



### 2.3 Amendments to the Agreement

The rules for amendments of grants are set out in the Article II.12 of the Agreement signed with the Agency.

An amendment is an act modifying the grant conditions initially agreed and established in the Agreement. The amendment procedure is initiated via a modification request which most frequently originates from the beneficiary. However, it is not excluded that a modification is made at the initiative of the Agency.

The Agreement may be amended only in writing. Oral arrangements for modifications cannot legally bind the parties.

The beneficiaries should try to limit, as far as possible, the number of requests for amendments and only submit such requests when necessary. Amendments should always be requested before any changes are implemented, and not retroactively.

In order to be admissible the amendment requests must be submitted at least one month before the end of the eligibility period as detailed in the Agreement.

Any amendment, including those aiming at adding or removing a beneficiary, shall not have the purpose or the effect of putting in question the grant award decision (including the eligibility criteria) and/or be contrary to the equal treatment of applicants.

#### How to proceed?

As soon as changes are envisaged by the Partnership (to the project and/or the partnership composition), the coordinator should contact the Project Officer in charge and ask for his/her advice on the proposed changes.

Depending on the nature of the modification, amendments have to be made following the specific **procedures** explained in the sections 2.3.1, 2.3.2 and 2.3.3 and presented in the summary table below. Any related requests or notifications from the coordinator must be sent to the following email address:

[EACEA-EPLUS-CBHE-PROJECTS@ec.europa.eu](mailto:EACEA-EPLUS-CBHE-PROJECTS@ec.europa.eu).

The Agency will examine the justification for the modification(s) proposed and will decide whether or not to approve the requested change(s). The modification will enter into force once the Agency has sent a signed letter by email or a notification email to the coordinator. Once the amendment is made, it becomes an integral part of the initial Agreement.

When changes affect the legal commitment and the working modalities defined and endorsed by the partnership in its Partnership Agreement(s), the latter must be amended accordingly and this amendment must be officially endorsed by all the beneficiaries concerned.

## Summary table with the different amendments and procedures to be followed

Change of/in	Refer to Section	Amendment Request via	Supporting Documents	EACEA Reply
1. The legal status of the coordinating institution and/or beneficiaries	2.3.1.1	<b>Participant Portal</b>	1-4. Official document proving the change (new statutes, official journal, etc.) attached to the email and uploaded in the Participant Portal	1-3. The Agency sends a scanned letter via email
2. The legal name of the coordinating institution and/or beneficiaries	2.3.1.2			
3. The address of the coordinating institution	2.3.1.3			
4. The address of a beneficiary (that is not the coordinating institution)	2.3.1.4			
5. The contact person of the coordinating institution	2.3.2.1	<b>Email</b>	5. Details of the new contact person (name, address, phone no., email)	5-6-7. The Agency sends an email
6. The deadline for submission of reports	2.3.2.2		6. Justification	
7. Contact details of the legal representative of the coordinating institution or of the contact person of the beneficiaries	2.3.4		7. New contact details (name, address, phone number, email)	
8. The coordinating institution	2.3.3.1	<b>Exchange of letters</b>	8. •Explanatory letter from the withdrawing coordinating institution <ul style="list-style-type: none"> <li>• Explanatory and acceptance letter from the new coordinating inst.</li> <li>• Endorsement letter signed by the former and new coordinating inst.</li> <li>• Financial identification form of the new coordinating institution</li> <li>• Revised budget allocation per beneficiary</li> <li>• Revised distribution of tasks</li> <li>• Updated and signed mandates from all beneficiaries</li> <li>• Declaration of honour from the new coordinating institution</li> <li>• A validated PIC number if applicable</li> </ul>	8-14. The Agency sends a scanned letter via email
9. The eligibility period	2.3.3.2		9-10. •Justification, updated planning and explanation of activities <ul style="list-style-type: none"> <li>• Revised budget allocation per beneficiary (if applicable)</li> <li>• Revised distribution of tasks (if applicable) Revised budget breakdown table - Annex III (for change 10)</li> </ul>	
10. The budget breakdown	2.3.3.3		11. a) Addition of a new beneficiary: <ul style="list-style-type: none"> <li>• Explanatory letter from the coordinating institution</li> <li>• Explanatory and acceptance letter from the new beneficiary</li> <li>• Revised budget allocation per beneficiary</li> <li>• Revised distribution of tasks</li> <li>• A signed mandate by the new beneficiary</li> <li>• Acceptance letters from all beneficiaries</li> <li>• A validated PIC number</li> </ul> b) Withdrawal of a beneficiary: <ul style="list-style-type: none"> <li>• Explanatory letter from the coordinating institution</li> <li>• Explanatory letter from the withdrawing beneficiary</li> <li>• Revised budget allocation per beneficiary</li> <li>• Revised distribution of tasks</li> <li>• E-mail/letter showing that the partnership has been informed</li> </ul>	
11. The partnership composition	2.3.3.4		8-14. Request for an amendment by email with a scanned letter dated and signed by the legal representative of the coordinating institution, including supporting documents	
12. The legal representative of the coordinating institution	2.3.3.5		12. Official document (official journal, decree, election results)	
13. The bank account of the coordinating institution	2.3.3.6	13. New financial identification form		
14. Major changes to the work programme	2.3.3.7	14. •New work programme in track changes and their justification <ul style="list-style-type: none"> <li>• Revised budget allocation per beneficiary (if applicable)</li> </ul>		

