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Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
Udyog Bhawan

Public Notice No. 65 /2015-20
New Delhi, Dated the 17 March, 2020

Subject:- Proformae of application and end use certificate for implementation of "Global Authorisation for Intra-Company Transfers (GAICT) of SCOMET items / software/ technology" under Para 2.79F in the Handbook of Procedure.

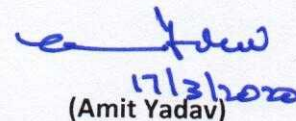
In exercise of the powers conferred under Paragraph 1.03 of the Foreign Trade Policy (FTP) 2015-20, the Director General of Foreign Trade (DGFT) hereby notifies the proformae of applications and End Use Certificate for implementation of "Global Authorisation for Intra-Company Transfers (GAICT) of SCOMET items / software/ technology" notified vide Public Notice No. 20/2015-20 dated 24.07.2019, under para 2.79F of the Handbook of Procedures (HBP) of the Foreign Trade Policy (FTP) 2015-20, with immediate effect.

2. The proforme and their applicability to seek export authorisation and post reporting under policy for "Global Authorisation for Intra-Company Transfers (GAICT) of SCOMET items / software/ technology, as notified vide Public Notice No. 20/2015-20 dated 24.07.2019, is illustrated as under:

Name of proforma	Purpose	Relevant Para of HBP	Items covered
ANF20(b)	For filing offline application seeking export authorisation	2.79F (B)(a)	Applications under GAICT are to be submitted offline, by applicant exporters, to SCOMET Cell, DGFT(Hqrs) in terms of Para 2.79F (B)
ANF20(c)	For submission of post shipment reporting of each transfer/ consignment on quarterly basis	2.79F (C)(a)	Post-reporting obligation against GAICT authorisations are to be submitted by a licensee, on quarterly basis (even, if nil) with SCOMET Cell DGFT(Hqrs) in terms of Para 2.79F (C)
2S(iv)	End Use Certificate (EUC) – to be submitted while post-reporting	2.79F (C)(b)	The EUC in Appendix 2S(iv), issued by the parent company abroad, is required to be submitted alongwith shipment details

3. Effect of this Public Notice:

The proformae of application and end use certificate are being notified to implement the Policy on Global Authorisation for Intra-Company Transfers (GAICT) for export/re-export of dual use SCOMET items / software/ technology, between Indian subsidiary to its foreign parent company and/or to subsidiaries of foreign parent company.


(Amit Yadav)

Director General of Foreign Trade
Ex-officio Additional Secretary, Government of India
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ANF- 2 O(b)
APPLICATION FORM FOR RE-EXPORT OF IMPORTED SCOMET
ITEMS/SOFTWARE/TECHNOLOGY
(UNDER GLOBAL AUTHORISATION FOR INTRA COMPANY TRANSFER) LISTED IN APPENDIX
3 TO SCHEDULE 2 OF ITC (HS) CLASSIFICATION

[Please see DGFT's Public Notice No. 20/2015-20 dated 24.07.2019 before filling the application]

1. Applicant Details:													
i. IEC													
ii. Name													
iii. Address	Flat/Plot/Block No.												
	Street/Area/Locality												
	City												
	State												
iv. TeleNo.		Country Code	Area Code				Tel.No.						
	(1)												
	(2)												
v. Mobile No.		Country Code	Area Code				Fax No.						
vi. E-mail address where alerts and notifications to be sent													
vii. Company Website													
ix. Principal Business Activities of the applicant firm:													
x. Is this applicant a parent company?		Yes <input type="checkbox"/>					No <input type="checkbox"/>						
xi. If applicant is a subsidiary, then provide following details:		Name				Address				Country of Export (tick the appropriate)			
a. Parent Company													
b. Other Subsidiaries (to which exports to be made)													
xi. License exception given by													
1. Country of subsidiary or parent company													
2. Name of the country													

Application Fee Details	
i. Sr. No.	
ii. Pay Mode	
iii. Demand Draft/Bank/Bank Receipt/Electronic Fund Transfer	
iv. Date of Issue	
v. Name of the Bank on which drawn	
vi. Bank Branch on which drawn	
vii. Amount (Rs)	

