



EUROPEAN COMMISSION  
Education, Audiovisual and Culture Executive Agency  
Creativity, Citizenship and Joint Operations  
**Culture**

## GUIDANCE ON AMENDMENTS

### **Cultural Cooperation projects in the Western Balkans**

### **Calls EACEA 39/2019**

(Version 1: published March 2021)

## INTRODUCTION

This document is a tool that complements and does not overrule the rules and regulations set out in the Grant Agreement and its annexes. It has been produced to help you to manage amendments to the grant agreement, and applies to grants awarded under Call EACEA 39/2019 “Cultural Cooperation Projects in the Western Balkans”.

This document should be read in conjunction with your Grant Agreement, and the Guidelines of the call: [https://eacea.ec.europa.eu/sites/ipa/funding/coopwb\\_en](https://eacea.ec.europa.eu/sites/ipa/funding/coopwb_en)

The Education, Audiovisual and Culture Executive Agency (the Agency) reserves the right to amend these Guidelines if additional clarification and instruction is required. If an updated version of these Guidelines is published, the coordinators of the projects concerned will be informed.

## AMENDMENTS TO THE GRANT AGREEMENT

It must be clearly understood that the funding has been granted for the project as it was submitted, selected by the Agency and evaluated by the experts. Hence, any substantial changes to the project needs to be discussed with the Agency beforehand and might require an amendment to the Contract.

An amendment is an act modifying the grant conditions initially agreed and established in the Grant Agreement. The rules for amendments of grants are set out in the Article II.13 of the Grant Agreement. The amendment procedure is initiated via a modification request which most frequently originates from the beneficiary. However, it is possible that a modification is made at the initiative of the Agency.

Changes to the project must be discussed with the project officer. This will enable the Agency to decide whether the proposed changes need to be treated as a major or a minor change to the grant agreement. If the Agency decides that the change is major, the coordinator will have to make a formal request for an amendment to the contract. But, if the proposed modification is considered as a minor change, a simple email exchange with the project officer will be sufficient.

The Grant Agreement may be amended **only in writing**. Oral arrangements for modifications cannot be legally binding. The beneficiaries should try to limit, as far as possible, the number of requests for amendment 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 **ahead of the change** and at least **one month before the end of the eligibility period** specified in the Grant Agreement.

The coordinator needs to inform the Agency of any changes they wish to introduce **in advance** in order to allow the necessary time for the analysis and possible validation of the request. Therefore, any request for modification must be introduced by the Beneficiary and accepted by the Agency **in advance of your proposed change** and must comply with the eligibility criteria set out in the Guidelines published with the call for proposals

The modification to a Grant Agreement has to be authorised by the same parties who have signed the initial Grant Agreement. The amendment must be signed by the legal representative of the coordinator, *i.e.* the person who has the necessary powers to commit the entity. If the person signing is not the legal representative identified as such in the Grant Agreement, you will need to provide supporting document proving that the person who has signed the amendment has the power to sign.

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 Grant Agreement.

Depending on the modification, the change can be processed through different procedures described below. Beneficiaries have to follow the instructions and use templates (when applicable) available under the beneficiary space.

Amendment requests must be sent to [EACEA-CULTURE-CONTRACTUAL@ec.europa.eu](mailto:EACEA-CULTURE-CONTRACTUAL@ec.europa.eu) (with the Project officer in cc) indicating, in the subject box, the reference number of the project and the type of modification requested.

## **1. Changes which require an amendment to the grant agreement**

### **i) Change in the composition of the partnership i.e. withdrawal of one co-beneficiary and/or addition of another**

A change in the partnership composition may concern the addition or withdrawal of one or more beneficiaries. You need to ensure 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.

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

- Explanatory letter from the coordinator justifying the addition of a beneficiary clearly indicating the date of entry of the said partner
- A letter from the new beneficiary including the acceptance to join the partnership
- The minutes of an official partnership meeting endorsing the change
- Specific form for the addition of a partner duly filled-in
- Revised budget allocation per beneficiary.
- Revised distribution of tasks and Cooperation agreement.
- Revised work programme
- A mandate signed by the legal representative of the new beneficiary.
- A validated PIC number.

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

#### **The withdrawal of a beneficiary requires the following:**

- Explanatory letter from the coordinator explaining the withdrawal of a beneficiary and the exact date.
- Explanatory letter from the withdrawing beneficiary explaining the reasons of their withdrawal from the project and explaining the budget spent that will be claimed in the report.
- The minutes of an official partnership meeting endorsing the change and redistribution of tasks
- Revised budget allocation per beneficiary.
- Revised distribution of tasks and Cooperation agreement.
- Revised work programme

- E-mail/letter showing that the partnership has been informed of the withdrawal

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 Grant 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 that need to be sent with the amendment request.

## **ii) Changes to the eligibility period**

Only under exceptional circumstances, an extension of the eligibility period may be accepted. Extensions must be requested well ahead in time and at least one month before the end of the implementation period.

The request should duly justified therefore 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.

Any extension must comply with the requirements laid down in the call for proposals.

A modification of the eligibility period implies a modification of the work programme. Therefore, the request shall be accompanied by a new work programme.