			• Revised distribution of tasks (if applicable)	
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### **2.3.1 AMENDMENTS VIA THE EACEA PARTICIPANT PORTAL**

The Participant Portal Beneficiary Register is the platform where the LEAR<sup>1</sup> (Legal Entity Appointed Representative) of each beneficiary organisation registers his/her organisation as well as any changes related to the status and official address of it.

Changes of a beneficiary's organisation data will have to be introduced by the LEAR (or the person with Account Administrative role) together with the supporting documents required<sup>2</sup> via the "My Organisations" option in the "organisations menu" by using the Unique Registration Facility (URF) hosted in the EACEA Participant Portal under the following link:

<https://ec.europa.eu/education/participants/portal/desktop/en/organisations/register.html>

For technical questions, please address your request to the IT helpdesk:

[EC-GMSS-EDUCATION-SUPPORT@ec.europa.eu](mailto:EC-GMSS-EDUCATION-SUPPORT@ec.europa.eu)

Although it is not required to send an amendment request to the Agency for these modifications, the coordinator must inform the Agency by email of the changes introduced via the Participation Portal so as to ensure a better follow-up of the projects.

The following modifications must be made via the Participant Portal.

For the first three types of modifications (2.3.1.1, 2.3.1.2 and, 2.3.1.3), the Agency notification to the coordinator will take the form of an official amendment letter sent via email.

#### **2.3.1.1 Change of the legal status of the coordinating institution and/or beneficiaries**

The new legal status of the beneficiary must fulfil all the eligibility and selection criteria originally applied. If the change in status results in a non-fulfilment of the eligibility and/or selection criteria, the Agreement may be terminated.

#### **2.3.1.2 Change of the legal name of the coordinating institution and/or beneficiaries**

In certain cases, what appears to be a change of name may in reality be a different change (e.g. new legal entity, transfer of rights and obligations) which may require other supporting documents and a different treatment. In this case the Agency will inform the beneficiary about what documents are needed.

#### **2.3.1.3 Change of the address of the coordinating institution**

The change will be accepted by the Agency provided that it is compatible with the eligibility criteria of the call for proposals.

#### **2.3.1.4 Change of the address of a beneficiary (that is not the coordinating institution)**

The change will be accepted by the Agency provided that it is compatible with the eligibility criteria of the call for proposals. In this case, the Agency notification of acceptance will take the form of an email addressed to the coordinator and the beneficiary concerned by the change.

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<sup>1</sup> Legal Entity Appointed Representative. It is the person authorised to have access to the Participant Portal on behalf of a legal entity and make any changes related to its legal status, legal address and legal name if needed.

<sup>2</sup> An updated and duly completed and signed Legal Entity form is available under the following website: [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm) together with the related supporting documents.

## **2.3.2 AMENDMENTS VIA EMAIL**

For the following modifications, an amendment request must be sent by email from the legal representative of the coordinator, or at least with the latter in carbon copy (Cc). The Agency notification will take the form of an email.

