

European Institute of  
Innovation & Technology



## Specific Grant Agreement 2020

Amendment No. 2

of

Contract No. EIT/EIT InnoEnergy/SGA2020

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SGA Amendment 2020

On one part,

The **European Institute of Innovation and Technology ('the EIT')**, represented for the purposes of signature of this Specific Agreement by its Director Martin KERN,

and

**on the other part,**

1. The Knowledge and Innovation Community Legal Entity ('the KIC LE'):

**KIC InnoEnergy SE ('KIC InnoEnergy')** a Societas Europea duly incorporated under the Laws of The Netherlands with registered office located at the John F. Kennedylaan 2 6E Verdieping, 5612 AB Eindhoven, The Netherlands, registered in the Trade Chamber of Eindhoven under the number 51418886, represented for the purpose of signing the Amendment of the Specific Agreement by its CEO Diego PAVIA, hereinafter referred to as the "**KIC LE**".

2. and the other Knowledge and Innovation Community ('KIC') Partners listed in Annex 2 of the Framework Partnership Agreement (FPA), represented for the purposes of signing the Amendment of the Specific Agreement by the KIC LE (see the mandate in Annex 4 FPA and Article 62 FPA).

Having regard to the Framework Partnership Agreement (Contract No. FPA2016/EIT/EIT InnoEnergy), concluded on 7 March 2016, hereinafter referred to as 'FPA',

Having regard to the Specific Grant Agreement 2020 (Contract No. EIT/EIT InnoEnergy/SGA2020) concluded between the EIT and the KIC LE on 20 February 2020, hereinafter referred to as 'SGA2020',

Having regard to the Amendment No 1 of SGA2020 concluded between the EIT and the KIC LE on 16 July 2020 for the additional awarded grant within the frame of the Crisis Response Initiative, hereinafter referred to as "Amendment No. 1"

Whereas,

- 1) On 20 February the SGA2020 was signed between the EIT and KIC LE, awarding the grant of EUR 81,785,400.38, representing the maximum EIT contribution;
- 2) Further to the outbreak of the COVID-19 pandemic and the EIT's invitation to submit proposals for additional EIT funding in response to the COVID-19 crisis, the EIT Director awarded EUR 7,388,122.27 for EIT InnoEnergy for additional activities targeting the crisis. Amendment No. 1 was signed by the parties on 16 July 2020;
- 3) On 31 August 2020, EIT InnoEnergy submitted a request for the second amendment of the SGA2020, including the amended Business Plan, as well as a revised estimated budget for 2020;
- 4) The EIT proposed a new approach and agreed with EIT InnoEnergy to contract part of the CFS audits as a shared service in 2020 in order to pilot the model to be introduced under the Horizon Europe operational framework, which required additional funding. While the funding necessary for the additional activities is EUR 500,000.00, the KIC has saved EUR 82,629.82 under other

activities of the 2020 Business Plan, therefore, the EIT awarded an additional EIT funding of EUR 417,370.18 to the KIC.

- 5) The EIT has verified that the general objectives and results to be achieved as outlined in the previously approved 2020 Business Plan are maintained, and that the requested changes are in line with Article 61 of the FPA;
- 6) SGA2020 should therefore be amended accordingly.

HAVE AGREED AS FOLLOWS

## Article 1

Article 4 of SGA2020 shall be replaced by the following article:

### "ARTICLE 4 – GRANT AMOUNT, FORM OF GRANT, REIMBURSEMENT RATE AND FORMS OF COSTS

#### 4.1 Financing of the KIC Business Plan

The total cost of the implementation of the KIC Business Plan is estimated at **EUR 235,661,001.75** (two hundred thirty-five million six hundred sixty-one thousand one euro and seventy-five eurocents) as set out in Annex 2.

#### 4.2 Maximum grant amount

The '**maximum grant amount**' is **EUR 89,590,892.83** (eighty-nine million five-hundred ninety thousand eight hundred ninety-two euro and eighty-three eurocent), out of which:

maximum **EUR 2,121,338.20** (two million one hundred twenty-one thousand three-hundred thirty-eight euro and twenty eurocent) shall be earmarked for the implementation of the Cross-KIC activities; and

**EUR 3,176,746.52** (three million one hundred seventy-six thousand seven hundred forty-six euro and fifty-two eurocent) shall be earmarked for the implementation of EIT RIS activities.

