



MoD No. 04(02)/2022-D(EPC)
Government of India
Ministry of Defence
Department of Defence Production


New Delhi, 03.06.2022

OFFICE MEMORANDUM

Subject: Revision of Guidelines for Issuance of End User Certificate (EUC) for Indian Companies (Public and Private) against Requirement of Defence Goods and Technologies from Abroad-reg.

The undersigned is directed to refer to this Department's OM No. 20(01)/99/Def Exports/DP (Plg VII) dated 09/05/2012, No. 1(12)/2015/D(EPC) dated 11/07/2016 & No. 19(11)/2016-D(EPC) dated 14/03/2018 on the above mentioned subject. The said guidelines have been reviewed and revised in order to promote "Make in India". In supersession of the above stated guidelines, revised guidelines are annexed herewith. These guidelines shall apply to all Defence Public Sector Undertakings and Indian Defence Companies, having a valid Defence Industrial License.

2. These guidelines shall come into force with immediate effect.



(Sanjay Kumar)

Under Secretary to the Govt. of India
Tele 23018976

To

1. DGFT/MEA/CMDs of all DPSUs/ Industry Associations.
2. CEO/DPIT to upload on DDP Website.
3. D(EPC) to upload on Defenceexim Portal

1. Introduction

1.1 End user Certificate (EUC) is a certification from the buyer which states that defence products and technologies bought/acquired from the original supplier are not diverted or re-exported without the consent of the seller or misused by the buyer.

1.2 The EUCs are issued by the recipient companies or the authorised Government representatives of the recipient country, based on the regulations existing in the exporting nation.

2. New Guidelines for issuance of EUC

2.1 These guidelines may be called Department of Defence Production (Issuance of End User Certificate) Revised Guidelines 2022.

2.2 These guidelines shall come into force from the date of notification.

3. Department of Defence Production (Issuance of End User Certificate) Revised Guidelines 2022

3.1 **Issuance Agency for EUC.** DDP will issue the EUCs to all Indian companies (both Public and Private), on their request and when required by the laws and regulations of exporting country subject to their holding a valid defence manufacturing licence.

a) The application for counter-signing of EUC by MoD shall be made by the applicant company as per the proforma placed at Annexure-I.

b) The applicant company shall also give an undertaking as per the proforma annexed with the application i.e. Annexure-I.

c) The application shall be examined on case-to-case basis for the approval of competent authority in Department of Defence Production.

d) *Issue of EUC will be subject to the compliance of the licence conditions by the Company and Import Policy of Government of India, as amended from time to time.*

3.1.1 **Import of equipment/ articles/component/material by Indian Defence Industry** (both public and private) meant for use of Indian Armed Forces. JS(DIP), Ministry of Defence, would issue the EUC subject to certification by the Indian Defence Company (involved) and concerned Armed Force (Army/ Navy/ Air Force).

3.1.2 **Import of equipment/ articles/component/material by Indian Defence Industry (both public and private) meant for the purposes of Design & Development and Export.** JS(DIP) in Department of Defence Production, Ministry of Defence, would countersign EUC.

3.1.3 **For direct acquisition from foreign companies.** Buyers will continue to give the EUC as provided in the relevant Defence Procurement Procedures revised from time to time.

3.1.4 **Certificate for Additional requirements apart from EUC**

In case of any additional requirements/undertakings not specified in EUC or in addition to EUC, a Certificate signed by the Chairman/CMD of the Indian entity and the End User in the Service HQs. etc. will be countersigned by JS(DIP) in Department of Defence Production subject to the condition that the Indian Entity is owned, operated or controlled by, or under contract to the Government of India and after having necessary consultations with relevant stakeholders.

4. **Monitoring**

4.1 Mandatory Quarterly Submission of reports in prescribed format (online/offline as the case may be) for the items utilized for manufacturing and disposal with supporting documents.

4.2 CEO/MD of the importing company shall be responsible to ensure timely submission of reports to DS(DIP), DDP, Ministry of Defence in the prescribed manner.

4.3 In the event of failure, the Defence Industrial Licence of the Importing Company will be cancelled.



Application for counter-signing of EUC for import of item(s)/technology (ies) of defence use for the purpose of design, development/ Export.