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

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

## **iii) Changes to the work programme (work packages/activities)**

In your project application, you outlined your project description and work programme. These were annexed to the grant agreement and are therefore binding. **An amendment request is only necessary for major changes to the work programme** (work packages/activities). We strongly advise you to discuss with your project officer any changes to the work programme (work packages/activities) beforehand. This will enable the Agency to decide whether the changes you propose need to be treated as a major or a minor change to the grant agreement. If what you propose is considered a minor change, a simple email notifying your Project will be sufficient. If the Agency decides that the change is major, you will have to make a formal request for an amendment to the contract. In this case, the request should include a justification of the changes together with a revised work programme to make clear the changes made.

The new work programme/work packages needs to be attached to the amendment request. If in case of change of the work programme/work packages, you are in doubt about whether or not you need to request an amendment, please contact your Project Officer.

#### **iv) Change of the legal representative of a co-beneficiary:**

An e-mail together with an official document confirming the name of the new legal representative need to be sent. If the e-mail is not sent by the legal representative, he/she should be in copy. Examples of official documents include statutes and/or minutes of the Board, extract from register, etc. The Agency will reply by simple email.

#### **v) Change of contact person of the coordinator**

A change of contact person of the coordinator (multi-beneficiary grants) or the beneficiary does not require the use of a template. An e-mail or a letter signed by the legal representative of the coordinator (multi-beneficiary grants) must be submitted to the Agency outlining the reasons for the envisaged change. If the e-mail is not sent by the legal representative, he/she should be in copy. The Agency will reply by simple email.

#### **vi) Changes/transfers in the estimated budget**

Beneficiaries are allowed to adjust the estimated budget set out in Annex III of their Grant Agreement by transfers between themselves and between the different budget categories, **if the action is implemented as described in the description of the project (Annex I of the GA)**. This adjustment does not require an amendment.

Pursuant to Articles II.22 amendments are necessary only in the following cases:

- **Change of the value of the EU grant distribution among the beneficiaries** (coordinator or partners).
- Additional costs related to **subcontracts** not foreseen in the project description. Pursuant to Article II.11, any recourse to subcontracting that is not provided for in the grant agreement, is to be communicated by the coordinator and approved by the Agency. The Agency may give approval:

**before** any recourse to subcontracting, if the beneficiaries request an amendment as provided for in Article II.13 (amendments to the agreement);  
or

**after** recourse to subcontracting if the subcontracting is specifically justified in the interim or final technical report referred to in Articles I.4.3 and I.4.4; and does not entail changes to the Agreement which would call into question the decision awarding the grant or be contrary to the equal treatment of applicants;

Please use the template in the Beneficiary Space to prepare you request for amendment.

## **2. Changes via the Funding & Tender Opportunities portal**

The Funding & Tender Opportunities portal is the platform where the **LEAR** (Legal Entity Appointed Representative) of each beneficiary registers any changes related to their legal entity. The accuracy of these changes and any supporting documents are checked and validated by the Research Executive Agency (REA). Once REA has validated these changes, they notify the beneficiary that this information is up to date in the database of the Commission.

You do not need to send an amendment request to the Agency for these modifications. However, we recommend that you inform your PO by email of the specific changes introduced via the Participant Portal.

Address of the Funding & Tender Opportunities portal: <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>

The modifications that must be made **via the Funding & Tender Opportunities portal** are the following:

**i) Change of the legal status of the beneficiary**

Under the new legal status, the beneficiary must fulfil all the eligibility and selection criteria originally applied. If this change results in the eligibility and/or selection criteria not being met, participation will be terminated. If you have a multi-beneficiary Grant Agreement we will also check whether the eligibility criteria at project level are still respected. If this is not the case, the Grant Agreement will be terminated.

**ii) Change of legal name of the beneficiary**

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 you which supporting documents are needed.

**iii) Change of address of the beneficiary**

The change will be accepted by the Agency provided that it is compatible with the eligibility criteria (namely in case the address is located in a different country).

**iv) Change of bank account**

If the bank account of the beneficiary changes, a new financial identification form (with the new bank details) needs to be uploaded in the Funding & Tender Opportunities portal: [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 and either stamped and signed by the bank concerned or accompanied by a recent bank statement. Please inform your project officer of this change by communicating the ISBN n° which should be linked to your grant agreement.

**v) Change of the LEAR (Legal Entity Appointed Representative)**

If the LEAR of a beneficiary changes, the change needs to be requested in the Funding & Tender Opportunities portal: <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>

If you have problems linked to your PIC or changes of legal entity's data, please follow these instructions:

- if you are a Self-registrant/LEAR please contact the Validation Services via the messaging tab of the PIC in the Funding & Tender Opportunities portal Beneficiary Register (log in with your ECAS account)
- for technical questions, please address your request to the IT helpdesk: <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/support/helpdesks>

### **3. Other changes**

All other changes not indicated above must be requested via a letter signed by the legal representative. It must be sent to [EACEA-CULTURE-CONTRACTUAL@ec.europa.eu](mailto:EACEA-CULTURE-CONTRACTUAL@ec.europa.eu) indicating, in the subject box, the reference number of the project and the type of modification requested.

We strongly advise you to discuss the matter with your project officer before sending the request.