2A. Details of SCOMET items in Appendix 3 to Schedule 2 of ITC (HS) Classifications of Export & Import Items applied for export: (If required, attach extra sheet (A4 size) in the same format)

Sl. No.	SCOMET Category	SCOMET Sub-category	Description of export item/s including technical specification	Product Model No. / part No.	ECCN/ number on the foreign export control list	ITC (HS) Code No. (if available)	Quantity	Unit of Quantity (G,KG,no., Ltr or MT)	Total FOB Value			End Use Description
									In relevant Foreign Currency(other than USD)	In Rupees	In US\$	

2B. For Chemical Product (Skip if not applicable)

Chemical Abstract Service (CAS) no.		
Is the Chemical Controlled under CWC?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Quantity ((No./MT)		

2C. For Encryption items (Information Security Products) (Skip if not applicable)

Type of Transaction	Export <input type="checkbox"/>	Re-export <input type="checkbox"/>	Intangible Transfer of Software/Technology <input type="checkbox"/>
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Section A: Basic Product Information

- i. Name of the manufacturer
- ii. Brand
- iii. Model no./ Part No.

SECTION B: CRYPTOGRAPHY NOTE (leave, if not applicable)

i. Is the item available and sold from stock at 'retail selling points' without restrictions', to the general public' through any of the following means?

- (a) Over-the-counter transactions
- (b) Mail order transactions
- (c) Electronic transactions
- (d) Telephone call transactions

If yes, then provide details _____

ii. Can the user easily change the cryptographic functionality of the item what is specified in the manufacture's specification? Yes No

iii. Is the item designed for installation by the user without further substantial support by the supplier? Yes No

SECTION C: TECHNICAL QUESTION (leave, if not applicable)

Does the item contain the following cryptographic functions?

1. A "symmetric algorithm" employing a key length in excess of 56 bits, not including parity bits?

Yes No

If 'Yes' please state the following

a) Full name:

b) Key Length / bits:

c) Is it used for any of the following?

- i. "Authentication"
- ii. Digital Signature
- iii. Data integrity
- iv. Non-repudiation

v. Digital rights management, including the execution of copy protected software

vi. Encryption or decryption s of entertainment, mass commercial broadcasts or medical records management

vii. Key management in support of any of the cryptographic functions in above 1. (i) to (vi)

d) Encryption algorithm

e) Encryption Functionality

Additional Information (if any)

2D. In case of Technology and Software (If applicable) (If required, attach extra sheet (A4 size) in the same format)

Sl. No.	SCOMET category	Name of the manufacturer/ Producer/Service Provider	Brand	Name of Model or Name of Software/ Technology	Model no./ Part No. (If applicable)	Additional Information (If applicable)				Encryption algorithm (If applicable)	Encryption Functionality (If applicable)	Value of technology	Additional Information (if any)
						Class	Type	Serial No.	Version No.				

2E. Company's Information

S.no	SCOMET category	Purpose of Import to India under Intra Company Transfer (e.g Design/encryption/research/ development/delivery/validation/testing)	Imported/Importing from parent or subsidiary	Name of company from which imports have been made/ being made	Re-Exports to the parent or subsidiary	Name of the company to which re-exports to be made	Purpose of Re-export (sale, further re-export, or other purpose)

3. Shipment Details (in case of physical export)

i. Port of Loading/Shipment	
ii. Port of Discharge	
iii. Countries* to which item to be exported	
1.	
2.	
iv. Ultimate Destination Country*	
1.	
2.	

*Insert additional row or sheet, if required for more number of countries

4. Details of exports of SCOMET items

Details of the export last made, if no export was made during the preceding licensing year): (If required, attach extra sheet (A4 size) in the same format)

Sl. No.	Export License No. & Date	Details of items exported		Quantity exported	Country to which exported	DGFT's (HQ's) File Number
		Category	Description			

5. Shipment Details (In case of Intangible Transfer of Technology (ITT))					
i. Mode of Export (To be discussed)	Over the counter transactions <input type="checkbox"/>	Mail Order Transactions <input type="checkbox"/>	Electronic transactions <input type="checkbox"/>	Telephone call transactions <input type="checkbox"/>	Others _____
ii. Countries to which item to be exported					
iv. Ultimate Destination Country					

