

**COMPOSITE FORM FOR FOREIGN COLLABORATION
AND INDUSTRIAL LICENCE**

Please fill up the attached supplementary sheets

Part A: For only FC / Part B: For only IL / Both Part A and Part B for FC+IL

GENERAL INFORMATION

1. Type of Application (Please \surd the Appropriate Boxes)

a. Foreign Collaboration (FC)

For Foreign Investment

For Foreign Technology Agreements

b. Industrial Licence (IL)

2.

(For Office Use Only)

Application No.

Application Date

3. Payment Details (*For FC Application No Fee is Payable. For Industrial Licences Rs.*

*2500, * is Payable)*

Draft No. _____

Amount (Rs.)

Draft Date

Drawn on _____ Payable at _____
(Name of the Bank)

****Demand Draft should be made in favour of Pay & Accounts Officer, Deptt. of Industrial Development, to be payable at State Bank of India, Nirman Bhawan Branch, New Delhi***

I. Name and Address of the Promoter / Industrial Undertaking (**Indian/foreign**) in full (BLOCK LETTERS) for Correspondence.

Name of the Promoter/Incl.

Undertaking

Postal Address

Pin Code Telephone

Telex Fax

Cable

E-Mail

II. Registrar of Companies Registration No.
(If Registered)

III. Status of the Promoter/Industrial Undertaking

III (1) Status of the Promoter / Promoter Undertaking

- | | |
|--|--|
| <input type="checkbox"/> 1. Central Government Undertaking | <input type="checkbox"/> 5. Joint Sector Undertaking |
| <input type="checkbox"/> 2. State Government Undertaking | <input type="checkbox"/> 6. Private Sector Undertaking |
| <input type="checkbox"/> 3. State Industrial Government Corpn. | <input type="checkbox"/> 7. Individual Promoter |
| <input type="checkbox"/> 4. Co-operative Undertaking | <input type="checkbox"/> 8. Foreign/NRI/OCB Company |
| | <input type="checkbox"/> 9. Foreign/NRI Individual |

III (2) Indicate whether this proposal is for (Please \checkmark the Appropriate Box)

- | | |
|--------------------------|--|
| <input type="checkbox"/> | 1. Establishment of New Undertaking / Setting up a New Company |
| <input type="checkbox"/> | 2. Effecting Substantial Expansion |
| <input type="checkbox"/> | 3. Manufacture of New Articles |
| <input type="checkbox"/> | 4. Amendments in existing Foreign Collaboration Approval |
| <input type="checkbox"/> | 5. Inducting Foreign / NRI equity in existing Indian Company |

- III (3) (a) Does the activity proposed qualify for automatic route?**
(b) If so, the reasons for seeking approval of the FIPB/PAB?

IV(1) Location of the Factory/Proposed Activities

Address

District

State

Pin Code Telephone

Fax

E-Mail

IV(2) Please Indicate whether the proposed location is
(Please ✓ the Appropriate Box)

- a. Within 25 kms from the periphery of a city having population above one million according to 1991 census
- Yes No
- b. If Yes, then whether it is located in an Industrial area / Industrial estate Designated / set up prior to 25.7.91
- Yes No

V(A). EXISTING ACTIVITIES OF THE COMPANY(Here also specify Item codes as per National Industrial Classification of All Economic Activity, (NIC), 1987.

V(B). PROPOSED ACTIVITIES OF THE COMPANY

- (1) Items of manufacture (including By-product/Co-product) proposed to be undertaken (supplementary sheets may be used if necessary).

_ Particulars of approval/Industrial Licence under which existing capacity is indicated may be annexed

VI CAPITAL STRUCTURE

(I) Capital Structure of Existing Indian Company(Amount in Rupees) & proposed capital structure (if revision sought)

	Equity	Preference
(a) Authorised	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
(b) Subscribed	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
(c) Paid-up	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

(II) Pattern of share holding in Paid-up Capital (Amount in Rupees)

	<u>Existing</u> Equity	%	<u>Proposed</u> Equity	%
(a) Foreign Holding	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>
	Preference share	<input type="text"/>	Percentage	<input type="text"/>
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>

