Amendments to Grant Agreements

Lyon, 6 May 2014
AGENDA

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I. Amendment to Grant Agreements

→ Definition

- “Legal act modifying the commitments initially accepted by the parties”

- It may either modify provisions of the GA, or create new rights or obligations on the contracting parties, or even on third parties.

- An amendment is required:
  - Whenever the “core GA” has to be modified
  - When a change of the Annex I is needed
I. Amendment to Grant Agreements

→ Types

**Amendments**
- Addition/removal of a Beneficiary – SC30
- Addition/removal of a Third Party – SC10
- Addition, removal of modification of special clauses
- Modification of banking details (8%)
- Modification of contact person (20%)
- Modification of Annex I (5%)
- Modification of Reporting period
- Modification of duration (13%)
- Reinstatement of work after suspension
- Change of Host Institution – PORTABILITY (5%)

**Info letters**
- Change of authorised representative (36%)
- Sabbatical
- Suspension of the Grant Agreement

**Terminations**
- Termination of a Beneficiary's participation
- Termination of the Grant Agreement
I. Amendment to Grant Agreements

→ The stages for amendments

Exchange of emails
ERCEA provides templates & list of supporting documents

Submission of documents by HI (Formal request & Supporting documents)

Assessment of the valid request by ERCEA within 45 days

Amendment letter or Rejection letter

If needed: Financial Follow up (Change of Host Institutions, Termination, …)
II. Best Practices

- Use the templates provided by the ERCEA
- Verify the consistency of the data in all the documents (i.e.: dates)
- Submit the documents by email for prior verification to the designated Amendment Officer
- Send all documents in one package
- Use the possibility to make “grouped” requests e.g. Electronic submission, change of bank accounts, etc
III. Specific Cases – Change in DoW (i)

⇒ Provide a version with track changes

⇒ Include a revised budget with the actual costs for the reporting periods already submitted

⇒ Include an updated description of the resources

⇒ Verify the consistency of the amounts between the budget breakdown, the explanations of resources and the amounts encoded in NEF
III. Specific Cases – Change in DoW -cont (ii)

- Flexibility in budget management:
  Transfers between activities and beneficiaries → NO Amendment
  as long as the work is carried out as foreseen in Annex I

  Amendment is necessary when:
  - Change in methodology and/or scientific objectives
  - Addition of tasks to be subcontracted
  - Addition or removal of beneficiaries

In case of doubt always contact ERCEA (to avoid ineligible costs)
III. Specific Cases – Extensions (i)

New policy line at the level of FP7 research programs:

- All extensions are exceptional actions to be kept to a minimum

- Extensions can be granted only once per project (exception: parental and maternity leaves)

- Grounds: well justified scientific grounds and demonstrated high scientific value or due to events not reasonably foreseeable

- Extension to up to 12 months maximum /6 months for PoC
III. Specific Cases – Extensions (ii)

When extensions are not admitted:

- **Not** to undertake actions for the beneficiary's benefit
- **Not** to undertake additional work neither foreseen nor directly deriving from DoW
- **Not** because management of the project was not up to the standard expected (e.g. delays for recruitment, or for equipment purchase)
- **No** retroactive demands for extension, nor for requests submitted before approval of mid term report, or in the last 6 months
III. Specific Cases - Portability (i)

Legal Basis:

- Grant Agreement Annex II – General conditions ERCEA – HI
  - Articles II.34.3 and II.34.4 (Single-beneficiary)
  - Articles II.36.3 and II.36.4 (Multi-beneficiary)

- Special Clause ERC 40
  - Transfer of equipment in the case of transfer of the grant agreement to a new beneficiary

- Supplementary Agreement HI– PI

- Work programmes
III. Specific cases – Portability (ii)

**Initiation:**

1. Inform the ERCEA always PRIOR to the effective change.
2. ERCEA provide the necessary templates and list of supporting
3. Arrangements between Initial HI, New HI and PI to be made:

   - Agreement on transfer modalities:
     - research team;
     - equipment;
     - remaining funds;
     - intellectual property rights

   - Informs and negotiates modalities of the transfer
   - Signature of a new SA
Completion:

- Assessment of the amendment request by the ERCEA (45 days from the date of a valid amendment request)
  - Legal aspects (validity of documents, etc);
  - Scientific aspects (revised Annex I);
  - Ethical aspects (in case of SC15/16)

  ➔ ACCEPTANCE / REJECTION

- Financial follow-up after the transfer
  - Submission of the Financial Report by the INITIAL HI
    ➔ Covering the costs up to the transfer date
  - Assessment of costs' eligibility by the ERCEA
  - Transfer of funds from the Initial HI to the NEW HI
III. Specific Cases – Portability (iv)

Latest trends:

- Almost 80% of change of HI concern Starting grants
- International changes of HI are on decline – around 53% are national
- Most changes (over 80% intervene in the first two years of the project)
Main reason for change of HI is because of better academic and professional prospective.

- Improved Professional conditions for the PI: 67%
- Better research conditions: 13%
- Problems with initial HI: 3%
- Not yet known: 17%
Electronic submission means **no more paper submission**:

- the *Financial Report* is prepared and submitted online
- the *Financial Statement* (Form C) is submitted online
- the *Certificate on Financial Statement* (CFS) is uploaded and submitted online

The electronic submission:

- is **automatic** for Grant Agreements signed after 01/01/2013
- requires an **amendment** for the others projects.

2014 – still 2180 projects to be amended (voluntary)
IV. Latest in grant management

→ Implementation of Horizon 2020

Novelties:

- Indirect costs from 20 to 25%
- Simplification regarding CFS (only one if ≥ 325,000)
- Working conditions for the PI extended to staff members
- Open Access
- Obligation of the beneficiaries to have internal arrangements (multi)
- Guidance of PI & right of portability expressly mentioned

Simplification related to amendments:

- Electronic signature (simplification, notably AR)
- Contact person no longer mentioned in the GA (no amendment)

Subcontracting & third parties providing resources
Useful links

- Centralised mailbox:
  ERC-C2@ec.europa.eu

- Centralised Amendment mailbox:
  ERC-C2-amendments@ec.europa.eu

- PI helpdesk mailbox:
  ERC-C2-PI-HELPDESK@ec.europa.eu
Thank you !