6A. Purpose of Import to India under Intra Company Transfer (e.g Design, Encryption items, Research/Development, Delivery, Validation, Testing, Other Value added service or any other purpose):
6B. Purpose of Re-export (sale, further re-export, or other purpose):

7. Consignee* Details (If different from ultimate end user)													
* The DGFT need to be informed in advance in case of any new consignee is involved.													
i. Name													
ii. Address	Flat/Plot/Block No.												
	Street/Area/Locality												
	City												
	Country						Postal Code						
iii. Telephone No.	(1)	Country Code			Area Code				Tel.No.				
	(2)												
iv. Fax No.	Country Code		Area Code				Fax No.						
v. E-mail													

8. Please indicate the type of supporting documents submitted (via email, fax or post) to DGFT (hqrs). Please number all pages of the supporting documents and indicate the total number of pages at the top right corner of every page. Please note that failing to submit the necessary documents will delay the processing.

- Technical drawings (Information on Product/Technology)
- Technical Specifications/Data Sheets/Brochures of the product(s)
- Documentary Proof that establishes corporate relationship between foreign parent company and the Indian Subsidiaries
- Relevant Undertakings and Declaration, where applicable
- Purchase Order/Contract Agreement/Warranty Policy Conditions
- Export/Re-export Licence(s) from DGFT, where applicable.
- Export request Letter, where applicable
- Copy of Master Service Agreement(MSA)/ Contract with the foreign company and the Indian Subsidiary
- Documentary Proof of License Exception granted by the export control licensing authority of country of the foreign parent company with validity
- A self-certified copy of the ICP of the parent company being adopted by Indian subsidiary;
- Technical Specifications/Data sheets/Brochures of the product(s), where applicable.

For Use in DGFT office only (To be filled by the applicant).

9A. Application Submission Details (if submitted electronically):

i. GAICT Registration no.	
ii. File Number & Date of Issue	
iii. Application Fee submission details viz. Amount in Rupees, Demand Draft No./Electronic Fund Transfer No. and Date and the name & branch of the bank on which drawn	
9B. Jurisdictional Regional Authority (from where the company has been issued IEC or having branch office):	

DECLARATION/UNDERTAKING

I / We hereby certify that:

- (i) I/We hereby declare that the particulars and the statements made in this application are true and correct to the best of my/our knowledge and belief and nothing has been concealed or held therefrom.
- (ii) I/We fully understand that any information furnished in the application if found incorrect or false will render me / us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.
- (iii) I/We undertake to abide by the provisions of the FT (D & R) Act, 1992, as amended, the Rules and Orders framed thereunder, FTP, HBP, Appendices and Aayat Niryat Forms and ITC (HS).
- (iv) I/We hereby certify that:

A. The entity for whom the application has been made has not been penalized under any of the following Acts (as amended from time to time):

- (i) The Customs Act, 1962,
- (ii) The Central Excise Act 1944, Central & State GST Act, 2017

- (iii) Foreign Trade (Development & Regulation) Act 1992, as amended, and
- (iv) The Foreign Exchange Management Act, 1999;
- (v) The Conservation of Foreign Exchange, Prevention of Smuggling Activities Act, 1974
- (vi) Weapons of Mass Destruction & their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005

- B. None of the Directors / Partners / Proprietor / Karta / Trustees of the company / firm / HUF / Trust, (as the case may be), is/are a Director(s) / Partner(s) / Proprietor / Karta / Trustee in any other Company/ firm / entity which is on the Denied Entity List (DEL) of DGFT or in the caution list of RBI;
- C. Neither the Registered Office of the company / Head Office of the firm / nor any of its Branch Office(s) / Unit(s) / Division(s) has been declared a defaulter and has otherwise been made ineligible for undertaking import / export under any of the provisions of the Policy;
- D. We have neither obtained nor applied for issuance of an Importer Exporter Code Number in the name of our Registered / Head Office to any other Licensing Authority.