#### 4.3 Form of grant, reimbursement rate and forms of costs

The grant reimburses **77.83%** of the specific action's eligible costs (see Article 5) ('**reimbursement of eligible costs**') (see Annex 2).

The estimated eligible costs of the specific action are **EUR 115,111,001.97** (one hundred fifteen million one hundred eleven thousand one euro and ninety-seven eurocent).

Eligible costs (see Article 5) must be declared under the following forms ('**forms of costs**'):

- a.) for direct **personnel costs** (*excluding personnel costs covered by the unit cost under Point (f)*):

as actually incurred costs ('**actual costs**') or

on the basis of an amount per unit calculated by the KIC Partner in accordance with its usual cost accounting practices (**'unit costs'**).

Personnel costs for **SME owners or for KIC Partners that are natural persons** not receiving a salary (see Points A4 and AS of Article 5.2) must be declared on the basis of the amount per unit set out in Annex 5 (**unit costs**)<sup>1</sup>;

- b.) for direct costs of **subcontracting** (*excluding subcontracting costs covered by the unit cost under Point (f)*): as actually incurred costs (**actual costs**);
- c.) for direct costs of **providing financial support to third parties** (*excluding costs of financial support covered by the unit cost under Point (f)*): as actually incurred costs (**actual costs**);
- d.) for **other direct costs** (*excluding other direct costs covered by the unit cost under Point (f)*):
  - for costs of internally invoiced goods and services: on the basis of an amount per unit calculated by the KIC Partner in accordance with its usual cost accounting practices (**'unit costs'**);
  - for all other costs: as actually incurred costs (**actual costs**);
- e.) for **indirect costs** (*excluding indirect costs for the unit cost under Point (f)*): on the basis of a flat-rate applied as set out in Article 5.2, Point E (**'flat-rate costs'**);
- (f) for the unit costs of
  - EIT labelled masters programmes (excluding the management costs),
  - EIT labelled doctoral programmeson the basis of the amount(s) per unit set out in Annex 1 in line with Commission Decision No C(2016)8298<sup>2</sup> (**unit costs**)."

## Article 2

The last paragraph of Article 17.2 of the SGA2020 shall be replaced by the following:

"An amount of **EUR 4,458,676.13** (four million four hundred fifty-eight thousand six hundred seventy-six euro and thirteen eurocent), corresponding to **4.98%** of the maximum grant amount (see Article 4.2), is retained by the EIT from the pre-financing payment and transferred into the 'Guarantee Fund'."

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<sup>1</sup> Commission Decision no C(2013) 8197 on the use of reimbursement on the basis of unit costs for the personnel costs of the owners of small and medium-sized enterprises and beneficiaries that are natural persons not receiving a salary

<sup>2</sup> In accordance with the exception authorised by the EIT, costs of management of the EIT labelled master degrees shall be declared on actual cost basis instead of the lump sum laid down in the Commission Decision

### Article 3

Annex 1 of this amendment shall replace Annex 1 (Description of the Specific action) of SGA2020.

### Article 4

Annex 2 of this amendment shall replace Annex 2 (Estimated budget 2020) of SGA2020.

### Article 5

All other provisions of the SGA2020 shall remain unchanged and shall continue to apply.

### Article 6

(1) The present amendment shall form an integral part of SGA2020 and it shall enter into force on the day of signature by the EIT or the KIC LE, depending on which is later.

(2) The present amendment shall take effect on 1 January 2020, with the exception of the following new KAVAs which shall take effect on the dates indicated below:

New KAVA (number, title)	Date of effect
1.3.2. EDU Covid-19 umbrella	01/03/2020
3.6.2. EIT InnoEnergy Crisis Response Initiative	01/04/2020

### SIGNATURES

For the EIT  
Martin KERN Director

For the KIC LE  
Diego PAVIA, CEO

[Approval is given via a workf  
in place of a handwritten sign

Done in Budapest on \_\_\_\_ DE. \_\_\_\_  
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In duplicate, in English