



LIFE Programme

General guidelines for the presentation of an amendment to the grant agreement

The current guidelines apply to all the projects funded in the frame of the LIFE 2014-2020 programme. The guidelines are intended to help the applicant present an amendment to the agreement and fill in the relevant forms.

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NB : When used without further specification, the terms "beneficiary" / "beneficiaries" mean both the coordinating beneficiary and/or all associated beneficiaries.

1. What is an amendment to the agreement?

An amendment to the agreement represents a substantial change to the grant agreement originally approved by EASME. This substantial change must be included in a written additional agreement, which has to be approved by EASME.

The amendment will neither modify the general objective of a project nor increase the maximum Union contribution.

2. In which cases should the coordinating beneficiary apply for an amendment to the agreement?

It is expected that projects have been prepared with the maximum care and that beneficiaries have taken all the possible precautions in order to avoid organisation, implementation and budget problems.

Therefore, EASME expects that, as a rule, the project implementation follows all the directions included in the approved grant agreement and that no major changes will occur.

Thus, the application of Article II.12 of the General Conditions is to be considered as an exceptional case and is not a procedure for correcting poorly designed projects or project management failures.

Nevertheless, the concrete implementation of a project may, in some cases, oblige beneficiaries to adapt to the situation in the field and coherently modify the actions, the budget for a given action or category of expenditure or the project's partnership and organisation.

As mentioned in Article II.12 of the General Conditions, only substantial changes require a formal presentation of a request for additional agreement.

We consider changes as "substantial" if they modify the:

- Nature and content of actions, that would have a significant impact on the project;
- List of deliverables;
- Name, legal address, legal status, bank account and/or VAT of the coordinating beneficiary;
- Name of any beneficiary;
- Partnership structure (addition or withdrawal of beneficiary or affiliate);
- Withdrawal of a co-financer or significant reduction of its contribution;
- Project duration;

- Financial structure;
- Budget shift outside the flexibility set in Article II.22 of the General Conditions.

The above-mentioned substantial changes do not represent an exhaustive list. Different kinds of changes will be dealt with on a case-by-case basis. In case of doubt the beneficiary should consult the external monitoring team.

Example in which a request for an amendment to the agreement is necessary:

During the first phase of implementation of a LIFE project, the preparatory survey activity A3 revealed a situation which was not known in advance. As a consequence, action C2 will be much more expensive than initially planned and the work initially planned to be performed by staff will now be subcontracted in full. Considering that the overall project budget remains the same, the financial resources should be reallocated among the different cost categories. As a consequence, the shift in budget between the cost categories now exceeds the 20% of the overall eligible costs threshold.

3. What are the main conditions the coordinating beneficiary shall respect in its request?

The coordinating beneficiary should pay attention to the fact that EASME will normally only take into consideration a request for amendment to a grant agreement if:

- a) The overall project objective remains unchanged;

Please, consider the following examples of unacceptable changes:

1. *Original objective: Conservation of species X*
New proposed objective: Conservation of species Y
2. *Original objective: Saving water in an industrial proceeding*
New proposed objective: saving energy
3. *Original objective: Development of the innovative product X*
New proposed objective: Development of the product Y

- b) The quality of the project is retained or improved;
- c) The proposed changes are substantial;
- d) There is a sufficient and reasonable guarantee that the beneficiary is still able to fully achieve the project objectives within the project duration or before the new proposed end date;
- e) The request has been submitted at least one month before the end of the project;

- f) The requested changes respect the LIFE Regulation, the Financial Regulation, the Special Conditions and the General Conditions;
- g) Changes do not call into question the grant award decision and are not contrary to the equal treatment of applicants;

Please, consider the following examples of unacceptable changes:

1. *The project has been scored very high on AWARD criterion 3 due to its foreseen overall environment benefit. The amendment would reduce significantly the expected benefit.*
 2. *The partnership was ensuring actions and resulting in a large number of countries and the project has been scored 3 on the transnational aspect. The withdrawal of one beneficiary is significantly reducing the EU added-value of the project related to the transnational approach without alternative measures.*
- h) The proposed changes do not increase the Union contribution nor do they have as a result the exceeding of the maximum percentage of Union contribution allowed by the specific call;
 - i) The reasons for the substantial changes are a direct consequence of the preparatory actions or of the implementation of the project, were wholly or partly beyond the control of the beneficiaries and were not known before the signature of the grant agreement;
 - j) Modifications are not linked to any issue already refused during the revision phase;
 - k) Modifications do not include ineligible costs;
 - l) All measures were/will be taken to solve the problems encountered and to limit delays, including a quick replacement of staff, in case of death, serious illness, absence or withdrawal;
 - m) The coordinating beneficiary has, where relevant and in the case of a request of postponement of the end date of a project, provided an extension of the financial guarantee;
 - n) The requested modifications are cost-effective and do not propose actions simply seeking to spend under-spent funds;
 - o) The modified legal status of a beneficiary or the legal status of a possible new beneficiary or affiliate does not affect the compliance with the eligibility criteria used to evaluate its technical and financial reliability at the time of the evaluation of the proposal.