(b) Non resident Indian Individual holding/OCB holding

(i) Repatriable	Equity	%	Equity	%
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>
	Preference share	<input type="text"/>	Percentage	<input type="text"/>
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>

(ii) Non-Repatriable	Equity	%	Equity	%
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>
	Preference share	<input type="text"/>	Percentage	<input type="text"/>
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>

(c) Resident Holding	Equity	%	Equity	%
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>
	Preference share	<input type="text"/>	Percentage	<input type="text"/>
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>

(d) Total II [a+b(i+ii)+c]:

Equity	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>
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PART: A

[For Foreign Collaboration]

XIII. Foreign Investment

(a) Financial Collaborator

Name _____

Address _____

Country _____

(b) Amount of foreign equity investment

Amount in Rupees

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Percentage of paid-up capital

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XIV. Foreign Technology Agreement

(a) Technical Collaborator

Name _____

Address _____

Country _____

(b) Royalty on Sales

Sales	Percentage of Sales	Period
Domestic		
Export		

Please tick () Whichever is applicable
Inclusive of taxes
Net of taxes

(c) Nature and quantum of Lumpsum payment

Name of Foreign Currency	Amount of Foreign exchange required	No. of Instalment in which Payments will be made	Please tick () Whichever is applicable
			Inclusive of taxes
			Net of taxes

i) Technical Know-how fees

_ _ _ _ _ _ _ _ _	_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _	_ _
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ii) Payment for design/drawing

_ _ _ _ _ _ _ _ _	_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _	_ _
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iii) Payment for engineering services

_ _ _ _ _ _ _ _ _	_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _	_ _
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iv) Payment for use of patents, brand names trade marks and the like

_ _ _ _ _ _ _ _ _	_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _	_ _
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v) Any other payment (Please specify the purpose)

XV. (I) Total foreign Exchange inflow during the period of proposed collaboration

a) Equity |_|_|_|_|_|_|_|_|_|

b) Foreign Exchange earnings based on f.o.b. value of export obligation/ commitment |_|_|_|_|_|_|_|_|_|

(II) Total foreign Exchange outgo during the period of collaboration

i) Import of machinery and equipment |_|_|_|_|_|_|_|_|_|

ii) Import of raw materials & Components |_|_|_|_|_|_|_|_|_|

iii) Import of Spare & Consumables |_|_|_|_|_|_|_|_|_|

iv) Dividends & Profits (net of taxes)	<input type="text"/>
v) Lumpsum payments (net of taxes)	<input type="text"/>
vi) Royalty payments (net of taxes)	<input type="text"/>
vii) Design & Drawing Fee	<input type="text"/>
viii) Payment of Foreign Technicians	<input type="text"/>
ix) Payment on training of Indian Technician abroad	<input type="text"/>
x) Commission of Export etc.	<input type="text"/>
xi) Amount of interest to be paid on external commercial borrowing/deferred payment credit (Specify details)	<input type="text"/>
xii) Any other payments (Specify details)	<input type="text"/>
TOTAL (i) to (xii)	<input type="text"/>
Net Foreign Exchange Position	<input type="text"/>

XVI. If this application is for extension of existing collaboration agreement or renewal of the already expired collaboration agreement:

(a) Please indicate the period for which the agreement has already run and attach the copy of the previous approval

No. & date of Approval	Date of commencement of agreement	Date of expiry of agreement
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

(b) Justification for extension of the collaboration agreement with information about the status of absorption, adaptation and development of the technology already achieved.

DECLARATION

I/We hereby certify that the above statements are true and correct to the best of my/our knowledge and belief.

(Signature of Applicant) : _____

(Name in block letters) : _____

(Designation of the signatory): _____

Place : _____

Date

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c. Consumables & Spares for CG for the Project **per annum**.

Year	(in rupees)	(US \$ Thousand)
Imported	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Indigineous	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

DECLARATION

I/We hereby certify that the above statements are true and correct to the best of my/our knowledge and belief.

(Signature of Applicant) : _____

(Name in block letters) : _____

(Designation of the signatory): _____

Place : _____

Date : _____

Note for Guidance of Entrepreneurs submitting applications for grant of Industrial Licence/approval for Foreign Investment and Technology Agreements.