- (v) I / We hereby declare that I / We have neither obtained nor applied for such benefits (including issuance of an Importer Exporter Code Number) in the name of our Registered / Head Office or any of our Branch(s) / Unit(s) / Division(s) to any other Regional Authority.
- (vi) We have complied with the conditions of all previous licences / authorisations issued to us for export of SCOMET items and wherever required have duly intimated the o/o DGFT, New Delhi along with documentary evidence regarding receipt of the items of export by the end-user within the stipulated time.
- (vii) I / We undertake to abide by the provisions of the FT (D & R) Act, 1992, as amended, the Rules and Orders framed there under, FTP, HBP and ITC (HS) and submit all requisite documents to the o/o DGFT (SCOMET Section), failing which I/We shall be liable to action under FT (D & R) Act, 1992 as amended or rules and orders made there under, and the Customs Act, 1962.
- (viii) I hereby certify that I am authorised to verify and sign this declaration as per Paragraph 9.6 of the Policy.

Signature of the Applicant											
Name											
Designation											
Official Address											
Telephone	Country Code			Area Code				Tel.No.			
Place:											
Date:											

ANF- 2 O (c)
APPLICATION FORM FOR POST REPORTING FOR RE-EXPORT OF SCOMET
ITEMS/SOFTWARE/TECHNOLOGY
[UNDER GLOBAL AUTHORISATION FOR INTRA COMPANY TRANSFER(GAICT)]
LISTED IN APPENDIX 3 TO SCHEDULE 2 OF ITC (HS) CLASSIFICATION

1. General Information

i. **GAICT Authorization No. (13 digit) and date**

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ii. **GAICT Authorization date (DD/MM/YY)**

--	--	--	--	--	--	--	--	--	--	--	--

iii. **IEC**

--	--	--	--	--	--	--	--	--	--

iv. **Name of the applicant exporter:** _____

v. **Address**

Flat/Plot/Block No.												
Street/Area/Locality												
City												
State						PIN Code						

vi. **Tele No.**

	Country Code	Area Code					Tel.No.													
(1)																				
(2)																				

vii. **Fax no.**

Country Code	Area Code					Fax No.														

2. Details of the shipment for (Tick the appropriate)

Quarter	Please tick the period opted	Date of Submission of post-shipment details (dd/mm/yy)
Jan to March		
April to June		
July to September		
October to December		

3. Items Details

i. Actual flow of items

S.no.	SCOMET category/sub category	ECCN/ or control list no. of foreign country by which license exception has been given to India	Date of import	Country of import	Actual Date of export	Country of export	Name of the company to which exports to be made

ii. Details of the items (Actual export)

	Sl. no. of Items	(1)	(2)	(3)
1	SCOMET Category			
2	SCOMET Sub-category			
3	Description of export item/s including technical specification			
4	CAS no. (in case of chemicals)			
5	ITC (HS) Code No. (if available)			
6	Product Name			
7	Model Number/Partno./serial no. (If applicable)			
8	Manufacturer			
9	Quantity			
10	Unit of Quantity (G,KG, or MT)			
11	FOB in rupees			
12	FOB in USD			
13	Other relevant information			
14	SB number (export by sea)			
15	SB Date			
16	AWB number			
17	AWB Date			
	Basis of Export made FOB/CIF			
18	FOB Value			
19	Port of Export			
20	Country of export			

iii. For Software/Technology (Actual exports) (Skip if not applicable)

S. No.	Basic Product Information	1	2	3
1	Name of the manufacturer//service provider (if applicable)			
2	Name of the Importer			
3	Name of the Exporter			
4	Brand			
5	Name of Model/Software/Technology			
a)	Model no./ Part No. (if applicable)			
b)	Class (if applicable)			
c)	Type (if applicable)			
d)	Serial No. (if applicable)			
e)	Version No. (if applicable)			
6	Encryption algorithm. (if applicable)			
7	Encryption Functionality (if applicable)			
8	Value of software/technology			
9	Additional Information (if any)			

4. Details of Supply Chain

Name of Ultimate Consignee*(if applicable)	Complete Address of Ultimate Consignee (Including Pin code and Telephone no.)	Name of Ultimate End User	Complete address of End User (Including Pin code and Telephone no.)

* The DGFT need to be informed in advance in case of any new consignee is involved.