In any case, the total maximum Union contribution as stated in the grant agreement will remain unchanged, even if an increase of the total project budget occurs.

4. In which cases does a coordinating beneficiary not need to present a request for an amendment to the grant agreement?

The coordinating beneficiary is responsible for implementing project actions and for achieving project results. Therefore, it is responsible, during the project implementation, for choosing appropriate techniques and methods for achieving the objectives. This concrete implementation may however require a few adaptations or changes.

If the changes introduced in the project are not substantial, there is no need to present a request for an amendment to the grant agreement.

Minor changes should not fundamentally alter the nature or content of actions and deliverables, the partnership, the project duration or budget shift outside the flexibility of Article II.22 of the General Conditions. Some examples:

- Minor technical modifications for which the beneficiary is responsible and which clearly permit to achieve the target of an action and the project objective;
- The modification of the name of the legal representative or contact person of the coordinating beneficiary;
- The modification of the legal address, legal status and VAT number of associated beneficiary;
- The addition of a co-financer;
- Budget shift within the flexibility of Article II.22 of the General Conditions (!!! please note that this budget shift should be completed with the final financial report. The budget shift template is included in the template of the consolidated financial statement available on the website at http://ec.europa.eu/environment/life/toolkit/pmtools/life2014_2020/financial_statement.htm. There is no need to request approval of non-substantial shifts in advance. However, when a coordinator is unsure if the shift of some costs might be accepted from a technical point of view due to e.g. a purchase that was not foreseen, a shift from staff to subcontracting, etc, then the coordinator is advised to seek confirmation from EASME that the purchase, subcontracting instead of using staff etc. is needed for the implementation of the project. It should be noted however that EASME will not give a formal approval but will indicate whether the change is acceptable in principle; the final decision on eligibility of all costs is made at the stage of the final report.;
- The modification of the project timetable, provided that the project objective will be achieved within the project duration and no reduction of either the content and the objective of any action occurs.

This list is not exhaustive. Please, see the following examples of cases in which a request for an amendment to the agreement is not necessary:

1. *Action B3 foresees the achievement of its objective through the implementation of technique X, which however reveals, during a test, to be ineffective. The beneficiary decides to use technique Y instead, respecting the budget threshold*

for each cost category and achieving the same results respecting the planned time schedule.

- 2. The preparatory studies revealed an unknown situation, i.e. that it is not possible to implement action C1 (removal of 500 m of artificial river banks) as planned in the location X. Therefore, the beneficiary suggests implementing action C1 along 500 m of river in the alternative location Y still within the initial project area. The expected results of this modified action are equivalent, habitats and species targeted remains unchanged and the modification does not affect the threshold of each cost category.*

Changes not presented in the list above will be dealt with on a case-by-case basis. In case of doubt, it is strongly advised that the coordinating beneficiary consults the external monitoring team and where needed informs EASME to enable it to evaluate the modifications proposed and to confirm whether the changes are acceptable in principle or not, whether they require a formal amendment or not, etc.

5. In which circumstances is it possible to request a suspension of the implementation of the project?

EASME expects that beneficiaries have carefully evaluated the time needed for the full implementation of a project and that a sufficient time buffer has been introduced in the project proposal for solving possible unexpected problems, including, for example, administrative delays and delays in land purchase. Therefore, EASME will accept a suspension of the implementation of the project only in unforeseeable, exceptional circumstances, which will make the implementation of one or more project actions impossible for a certain period of time (Article II.15 of the General Conditions). The coordinator will have to inform EASME in writing.

6. What are "unforeseeable, exceptional circumstances" under which the EASME would consider a request for suspension of the implementation of the project?