(This part contains information for the guidance of entrepreneurs and may be retained by them; it need not accompany the application)

GENERAL

1. Application is to be submitted to Secretariat for Industrial Assistance, Department of Industrial Policy & Promotion, Ministry of Industry, Udyog Bhawan, New Delhi with 9 copies of both the application and forwarding letter.
2. Applicants are required to take care in filling up their application properly and completely.
3. The application form should be duly signed and the designation/authority of the person signing the application should be clearly shown.
4. Only the relevant part of the application form should be used. General information is to be furnished by all applicants. Part 'A' is to be filled by entrepreneurs/investors applying for grant of approval for foreign collaboration. Part 'B' is to be used for obtaining Letter of Intent/Industrial Licence. Part 'A' and Part 'B' are to be filled in case of composite proposals involving foreign collaboration and industrial licensing.
5. Application involving grant of Industrial Licence shall be accompanied by a crossed Demand Draft for Rs. 2500/- drawn on the State Bank of India, Nirman Bhawan, New Delhi in favour of the "Pay & Accounts Officer, Department of Industrial Development, Ministry of Industry, New Delhi".

I. FOREIGN INVESTMENT

- (i) Approval will be given by the Reserve Bank of India for direct foreign investment upto 50/51/74 per cent foreign equity in high priority industries (Annex III, Annex III Part 'A', Part 'B' and Part 'C'). There shall be no bottlenecks of any kind in this process.
- (ii) The import of components, raw materials and intermediate goods, and payment of know-how fees and royalties will be governed by the general policy applicable to other domestic units.
- (iii) Other foreign equity proposals, including proposals involving 50/51/74 per cent foreign equity which do not meet the criteria under (i) above, will continue to need prior clearance. Foreign equity proposals need not necessarily be accompanied by foreign technology agreements.
- (iv) To provide access to international markets, majority foreign equity holding upto 51 per cent equity will be allowed for trading companies primarily engaged in export activities. While the thrust would be on export activities, such trading houses shall be at par with domestic trading and export house in accordance with the Import-Export Policy.
- (v) For increase/induction of foreign equity in the existing company, the request should be supported by a Board Resolution of the Indian Company

II. FOREIGN TECHNOLOGY AGREEMENTS

- (i) Automatic permission will be given by the Regional Offices of the Reserve Bank of India for foreign technology agreements in high priority industries (Annex III, Annex III Part 'A', Part 'B' and Part 'C') upto a lumpsum payment of US \$ 2 million, 5% royalty for domestic sales and 8% for exports, subject to total payment of 8% of sales over a 10 year period from date of agreement or 7 years from commencement of production. The prescribed royalty rates are net of taxes and will be calculated according to standard procedures.
- (ii) In respect of industries other than those in Annex III, Annex III Part 'A', Part 'B' and Part 'C', automatic permission will be given subject to the same guidelines as above.
- (iii) All other proposals will need specific approvals under the general procedures in force.
- (iv) No permission will be necessary for hiring of foreign technicians, foreign testing of indigenously developed technologies. Payment may be made from blanket permits or in free foreign exchange according to RBI guidelines.

III. Standard Conditions Attached to Approvals for Foreign Investment Technology Agreement

1. The total non-resident share-holding in the undertaking should not exceed the percentage(s) specified in the approval letter. In case of any change in the amount of foreign/NRI investment, or the paid-up capital, an intimation to this effect may be given to SIA, RBI and the Administrative Ministry, subject to the percentage of foreign/NRI equity share-holding remaining unchanged.
2. (a) The royalty will be calculated on the basis of the net ex-factory sale price of the product, exclusive of excise duties, minus the cost of the standard bought-out components and the landed cost of imported components, irrespective of the source of procurement, including ocean freight, insurance, custom duties, etc. The payment of royalty will be restricted to the licensed capacity plus 25% in excess thereof for such items requiring industrial licence. In case of production in excess of the quantum, prior approval of Government will have to be obtained regarding the terms of payment of royalty in respect of such excess production.

