session is required
- Only possible after entry into force of the grant agreement and before the end of the project/final payment
- Signed by same legal representatives who signed the GA
- The amendment is part of the GA
- It cannot modify annex II (general conditions)
- It must be compatible with the rules applicable to the GA



Procedure (1)

Introduction of the request

- the **coordinator** on behalf of the consortium

Only when change of coordinator without its agreement:

- all other beneficiaries
- 1 beneficiary on behalf of the others

- or the **Commission**



Procedure (2)

Valid request

A request from the **coordinator** is valid when:

- It is submitted by mail to the address in Article 8(1)
- It is dated and signed by the legal representative of the coordinator on behalf of the consortium
- The supporting documents are included in the request
- It is introduced in due time



Procedure (3)

Approval and rejection

As a general rule the Commission has

45 days to approve or reject

If no reaction from the Commission

tacit rejection

except for cases of addition or termination
of a beneficiary:

tacit approval



Procedure (4)

Approval and rejection

Approval/rejection **must be explicit** when :

1. Termination of a member of the consortium without its agreement
2. Appointment of a new coordinator
3. The request for addition or removal of a beneficiary is sent together with other non-related amendment requests



Procedure (5)

Possible reactions on amendment requests

- 1) Invalid requests not accepted
- 2) Valid requests can be explicitly accepted or rejected
- 3) If Commission does not react within 45 days:
tacit rejection/approval
- 4) Commission sends a counter-proposal:
 - agreement by the coordinator has to be explicit within 45 days of reception
 - the Commission receives the letter from the coordinator within 60 days



Procedure (6)

Amendment packages

The **coordinator** sends an amendment proposal containing different requests

Example: addition and termination of beneficiaries + change in bank account of the coordinator + modification of the reporting periods

Sentence in the model letter:

This amendment request contains separate requests that can be approved independently

There is **tacit approval** of the package only for addition or removal of a beneficiary associated with other requests are directly related to the addition or removal

Procedure (7)

Entry into force and date of effect

- Entry into force: date of last signature
- Date of effect: date from which the action or effects described in the amendment start to apply

Amendments take effect on the date agreed by the parties or the date of the Commission's approval

Amendment cases (1)

Addition of a beneficiary

- Modified Annex I to the GA describing the work of new beneficiary
- The financial documents of the new beneficiary where required
- Signed Form B and GPFs A2.5 Form of new beneficiary
- PIC of the new beneficiary
- If competitive call, the documents required by the GA
- If no competitive call, justification for the selection of the new participant
- Accompanying letter from the coordinator explaining the request (optional)



Amendment cases (2)

Termination of a beneficiary at the request of the consortium

- Documents to be sent together with the request: proposal for reallocation of tasks / budget, reasons, date of effect, opinion letter, reports and deliverables
- If the opinion of the beneficiary whose termination is requested is not included, a proof that the opinion has been requested
- Explicit approval from the Commission needed in cases of non-agreement of the beneficiary
- Termination effective when agreed by the parties, when the Commission approves or on 45th day if tacit approval



Amendment cases (3)

Change of coordinator (1)

1) The Coordinator remains in the consortium

1.1 New coordinator is already a beneficiary

- Signed written request from the former coordinator and the new coordinator
- The amendment request includes the request to modify Article 5.3 and 8 of the GA (coordinator's banking details and communication data)
- GPF A4 Form (financial identification) of the new coordinator together with the new coordinator's mail and email address
- Financial documents of the coordinator if required
- Accompanying letter from the former coordinator explaining the request (optional)

1.2 New coordinator is a new beneficiary

- Same documents +
- Signed Form B and GPFs A2.5 Form of new beneficiary
- PIC of the new coordinator



Amendment cases (3)

Change of coordinator (2)

2) The coordinator leaves the project at the consortium's request

- One signed written request from the former coordinator and the new coordinator in case of agreement of the coordinator (also possible 2 separate requests and letters)
- The amendment request includes the request to modify Article 5.3 and 8 of the GA (coordinator's banking details and communication data)
- Documents for new coordinator (Form B, PIC, etc)
- Plus documents listed in Article II.36.6

If the coordinator's participation is terminated **without its agreement**,

- The request is signed by all other beneficiaries or by one of them representing the others
- All documents + an opinion letter by the former coordinator (or a proof it was requested in written to express its opinion but failed to do so) has to be joint to the request

Amendment cases (4)

Modification of Annex I and budget table

- Amendment of DOW:
 - removal/addition of tasks or substantial changes in the distribution of work between beneficiaries
 - introduction of third parties and subcontracting of tasks
- Amendment of budget table:
 - substantial changes linked to changes in description of work
 - addition/termination of participants
- Budget transfers without amendment:
 - budget transfers between beneficiaries and activities allowed if work carried out as foreseen in Annex I



Amendment cases (5)

Others (1)

- Removal of an entity for non-accession to the GA
- Modification of project title or Acronym
- Modification of duration and/or start date
- Modification of reporting periods
- Change of EU financial contribution
- Reimbursement as a lump sum to ICPC participants
- Change of banking details



Amendment cases (6)

Others (2)

- Change of the pre-financing and/or contribution to the guarantee fund
- Addition, removal or modification of special clauses
- Change to Commission or coordinator's contact details
- Amendment requested for reinstatement of the work after suspension of the project
- Partial transfer of rights and obligations



Information letters (1)

A beneficiary informs the Commission of a change in its situation

The GA does not need to be amended

- one single change request per beneficiary from LEAR via Participant Portal
- validation of changes by Commission Validation Service
- information to coordinators of all projects concerned

Information letters (2)

Cases of information letters

1. Universal transfer of rights and obligations (formal amendment if coordinator)
2. Change of name and legal details of a beneficiary
3. Changes in the accounting system of the beneficiaries, in legal status under FP7 rules and mistakes in indirect costs calculation



Other cases in which the Commission should be informed

- Normal obligation of the beneficiary to inform the Commission through the coordinator in II.3.f)
- Change of authorised representative of the beneficiary





*The Amendments Guide for FP7 Grant
Agreements (version 01/02/2010) is
published on CORDIS:*

ftp://ftp.cordis.europa.eu/pub/fp7/docs/amendments-ga_en.pdf

Thank you for your attention