"Unforeseeable, exceptional circumstances" (Article II.15 of the General Conditions) mean for example:

- Catastrophic weather conditions (e.g. flood, heavy wind storms, etc.), natural and man-made disasters (e.g. earthquakes, volcanic eruptions, landslides, large forest fires, extensive pollution events, etc.), which cause a disruption of public and private services or communications and serious organisational, safety or management problems in the territory concerned;
- New and unexpected conditions discovered through the preparatory studies and actions of a LIFE project, which could not be predicted before the conclusion of the revision phase during the selection procedure (e.g. the preparatory scientific study reveals that the technology X, supposed in the revised proposal to be appropriate to achieve the project target, does not work. The scientific study reveals at the same time that an alternative technology Y will work but will take longer);

- Changes, such as modifications in the legislation, which alter the frame context of a project and which are totally or partially beyond the control of the beneficiary, not predictable before the conclusion of the revision phase during the selection procedure and which will cause a serious delay in the implementation of a project (e.g. a new law binds the beneficiary to request a further authorisation for the implementation of the project action C1. The acquisition of this authorisation requires a long administrative procedure);
- Death or serious illness of key project staff, which will cause heavy organisation and management problems;
- Conflicts, the duration and/or the modalities of which bring about a disruption of public and private services or communications and serious organisation, safety or management problems in the territory concerned.

The list above is not exhaustive. EASME reserves the right to consider requests based on other exceptional circumstances not listed above.

When the conditions allow resuming the implementation of the project, the coordinating beneficiary will issue a request for amendment (Article II.15.1 of General Conditions).

7. What events are not to be considered as "unforeseeable, exceptional circumstances"?

The following events are in general considered as not sufficient for requesting a suspension of the implementation of the project:

- Delays in the start of the project operations, without an acceptable justification based on unforeseeable, exceptional circumstances;
- Administrative delays;
- Unfavourable but not catastrophic weather conditions (see point 6);
- Delays in the organisation of calls for tender;
- Delays in obtaining authorisations or certifications;
- Delayed approval of regulations, planning tools and action plans drafted or modified in the frame of a LIFE project;
- Financial difficulties due to activities and causes other than the concrete project implementation;
- Delays in land purchase;
- Defects in equipment or material or delays in making them available;
- Elections and political changes, labour disputes, strikes;

- Absence or withdrawal of key project staff, with the exception of serious illness or other compelling reasons.

This list is not exhaustive. Different circumstances will be dealt with on a case-by-case basis. In case of doubt, the beneficiary should previously consult the external monitoring team.

8. What are the main conditions the coordinating beneficiary shall respect for the presentation of a request for the postponement of the end date of the project following a suspension of the implementation of the project?

When the conditions allow resuming the implementation of the project, the coordinating beneficiary will issue a request for amendment (Article II.15.1 of General Conditions) to request a postponement of the end date.

A postponement of the end date of the project may be granted provided that the beneficiary respects the conditions set in point 3 and especially d, e, i, j, l and m.

Please be aware that the postponement of the end date of the project shall be proportional to the incurred delay and to the time needed for the implementation of remediation measures.

A significant delay in implementing key actions may lead to the termination of a project (Article 16.3.1 of General Conditions) rather than its prolongation.

9. What must the coordinating beneficiary do when applying for an amendment to the agreement?

The coordinating beneficiary should carefully evaluate the situation, verify whether the changes are really substantial and have a clear idea of the alternative measures to be taken, and should discuss the proposed changes and measures with the external monitoring team. Thereafter, in collaboration with the external monitoring team the procedure described in the “Guidance on using eProposal for Amendments” (available on the LIFE website, Toolkit section) should be followed to modify the original project forms to incorporate the changes in eProposal.

The coordinating beneficiary shall also prepare a formal request for amendment in which it should detail the reasons for the modification; these reasons must be explicit and clearly justified. In particular, the coordinating beneficiary must describe what led it to proposing the changes and also clearly explain how the modifications will affect the objectives and expected results of the project, as stated in the approved proposal.

A comparative assessment between the original and the modified proposal should also be included.

For example:

- If proposing changes in actions, the coordinating beneficiary must clearly describe the modifications both in a qualitative and quantitative way (technical

data and information, justification, duration, budget, related deliverables, who will undertake the actions, who will be responsible for them, etc.). It should use the same format as in the application.