(b) The royalty would not be payable beyond the period of the agreement if the orders had not been executed during the period of agreement. However, where the orders themselves took a long time to execute, then the royalty for an order booked during the period of the agreement, but executed after the period of agreement, would be payable only after a Chartered Accountant certifies that the orders in fact have been firmly booked and execution began during the period of agreement, and the technical assistance was available on a continuing basis even after the period of the agreement.
3. The lumpsum shall be paid in three instalments as detailed below, unless otherwise stipulated in the approval letter: First 1/3rd after the agreement is filed with Reserve Bank of India/Authorised Foreign Exchange Dealer. Second 1/3rd on delivery of technical documentation. Third and final 1/3rd on commencement of commercial production, or four years after the agreement is filed with Reserve Bank of India/Authorised Foreign Exchange Dealer, whichever is earlier. The lumpsum can be paid in more than three instalments subject to completion of the activities as specified above.
4. In case the proposed activity is not exempted from the provisions of Industrial (Development & Regulation) Act, 1951 and the Foreign Exchange Regulation Act, 1973 it will be your responsibility to obtain such clearances as many be required

under the said Acts.

5. The location of the industrial projects, will be subject to Central or State Environmental laws or regulations including local zoning and land use laws and regulations.
6. Adequate steps shall be taken to the satisfaction of the Government to prevent air, water and solid pollution measures to be installed should conform to the effluent and emission standards prescribed by the State Government in which the factory or the industrial undertaking is located.
7. Items reserved for Small Scale Sector shall not be manufactured without prior approval of the Government as per the prescribed policy and procedure.
8. Since the maximum equity participation allowed for in Small Scale Units is 24%, the company's proposal for having, foreign equity of more than 24% would be subject to the condition that the company would get itself de-registered as a small scale unit and obtain industrial license or would file Industrial Entrepreneur Memorandum with SIA as [per prescribed policy and procedure.
9. For undertaking the export obligation, if any, specified in the approval letter, the requisite guarantee, i.e. legal undertaking/bank guarantee, as may be required, should be furnished according to the detailed instructions issued by the Directorate General of Foreign Trade (E.O. Cell), Ministry of Commerce (EP Division) and the Administrative Ministry, who may be contacted in the matter.
10. Import of capital equipment, components and raw materials will be allowed as per the import policy prevailing from time to time
11. The approval is valid for a period of two years from the date of issue. Within this period, the collaboration agreement is required to be filed with Reserve Bank of India/ Authorised Foreign Exchange Dealer.
12. The FC agreement shall be subject to Indian laws.
13. Foreign Investment Remittance (FIRC) is required to be sent to the Regional Office, Reserve bank of India, immediately on receipt of foreign remittance.
14. All remittances to the foreign collaborator shall be made as per the exchange rates prevailing on the day of remittance.
15. A copy of the collaboration agreement signed by both the parties may be furnished to the following authorities:
 - (a) Administrative Ministry/Department.as mentioned in the Approval to be issued by SIA.

- (b) Secretariat for Industrial Assistance, (Foreign Collaboration-II Section) Department of Industrial Policy & Promotion, Udyog Bhawan, New Delhi - 110 011.
- (c) Department of Scientific and Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi - 110 016.

16. *The outflow of foreign exchange on account of dividend payment will be balanced by export earnings on the following basis :

- a) The balancing of dividends would be over a period of 7 years from commencement of production. Balancing will not be required beyond this period.
- b) Remittance of dividends should be covered by earnings of the company from export of items covered by foreign collaboration agreements. You are also to cover remittance of dividends from earnings through export of items not covered by the agreement provided they are covered in the list of industries in Annexure III of Statement by export earnings of such items covered in years prior to the payment of dividends or (*Wherever applicable)

IV. Hiring of Foreign Technicians

No permission is necessary for hiring of foreign technicians and no application need be made to Government for this purpose irrespective of whether the hiring of foreign technicians is under an approved collaboration agreement or not. As regards release of foreign exchange either against blanket permits or in free foreign exchange, the Reserve Bank of India/Authorised Dealers may be approached, as per RBI guidelines.

V Deputation of Indian Personnel for Training Abroad

For deputing Indian personnel for training and other purposes abroad, the entrepreneurs may approach only the RBI/Authorised Dealers as per RBI guidelines.

VI. Foreign Testing of Indigenous Raw Materials and Products and Indigenously Development Technology

Entrepreneurs may approach RBI/Authorised Dealers for authorising payments either against blanket permits or in free foreign exchange, as per RBI guidelines.