1 Particulars of the Applicant Company (Importer):

- (a) Name of the company:
- (b) Address of company along with address of registered Office:
- (c) Web address:
- (d) Contact No./Fax No.:
- (e) Particulars of the contract person, designation, Mobile no. & email id
- (f) Defence License No.:
- (g) Issuing Authority:
- (h) Validity date:
- (g) Date of commencement of Commercial Production(Copy to be attached):

2. Particulars of the Exporter:

- (a) Name of the company:
- (b) Address of company along with address of registered Office:
- (c) Web address:
- (d) Contact No./Fax No.:
- (e) Particulars of the contract person, designation, Mobile no. & email id:

3. Details of items(s)/ technology(ies) to be imported:

S.No.	Name of the item	Quantity	Technical details/specifications(if required additional sheets may be used)

4. Justification and intended use of items(s)/technology(ies)/purpose _____

5. Whether the Company has a confirm supply order/Memorandum of Understanding (MoU) signed/demand etc. from India MoD or from any other source i.e. Indian or foreign companies, if so, details thereof;

6. The format of EUC prescribed by the exporting country for issuance /countersigning by Government of India.

Place
Date

(Authorized signatory on behalf of the Applicant Company)
Stamp



UNDERTAKING

To

Ministry of Defence
 Department of Defence Production
 Government of India,
 [Kind Attn: Under Secretary; (EPC)]
 Room No. 9-A, South Block,
 New Delhi.

We, (the name of the Indian company), _____ wish to import item(s)/technology(ies), _____ for the End use of (specify end use i.e. Design/ Development/ Manufacturing/ Proto-type development etc.) _____ from (the name of the Exporting company), _____ under the agreement (enclosed copy of such agreement/supply order/ purchase order/MoU etc.).

In connection with the above, we hereby declare and undertake as follows:-

1. That, we (the name of the Indian company), _____ undertake to intimate that the item(s) /technology(ies) under description mentioned above shall be for the sole purpose of (as per declaration in the End Use Certificate submitted for countersigning of Ministry of Defence) _____

2. We hereby declare/certify that:-

(a) *The EUC sought is to import items to prepare for commercial production/manufacture finished products.*

(b) The item(s)/technology(ies) imported will not be used for other than the stated purpose mentioned at point 1 above/declared in EUC.

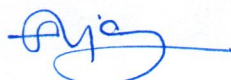
(c) The item(s) /technologies would not be subsequently transferred/re-exported without the prior authorization of the original exporting Government and Ministry of Defence, Government of India.

(d) The item(s)/technology(ies) will not be diverted, sold or transferred to any third party without the prior authorization of the original exporting Government and Ministry of Defence, Government of India.

(e) The Government reserves the right to verify the item(s)/technology(ies) imported and check its utilization based on the stated purpose of end use.

(f) The item(s) /technology(ies) imported shall not be used for any purpose that relates to weapons of mass destruction and their delivery systems.

3. We shall abide by instructions/guidelines issued in this regard from time to time by Ministry of Defence.



4. We are aware that the authorization hereby applied for, if granted to us shall be non-transferable and non-assignable and we shall neither transfer nor assign the same to any person or entity.

5. We shall ensure and provide, if needed, adequate physical security and traceability of the items so imported.

6. We shall not provide access to any information/data whatsoever about or details of the item (s) /technology (ies) to any third person/entity without the prior authorization of the original exporting Government and Ministry of Defence, Government of India.

7. We undertake all liabilities, contractual, commercial, monetary covered under any Indian or international laws and /or jurisdiction that arise from misuse/diversion of the item(s)/ technology (ies) either voluntarily or involuntarily while in my/our possession or use of the said item(s)/technology(ies). Further that the Government of India (GoI) shall not have/share any liability in this regard.

8. We shall furnish annual return of utilization of the item(s)/technology(ies) so imported in the proforma prescribed by Ministry of Defence as on 31st March every year within one month i.e. by 30th April each year.

9. We have put in place a robust Internal Compliance Program (ICP) as per the "Best Practice Guidelines on ICP for Dual-Use Goods and Technologies" of Wassenaar Arrangement (published on their website from time to time) in our company/organization and we shall comply with that.

10. Particulars of Internal Compliance Officer of our organization as follows:-

- a. Name with designation _____
- b. Address: _____
- c. Contact Numbers (Tel/Fax/Mob.No.): _____
- d. E Mail ID: _____

11. *It is certified that the regulatory requirements of Government signed EUC is based on the regulations existing in the country of export.*

12. I, further, undertake that the information furnished by me is true and correct. In case of any false representation of information and violation of conditions of EUC counter signed by Government of India, the government reserves right to initiate penal actions against person(s)/entity(ies) as per applicable provisions of various laws/acts of GOI.

Place:

Date:

(To be signed by CMD/Chairman of the Company)
STAMP

