



INSTRUCTION No. 3.

Having regard to the provisions of art. 1.9 of the grant contract, related to the right of the Managing Authority to issue mandatory instructions,

Considering the need to ensure flexibility during implementation of projects and a proper understanding of the provisions of Article 15 of the Grant Contract, the Managing Authority issues the following:

**INSTRUCTION TO BENEFICIARIES
OF PROJECTS FINANCED UNDER THE INTERREG NEXT BLACK SEA BASIN PROGRAMME**

Article 1

An amendment of the contract, requested according to article 15, shall be valid as follows:

- from the moment the Addendum entries into force (by signature from the last party)
- or
- after the Lead Partner receives JS acceptance in JeMS for the modifications proposed in the Notification letter.

Article 2

The Lead partner shall submit an Addendum or a Notification, as the case, only after its consultation with all project partners.

Article 3

Changes, as in the indicative list below, which do not alter in a significant way the latest approved JeMS version of the project and is not contrary to the principle of equal treatment of the projects and its partners, may be performed by means of a Notification:

3.1 Modification of the name of the partner, without changing the identification number of the institution (e.g fiscal registration number);

3.2 Change of the contact person of the Lead Partner/Partners;



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3.3 Change of the legal representative of the Lead Partner/Partners;

3.4 Change of the address of the Lead Partner/Partners;

3.5 Change of the bank account (EUR bank account/national currency bank account);

3.6 Minor changes in the Work plan which do not fall under the cases for which an addendum is required (listed in article 4.6 below), do not affect the project intervention logic (i.e. project objectives, outputs, results) and do not impact on the total project duration, e.g:

- a change of format or timeline of activities, without generating modifications on art 5.9 of the Grant Contract; reschedule activities within the same reporting period, postponement of a conference, change of the location for the planned workshop, shifting physical meetings/events to on-line);

- adding/changing equipment to be used for reaching the project objectives, ensuring the same quality of the existing activity;

- corrections of inconsistencies/ material errors between or within different JeMS sections of the project.

3.7 Changes in the items included in the budget (e.g. the hourly rate within Staff costs budget heading in case of small scale projects);

3.8 Modification of the Human resources heading positions in the way of deleting or adding new positions in the project team (applicable for small scale projects).

The partners shall justify the necessity and opportunity of the staff positions/ workload changes for the project implementation.

3.9 Transfers of amounts between items within the same main budget heading;

3.10 Transfer between main budget heading involving a variation of 20% or less of the initial contracted amount in the source budget heading, not having a major impact on the budget. The transfers between main budget lines are allowed provided that these modifications shall not affect the value of expenditure commitment until half of the implementation period has elapsed, as indicated in Article 5.9 of the Grant Contract.

The Lead Partner/ Partners shall operate the modifications listed above as soon as a new modification request is opened in JeMS by the JS.

Article 4

Changes which have a major impact on the latest approved JeMS version of the project shall require the signing of an Addendum to the contract by both the Managing Authority and the Lead Partner.



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The purpose of the addendum must be closely connected with the nature of the project covered by the initial contract or the latest approved version of the grant contract, as applicable. No modification to the contract may alter the award conditions prevailing at the time the grant was awarded. The changes cannot be contrary to the principle of equal treatment of projects and its partners.

Changes requiring an Addendum may be as in the indicative list below:

4.1 Changes of the duration of project's initial implementation period (extension of the implementation period).

Project partners should have in mind that extension of project duration should be requested only in case unavoidable circumstances likely to hamper or delay the implementation of the project and only after half of the implementation period will have elapsed. The request shall be thoroughly assessed and if there are no solid grounds, it may be rejected.

Moreover, partners should consider that the final date for eligibility of expenditure (including payment) of projects under INTERREG NEXT Black Sea Basin Programme 2021-2027 is 31st of December 2029. All expenditure incurred or paid after the respective date cannot be declared and shall be supported by the lead beneficiaries and beneficiaries from their own budget.

4.2 Changes in the partner's organization or replacement of a partner in the project.

Replacing of a partner or structural/legal change such as name, location (town, city, village, etc), change of legal status may occur in the partners' organizations during the implementation phase. The new proposed organization or the reorganized entity still needs to fulfill all the eligibility conditions applicable at the date of submission of the project in JeMS. In case of legal succession, if there will be more than one legal successor, this change will be treated as a change in the partnership and verified accordingly, with prior assessment of the partnership and of the eligibility of the new organization before submission of an addenda.

4.3 Transfer between main budget heading involving a variation of more than 20% of the initial contracted amount in the source budget heading

Projects may in exceptional and duly justified cases apply for reallocations of costs between budget headings (only for direct costs). The reasons for modifications have to be very well justified and the LP/partner have to clearly demonstrate on necessity for funds reallocation and the impact/consequences those changes may bring to the project's overall performance (in terms of outputs/results and specific objective achieved).

4.4 Reallocation of costs between partners

In case of reallocation of tasks between project partners, a reallocation of funds may be necessary between project partners. Under these circumstances, the partnership agreement shall also be modified.



4.5 Major changes in the Workplan of the latest approved version of JeMS project

Provided that a comprehensive analysis is provided by partners, projects are allowed to change its approach (methodology) without diminishing the expected project's outputs, results and objectives (overall and specific) and also the investment location in case of investments. The proposed changes should bring an added value as compared to the initial project.

4.6 Rescheduling of activities

In case an activity or more activities need to be rescheduled leading to changes of the expenditure commitment, the Lead partner may request such a modification only through an Addendum, after duly considering the potential impact of such revisions on the expenditure commitment, as indicated in article 5.9 of the grant contract. The opportunity and reasonability of the proposed revision(s) have to be very well justified and demonstrated in the request.

Such request has an **exceptional character** and shall be approved only if shall not generate delays which may lead to decommitment at Programme level.

4.7 In case of projects with investments (regular projects), changes of the initial conditions set within the preliminary project design phases (e.g. feasibility study for projects with investments);

4.8 The use of savings for adding new activities leading to new budget items, only if this leads to creation of an added value of the project.

4.9 Other cases duly justified and without altering the planned project objectives, outputs and results.

Article 5

All project modifications including the correspondence between LP/JS or MA, if the case, are uploaded in Jems Contracting - project Shared folder. The approved project modifications are uploaded in Jems Contracting - Contracts and agreements - Contracts.

Article 6

The project partners should closely observe the deadlines for submission of the amendments (Notifications and/or Addenda), as indicated in Article 15 of the Grant Contract.

Article 7

The Lead Partner/Partners may request verification of the related expenditures (by Controllers/auditors) only after the addendum enters into force (by signature from the last party/ JS acceptance in JeMS of a request for modification following a Notification).



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Article 8

The Managing Authority/Monitoring Committee has the right to refuse the proposed modifications by the partner (or part of them) for which justification was not provided and/or which were not considered acceptable. In case the proposed modification was refused by the Managing Authority, it cannot be requested again.

Article 9

This instruction will be communicated by the Joint Secretariat to the Lead partners via electronic email and published on the Programme's website.

Article 10

This instruction enters into force at the date of its signature.

Iulia HERTZOG

**Head of the Managing Authority for
Interreg NEXT Black Sea Basin Programme**