5. Documents Attached:

Sl. No.	Name of the document	Attached (Yes/No)
1.	EUC from foreign parent company in appendix 2S(iv)	
2.	Purchase Order	
3.	Master Service agreement (MSA)/Contract (if amended)	
4.	License Exemption proof & validity (If amended)	
5.	Bill of Entry	
6.	Other relevant documents (If any)	

APPENDIX- 2 S (iv)

END USE CUM END USER CERTIFICATE IN CASE OF GLOBAL AUTHORIZATION FOR INTRA COMPANY TRANSFER (GAICT)

ART 1: PARTIES CONCERNED

- (a) Name of Exporter _____
- (b) Name of Consignee _____
- (c) Consignee's Address _____
- (d) Zip code _____ Tele No _____ Email _____ Fax _____
- (e) Nature of usual business of the consignee (e.g., distributor, manufacturer etc.) _____
- (f) Name of End-User _____
- (g) End-User's Address _____
- (h) Zip code _____ Tele No. _____
 _____ Email _____ Fax _____
- (i) Specific Location where the items will be used (if different from (g)) _____
- (j) Nature of usual business of the End-User (e.g. manufacturer or research)

- (k) Business relationship with the applicant exporter (Parent company/subsidiaries)

- (l) How long has your business relationship with the applicant exporter existed?

- (m) Intermediary (if any) _____
- (n) Intermediary's Address _____

PART 2: ITEMS (goods, software, technology)

S. No.	(a) Description of the item(s) (e.g. Name of Manufacturer/Model/Software/Technology, Class, Type, Serial Number)	(b) Quantity/Weight /Value1

(c) Master Service Agreement / Contract Agreement Number & Date of signature _____

ART 3: DECLARATION

- a) The item(s) indicated in PART 2 will be used as capital equipment/component/raw material /other use for (Intended End use)

- b) The item(s) indicated in PART 2 are being processed or incorporated into another product² (as detailed in 3a above), for sale to ultimate end users located in _____
- c) I/we certify that the above-mentioned items (as detailed in the referenced purchase order/ master service agreement/other contract agreement) shall not be used for any purpose other than the purpose(s) stated above and that such use shall not be changed nor the items modified or replicated without the prior consent of the Government of India. In case the above-mentioned item(s) include(s) technology- we certify that it will be treated as strictly confidential.

:2:

- d) I/we certify that the items/software/technology indicated in part 2 is/are to be re-exported as per the terms and condition of Global Authorization for Intra Company Transfer (GAICT) policy of the Government of India and shall be allowed only to the entities eligible under authorization for GAICT.
- e) I/we certify that I/we will provide DGFT, Government of India with delivery verification upon its request.
- f) Post shipment verification of the items at the end users site shall be allowed, if required by the Government of India, as may be applicable.
- g) I/we shall not myself/ourself, or through another, cause the items, or replicas, or derivatives thereof to be re-exported/re-transferred/sold without the consent of the licensing authority of the country of the end user, to any party within country of final destination or outside it, unless specifically exempted in the export authorization.
- h) I/We also certify that the above items and/or replicas thereof will not be used to design, develop, acquire, manufacture, possess, transport, transfer and/or used for chemical, biological, nuclear weapons or for missiles capable of delivering weapons of mass destruction and their delivery system. The items will be used for civil purposes only.
- i) I/We also certify that I/we are not a party designated under UNSC sanctioned individual/entities/groups and I/we are neither owned nor controlled by a designated party under UNSC individual/entities/groups.
- j) I/we also certify that all the facts contained in this certificate are true and correct to the best of my knowledge and belief and that I/we do not know of any additional facts that are inconsistent with this certificate.

Signature: _____
(Signature of authorized signatory)

Company stamp/Official seal _____

Name: _____
Designation

Date: _____

Address:

Email: _____

Alternate Email: _____

Tele No.: _____

[To be submitted by foreign parent company on its letterhead indicating full chain of supply in case of other subsidiaries are also involved. Any additional page(s) must be signed by the same person who signs this form.

1: For Technology exports, value should be mentioned in Part 2(b) 2: Cross this line if it is not applicable]