### **2.3.2.1 Change of the contact person of the coordinating institution**

If it is a letter attached to an email, it should be signed by the legal representative of the coordinator. If it is an email, the legal representative should be at least in carbon copy (Cc) of the email. The email/letter should specify all relevant contact details of the new contact person, i.e. title/full name, department/faculty if relevant, role in the organisation, email, business address, telephone.

### **2.3.2.2 Change of deadline for submission of reports**

A request to change the deadline for the submission of reports (without the extension of the eligibility period) must be submitted before the contractual deadline has been reached (see section 2.2 Reporting obligations/modalities of these Guidelines). This request must be duly justified.

## **2.3.3 AMENDMENTS VIA AN EXCHANGE OF FORMAL LETTERS**

The modification by means of exchange of letters implies that the agreement between the two parties will not be reached by countersigning the very same document but by exchanging two separate documents (letters) via email.

For the following modifications, the coordinator must submit a scanned letter via email to the Agency (amendment request). This letter, which must be signed by the legal representative, must clearly explain the nature of the proposed amendment and the necessary modifications to the Agreement. The Agency notification to the coordinator will take the form of an official letter sent via email.

### **2.3.3.1 Change of the coordinating institution**

This implies a change in the legal liability under the Agreement and can be requested only under the most exceptional circumstances.

- a) When the change refers to the replacement of the coordinating institution by a legal entity which is already a member of the partnership, this change is recorded via an exchange of letters.
- b) When the new coordinating institution is not already a member of the partnership, this change is recorded via an assignment contract. This is a three-party contract to be signed by the former coordinator, the new coordinator and the Agency. All eligibility, selection and award criteria must be still fulfilled at project level before concluding such a contract.

In both cases, the following documents will have to be submitted:

- Explanatory letter from the withdrawing coordinating institution signed by the legal representative explaining the reasons of their withdrawal from the project.
- Explanatory letter from the new coordinating institution signed by the legal representative including the acceptance to become the coordinating institution including full contact details of the new coordinator (name, address, phone number, email).
- Endorsement letter signed by the legal representatives of the former and the new coordinating institution:
  - the former coordinating institution which renounces to all its rights and obligations in the context of the Agreement
  - the new coordinating institution which agrees to take over the full responsibility of the Agreement for the entire duration of the eligibility period.

The date at which the old coordinating institution leaves the project and the date at which the new coordinating institution takes over must also be mentioned on this letter.

- A financial identification form of the new coordinating institution.
- Revised budget allocation per beneficiary.
- Revised distribution of tasks.
- New mandates indicating the new coordinating institution's details and signed by the legal representative of each beneficiary.
- A declaration of honour signed by the legal representative of the new coordinating institution.
- A validated PIC number in case the coordinating institution is not already a partner of the partnership.

#### **2.3.3.2 Change of the eligibility period**

Only under exceptional circumstances, an extension of the eligibility period may be accepted if the Agency considers the extension justified. Extensions must be requested at the latest one month before the end of the eligibility period and only one extension of a maximum of 12 months may be granted during the lifetime of the project.

The extension of the eligibility period will not have an impact on the grant awarded.

A modification of the eligibility period also implies a modification of the deadlines for submission of reports and other documents specified in the Agreement.

The request should clearly outline why the extension is necessary, specify the activities that are affected by delays and the consequences that this will have on the achievement of the objectives. It should include a concrete and detailed plan for the activities during the additional period requested. If applicable, a revised budget allocation and a revised distribution of tasks per beneficiary must also be submitted.

#### **2.3.3.3 Change in the budget breakdown**

An amendment request relating to an adjustment to the budget breakdown is only necessary when the amount indicated in Annex III of the Agreement for one or more of the budget headings needs to be increased by more than 10 %.

In order to request such amendment the coordinator must justify the need for this change and send an updated budget breakdown following the template of Annex III of the Agreement, together with a revised budget allocation per beneficiary and an explanation of the envisaged changes. If the Agency accepts this change, an amendment letter including a new Annex III will be sent to the coordinator.

Other provisions on the change of the budget breakdown are set out in section 3.1.2.

