



FP7 Amendment Guide : Principles and main novelties

(Non contractual document)

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What is an amendment?

- Legal act to modify commitments of the Grant Agreement (Core text and Annex I only)
- Same status as GA (same authorised persons, written document)
- Equal rules and procedures for all funding schemes (CSA, CP, etc)



When is it necessary?

- General rule: whenever a party wants to introduce to the GA a change which depends on the agreement of the parties
- Some exceptions: non-essential transfer of budget, contact details, partial transfer of rights and obligations (where amendment is required for reasons of legal certainty), ..
- Typical cases: addition or termination of beneficiaries, change of coordinator, modification of duration, change of banking details...



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How to proceed?

- By the legal representative of coordinator
- Following models
- To the address and contact data of article 8.1
- Including supporting documents
- In due time (usually before end of project)



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Principles

- Continuity with main lines of FP6 policy
- General Rule: Exchange of written letters
- Exception: for addition/withdrawal tacit approval after 45 days if valid request (except change of coordinator or if absence of agreement from beneficiary concerned)
- Coordinator requests amendments on behalf of the consortium (exception: change of coordinator)
- Model Letters to be used



Main Novelties: Procedure (1)

- Coordinator can accept on behalf of the Consortium an amendment proposed by the Commission
- One single amendment procedure: exchange of letters
 - One letter from the Consortium
 - One letter from the Commission
- Possibility for the Commission to make a counter-proposal to the Consortium request (no need for the Consortium to resubmit a request). The acceptance should be received by the Commission within 60 days.



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Main Novelties: Procedure (2)

- Tacit rejection: after 45 days, the absence of response is in principle considered a rejection
- Entry into force of the Amendment: on the date of the last signature (either that of the Commission or that of the Coordinator)
- No obligation to submit the amendment request by registered mail like in FP6; However, it is important to use means that can prove the day of receipt of the request



Main Novelties: Contents

- Universal transfer or rights and obligations: No need for individual amendment request
- Partial transfer of rights and obligations: Individual amendments still required
- Termination at the initiative of the Consortium should include all relevant reports and deliverables at the time of the Consortium request (art. II.36.6)
- Tacit approval in case of termination applies only to the termination itself, and not to the content of the reports attached to the request



Main Novelties: Contents (2)

- Termination at the initiative of the Commission: reasons of art. II.38 of GA
- 45 days (+30) to submit reports
- Eligible costs: general rule until until date of termination (exceptions)
- Date of termination fixed by the Commission if termination of beneficiary or 45 days after reception by coordinator if termination of GA
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Main Novelties: Information Letters

- Information letters **to be used in case of:**
 - Universal transfer of rights & obligations (except coordinator)
 - Change of legal name or details
 - Change of FP7 legal status (i.e. SME which is no longer an SME) and mistake in indirect cost calculation
- Information letters: **advantages:**
 - Directly from the beneficiary to the Commission (via LEAR)
 - One letter per beneficiary not per GA
 - Signature of Contact person enough



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Main Novelties: Information Letters(2)

- URF validates & informs Administration & Finance Units
- Administration & Finance Units inform Other GA Coordinators



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INFORMATION AND UPDATES

- FP7 Model Contract and Amendment Guide for FP7 Grant Agreements

http://cordis.europa.eu/fp7/find-doc_en.html

- Research enquiry system (legal & financial issues):

<http://ec.europa.eu/research/index.cfm?pg=enquiries>