- If proposing a partnership modification, the coordinating beneficiary must clearly specify why it is needed (e.g. change in legal status of an associated beneficiary after a merger, or including one more associated beneficiary with special competencies) and what exactly will be the role of the new associated beneficiary. The associated beneficiary must bring funding to the project in order to comply with the Special Conditions and General Conditions, and a signed associated beneficiary declaration and mandate must be provided. If the responsibilities of any existing beneficiary in the project's execution (technical or financial) are modified, new declarations have to be submitted together with updated technical and financial forms.
- If proposing a modified budget (outside the flexibility of Article II.22 of the General Conditions), the coordinating beneficiary must submit in the amendment request a table which presents the original and the revised budget per budget category, as well as a column indicating the deviation from the initial budget. No specific template is provided. The presentation should summarise the proposed modification and allow EASME to easily identify the financial transfers proposed. The latter could be done by adding a “comments” column in the table, including the relevant justifications or in an itemised list explaining and justifying each cost transfer (both increases and decreases). The coordinating beneficiary should not forget that, even if the modifications are purely financial, they also need to be justified from a qualitative point of view (submitting just the tables with the figures is not enough). It must justify why the transfer is required and explain qualitatively how the two categories (i.e. the category whose budget is decreased and the one whose budget is increased) are affected. It should not forget that the maximum Union contribution cannot be increased.
- If requesting a suspension of the implementation of the project, the coordinating beneficiary has to submit a new detailed calendar for the implementation of all actions, which should be illustrated in a Gantt chart. The reasons behind the incurred delay must be explicit and guarantees of being able to respect the new calendar must be provided. In particular, the problems which have led to delays must be solved before the request is submitted. The coordinating beneficiary must clearly state what the new end-date will be. Requests for suspension of the implementation should also clearly explain which measures will not be carried out completely if the suspension is not granted and what impact this will have on reaching the project's objectives.

The request shall be presented in both paper and electronic version together with the modified forms (and only them) and the comparative assessment for an evaluation and a possible approval. A checklist for coordinating beneficiary is available on the LIFE

website
http://ec.europa.eu/environment/life/toolkit/pmtools/life2014_2020/amendments.htm.

This document is meant to assist the coordinating beneficiary in the preparation and submission of an amendment request. Please note that an amendment may include several modifications and therefore the package of documents should be adapted accordingly.

Please, take due note of the following issues:

- It is always recommended that before submitting a modification request to EASME, a draft is sent to, and discussed with the external monitoring team;
- The modification request should be presented in a timely manner (and at least one month before the end of the project);
- Verify that your request includes all potential modifications that can be envisaged at the time of submission: later requests for a new amendment to the agreement should absolutely be avoided;
- Be sure that your request is based on changes considered as substantial;
- Check whether the proposed modifications respect the conditions listed in points 3 and, if relevant, 8 above;
- Remember to sign/stamp every form in which a signature/stamp is requested and to submit the signed originals;
- If a modification to the financial structure of a project occurs, all the relevant financial forms must be resubmitted;
- If necessary, remember to modify the implementation timetable or the deadlines for the delivery of reports and deliverables;
- The evaluation procedure will generally last a few weeks. During this period, EASME may request you to send additional information or to modify your amendment. In this case, the procedure could last longer. Should corrected or missing documents not be submitted within the stated deadline, EASME may refuse the request and not allow its resubmission;
- Your request for an amendment of the agreement does not mean that it will be accepted. The amendment will be legally effective only when signed by both EASME and the co-ordinating beneficiary. Until this moment, the original grant agreement approved by EASME remains effective. If any substantial change is made without the necessary agreement, EASME reserves the right to refuse to co-finance such changed projects and, if necessary, to cancel, suspend or recover all or part of the Union support.

10. Why could a request for an amendment to the agreement be rejected?

EASME will normally reject a request for an amendment to the agreement if the conditions mentioned in point 3 are not fulfilled. In addition it may also reject a request in the following cases:

- Insufficient justification of the proposed changes;
- Changes implying any quantitative, qualitative or, where applicable (e.g. monitoring, testing), time reduction of the objective, of the output of an action or of the overall project objectives;
- A substantial shift of financial resources from concrete implementation actions towards communication, administrative, or other accompanying measures;

Please, consider the following examples of non acceptable budget shifts:

1. *From a reforestation measure towards the organisation of a seminar;*
2. *From the construction of a prototype towards project management tasks.*

- A change of the starting date of a project. Requests to change the starting date shall be considered only if the beneficiary is able to prove that the original date was wrongly set due to a material mistake;
- The coordinating beneficiary has not previously and in a timely manner informed EASME, (i.e. possibly before a change occurs or, in extreme cases, when the changes are actually occurring and not subsequently) and with full details (in a progress report, during a visit of the external monitoring team or of EASME, by letter, etc.), of any event that is liable to lead to substantial changes or to prejudice or delay the performance of the project (Article II.12.3 of the General Conditions);
- Substitution of the beneficiary: EASME will carefully evaluate the request and accept it only in well justified cases and submitted by all other beneficiaries (Article II.12.4 of the General Conditions);
- The beneficiary is clearly responsible for the delays in the project implementation.

The list above is not exhaustive. Different circumstances will be dealt with on a case-by-case basis. In case of doubt, the beneficiary should previously consult the external monitoring team.