If the maximum ceiling set for staff (40%), equipment (30%) and subcontracting (10%) is exceeded as a consequence of the increase of these budget headings by more than 10%, the request for a change in the budget breakdown will not be accepted.

Please note that under no circumstance an amendment to the budget can lead to an increase of the maximum grant amount specified in Article I.3 of the Agreement.

#### **2.3.3.4 Change in the partnership composition**

A change in the partnership composition may involve one of the beneficiaries, or the coordinating institution. The latter case is dealt with separately (see modification in section 2.3.3.1) since it also implies a change in the legal accountability under the Agreement.

A change in the partnership composition concerns the addition or withdrawal of one or more beneficiaries.

It needs to be ensured that by removing and/or adding a new beneficiary, all the eligibility and selection criteria (operational and financial capacity) originally applied are still fulfilled. A newly proposed beneficiary should also comply with the exclusion criteria announced in the call for proposals. A new organisation cannot be accepted if all these criteria are not met.

a) The **addition** of a beneficiary requires the following:

- Explanatory letter signed by the legal representative of the coordinating institution justifying the addition of a beneficiary.
- A letter signed by the legal representative of the new beneficiary including the acceptance to join the partnership and the justification of their role and added value to the project.
- Revised budget allocation per beneficiary.
- Revised distribution of tasks.
- A mandate signed by the legal representative of the new beneficiary.
- Acceptance letters from all the other beneficiaries signed by their legal representative.
- A validated PIC number.

These documents should be forwarded by the coordinator to the Agency with the request for amendment.

b) The **withdrawal** of a beneficiary requires the following:

- Explanatory letter signed by the legal representative of the coordinating institution justifying the withdrawal of a beneficiary.
- Explanatory letter signed by the legal representative of the withdrawing beneficiary explaining the reasons of their withdrawal from the project.
- Revised budget allocation per beneficiary.
- Revised distribution of tasks.
- E-mail/letter showing that the partnership has been informed of the withdrawal.

In both cases, the date at which the addition or withdrawal of a beneficiary takes effect must also be mentioned on these letters.

These documents should be forwarded by the coordinator to the Agency with the request for amendment.

If after the removal of a beneficiary – which may or may not be replaced by a new one – the eligibility and/or selection criteria are no longer respected at project level, the Agreement may be terminated.

Please note that a change in the composition of the partnership will imply other changes, e.g. modification of the work programme, the budget, etc. In this case, all these changes will have to be reflected in the same request of amendment with a revision of the relevant annexes.

For the CBHE projects including a Special Mobility Strand a change in the partnership composition may not affect or jeopardize the individual mobility currently being hosted by the concerned beneficiary institution.

The enlargement of the partnership will under no circumstances lead to an increase of the grant awarded.

### **2.3.3.5 Change of the legal representative of the coordinating institution**

The letter notifying the change to the Agency must be signed by the new legal representative and must be accompanied by an official original document (official journal, decree, election results), confirming the capacity of the new legal representative to enter into legal / financial binding commitments on behalf of the beneficiaries.

### **2.3.3.6 Change of the bank account of the coordinating institution**

If the bank account of the coordinator changes, the new bank details need to be communicated to the Agency by filling in the form in the following link:

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/financial\\_id/financial\\_id\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm)

The form must be signed by the account holder in original and either stamped and signed by the bank concerned or accompanied by a recent bank statement.

### **2.3.3.7 Major changes to the work programme**

An amendment request is only necessary for major changes to the work programme. In this case, the request should include a justification of the changes together with a revised work programme in "track changes" to make clear the changes made between the former and new work programme. If applicable, a revised budget allocation and a revised distribution of tasks per beneficiary must also be submitted.

### **2.3.4 Other minor changes**

In addition to the changes leading to an amendment of the Agreement that are presented above, other changes may occur which will not affect the Agreement but will nevertheless require a request to the Agency (by letter or email sent by the legal representative and/or the contact person).

For example, while the change of the legal representative of the coordinating institution, or of the contact person, affects the Agreement and has to be handled via the procedures described above, changes in their contact details (phone number, email address, etc.) just need to be notified in writing to the Agency in order to update its records.

The same applies in case there is a modification to the contact person's details of the beneficiaries.