

**Reserve Bank of India
Foreign Exchange Department
Central Office
Mumbai – 400 001**

Notification No.FEMA.369/2017-RB

November 14, 2017

**Foreign Exchange Management (Transfer or Issue of any
Foreign Security) (Amendment) Regulations, 2017**

In exercise of the powers conferred by clause (a) of sub-section (3) of Section 6 and sub-section (2) of Section 47 of the Foreign Exchange Management Act, 1999 (42 of 1999), the Reserve Bank hereby makes the following amendments in the Foreign Exchange Management (Transfer or Issue of Any Foreign Security) Regulations 2004 ([Notification No. FEMA 120/RB-2004 dated July 7, 2004](#)), as amended from time to time, (hereinafter called the Principal Regulations or the Notification) namely:-

1. Short Title & Commencement:-

- (i) These Regulations shall be called the Foreign Exchange Management (Transfer or Issue of Any Foreign Security) (Amendment) Regulations, 2017.
- (ii) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment to Regulation 15

In Regulation 15, in sub-regulation (v),

- (i) for the existing clause (a), the following shall be substituted, namely;

“The Statutory Auditors of the Indian Party certify that law of the host country does not mandatorily require auditing of the books of accounts of JV / WOS and the figures in the APR are as per the un-audited accounts of the overseas JV / WOS”.

- (ii) after existing clause (b), the following shall be added, namely;

“(c) The above exemption from filing the APR based on unaudited balance sheet will not be available in respect of JV/WOS in a country / jurisdiction which is either under the observation of the Financial Action Task Force (FATF) or in respect of which enhanced due diligence is recommended by FATF or the any other country / jurisdiction as prescribed by Reserve Bank of India.”

**(J K Pandey)
Chief General Manager**

Foot Note:

The Principal Regulations were published in the Official Gazette of GOI vide G.S.R. No 757 (E) dated November 19, 2004 – in Part II, Section 3, Sub-section (i) and subsequently amended vide:-

G.S.R. No. 220 (E) dated April 7, 2005
G.S.R. No. 337 (E) dated May 27, 2005
G.S.R. No. 552 (E) dated August 31, 2005
G.S.R. No. 535 (E) dated September 6, 2006
G.S.R. No.13 (E) dated January 5, 2008
G.S.R. No. 209(E) dated March 25, 2008
G.S.R. No.676 (E) dated September 24, 2008
G.S.R. No.756 (E) dated October 31, 2008
G.S.R. No.108 (E) dated February 20, 2009
G.S.R. No. 301(E) dated May 1, 2009
G.S.R. No. 441(E) dated June 23, 2009
G.S.R. No. 609(E) dated August 28, 2009
G.S.R. No. 607(E) dated August 3, 2012
G.S.R. No. 609(E) dated August 3, 2012
G.S.R. No. 947(E) dated December 31, 2012
G.S.R. No. 345(E) dated May 29, 2013
G.S.R. No. 516(E) dated July 30, 2013
G.S.R. No. 529(E) dated August 05, 2013
G.S.R. No. 552(E) dated August 14, 2013
G.S.R. No. 323(E) dated May 07, 2014
G.S.R. No. 489(E) dated July 11, 2014
G.S.R. No. 828(E) dated 21.11.2014
G.S.R. No. 868(E) dated 03.12.2014
G.S.R. No. 7(E) dated 05.01.2015
G.S.R. No. 921(E) dated 02.12.2015
G.S.R. No. 01(E) dated 02.01.2017

Published in the Official Gazette of Government of India – Extraordinary – Part-II, Section 3, Sub-Section (i) dated 14.11.2017- G.S.R.No. 1386(E)
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