

Global Health EDCTP3 Legal and Financial Workshop

Module 1: Grant Agreement - General legal concepts and amendments

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Disclaimer

This document/presentation of the legal and financial workshop 4 modules is non-binding and designed for information purposes to support participants to Global Health EDCTP3 actions in the management of their projects.

It is based on the legal framework applicable to Global Health EDCTP3 activities, namely Council Regulation 2021/2085 (basic act), European Parliament and Council Regulation 2021/695 (Horizon Europe Regulation), the Global Health EDCTP3 work programme and the Horizon Europe Model Grant Agreement.

Eligibility to receive funding



EU COUNTRIES

- Member States (**MS**)
- Overseas Countries and Territories (**OCT**) linked to MS



NON-EU COUNTRIES

- Countries **associated** to Horizon Europe (**AC**)
- Countries which are members of **the EDCTP Association**
- Other countries when announced **in the call or exceptionally** if their participation is **essential**



SPECIFIC CASES

For example:

- EU bodies
- International organisations (**IO**)
 - International European research organisations are eligible for funding
 - Other IO can be eligible for funding only exceptionally

Consortium

To be eligible, consortia must include:

- At least three legal entities independent from each other and established in different countries, where legal entities are eligible to receive funding;
- At least one independent legal entity established in a Member State, or in an associated country that is a member of the EDCTP Association; and
- At least one independent legal entity established in a sub-Saharan African (SSA) country that is a member of the EDCTP Association.

Coordination and scientific project leadership

- The coordinator must be established in the EU, a country associated to Horizon Europe or South Africa.
- If the coordinator is established in the EU or a country associated to Horizon Europe, a beneficiary based in a SSA country member of the EDCTP Association must act as scientific project leader.
- The scientific project leader's role is to lead and oversee the project's scientific governance (see indicative tasks in the work programme). A specific work package for these activities must be included.
- The respective roles and tasks of the coordinator and the scientific project leader should be defined in the grant agreement (Annex 1) and the consortium agreement (mandatory!).

Structure of the grant agreement

Data sheet: includes timelines (GA, reports) and participants.

Terms and conditions: articles of the GA.

Annex 1: Description of the Action. Includes deliverables, work packages, staff effort, information about certain costs and involvement of third parties.

Annex 2: budget.

Annex 2a and b: information about unit costs and contributions (to be checked where applicable).

Annex 3: accession forms (to be signed on time!)

Annex 4: model for financial statements (reporting)

Annex 5: specific rules related to articles of the terms and conditions (eg: on IP) or specific to joint undertakings.

Structure of the grant agreement

- The GA covers a wide range of rules including those relating to costs eligibility and reporting (see later modules) but also: types of participants, ethics, data protection, Intellectual Property Rights, communication and dissemination, suspension and termination.
- Where indicated in the relevant articles, complementary rules are laid down in Annex 5 (eg: IPR).
- Annex 5 also includes specific rules about joint undertakings, namely EDCTP3 fellowships.
- The Annotated Model Grant agreement provides guidance and clarifications about the provisions and their application.

AMENDMENTS: Article 39 GA

Definition

- Changes to the Grant Agreement **by mutual consent**
- Initiated by the **consortium** or the **granting authority**
- Required for **substantial modifications** (e.g. changes impacting the project outcomes or affecting the description of the action in Annex 1.)

What CANNOT be done

- Changing the general terms and conditions of the Grant Agreement
- Changes that would have impacted the grant award decision/eligibility/evaluation, like:
 - Consortium composition incompatible with the conditions
 - Elements in Annex 1 that are out of scope of the topic
 - Affect equal treatment of applicants
 - Violate applicable rules (e.g., Financial Regulation 2024/2509) or provisions of the Grant Agreement

Key characteristics

- Enter into force after **signature: coordinator + granting authority**
- Effective:
 - On a specified date (agree by the parties) → retroactive or in the future
 - Or on the date the second party signs (if unspecified) → **not** retroactive
- Usually **during** the **action: before** end of project (exceptions after end possible)
- Must be signed by **authorized representatives**
- Only changes on agreed parts – **others remain unchanged**
- Form an **integral part** of the Grant Agreement

**Amendments
must not
undermine the
original grant
award or result in
unfair treatment
of applicants** !

Common amendment clauses (AT clauses)

Examples of typical use cases in the Portal Amendment tool

Addition / Removal of participants	Coordinator changes	Other changes
<ul style="list-style-type: none">- New Beneficiary- New Affiliated Entity / Associated Partner- Beneficiary termination	<ul style="list-style-type: none">- Coordinator Change- Coordinator's Bank Account Change	<ul style="list-style-type: none">- Description of action (Annex 1)- Starting date, project duration, reporting periods- Budget, usually when related to other significant changes (participants, description of the action)

Specific amendment scenarios and exceptions

Cases where amendment is NOT needed

- Budget transfers covered by flexibility rules (Art. 5.5)
- Changes to participant legal data, only update in the PPR.
- Universal takeovers: usually NO amendment needed if all rights/obligations are transferred, only update the Portal + inform the coordinator. Exception: if action implementation is affected

Cases where amendment IS required

- Budget transfers, that imply a change of Annex 2 (cost categories)
- BEN termination due to non-accession.
- Changes of roles of participants (beneficiary, Affiliated entity, associated partner)
- Coordinator bankruptcy/liquidation/admiration (or similar).
- Termination of the coordinator without their agreement
- Partial takeovers (business unit sold, demergers)

Procedures: How it works?

1. Preparation

- Amendment requests must be prepared by the **requesting party** (usually the **coordinator**) in the **Portal Amendment Tool**. Consult your project officer first!
- **New partners** (beneficiaries, affiliated entities, associated partners) must:
 - Be **registered** in the Participant Register
 - **Validated** (beneficiaries & affiliated entities)
 - Appoint a **LEAR**

2. Submission requirements

- Request must be:
 - **Pre-agreed with the project officer before submission**
 - Signed by the **PLSIGN** of the **coordinator**

3. Processing & Approval

- **45-day deadline** for the granting authority to respond
 - May be **extended** case-by-case (e.g. for reviews or missing info)
- Requests may be **withdrawn** and resubmitted if needed
 - Example: Urgent change (e.g. bank account) handled separately
- A combined request is accepted or rejected **as a whole - no partial acceptance**

! Important notes

- No **tacit approval** — silence = rejection
- **New requests** can be submitted even if similar to previous ones
- Post-project amendments are **exceptional** (e.g. coordinator change to enable final payment)

Entry into force and effects

When does an amendment enter into force?

On the date it is signed by the receiving party in the **Portal Amendment Tool**.

When does it take effect?

- On the **entry into force date**, or
- On a **specific date** indicated in the amendment.

Retroactive effect is allowed in justified cases:

- E.g. Adding a new beneficiary (costs eligible from accession date)
- Lifting of action suspension (resumption date can be earlier)
- Correction of an error (applies from start of the GA)

Effective date may impact **cost eligibility**

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