

India Serves

A Monthly Newsletter by

SEPC

SERVICES EXPORT PROMOTION COUNCIL

Setup by Ministry of Commerce & Industry, Govt. of India

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MORE
TRANSPARENT
OPERATING ENVIRONMENT

SERVICES EXPORT PROMOTION COUNCIL
Setup by Ministry of Commerce & Industry, Govt. of India

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India Serves

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CA. SUNIL H. TALATI

TRADE
INTELLIGENCE

EXPORT DEVELOPMENT

EXPORT PROMOTION

ENABLING BUSINESS ENVIRONMENT

Services
Export Promotion
Council set up in
2006 by Ministry
of Commerce
& Industry,
Government of
India is an apex
trade body to
promote exports
of services
from India.

Key role in Foreign Trade Policy, Export Strategy formulation by Department of Commerce and related Govt Departments.

Interface between Services Sector and Government

Provides inputs on Trade Negotiations

Represents Services Sector in various Joint Trade Committees, Joint Business Councils and Joint Working Groups of Government of India to facilitate export.

Creates Business opportunities in global market place for services exporters

Providing commercially useful information and assistance to members in increasing exports.

Organising visits of delegation of its members abroad to explore overseas market opportunities.

Organising participation of Services exporters in specialised International Trade Fairs.

Dissemination of government notification, orders, information on trade and other relevant information to members.

Facilitates execution of Government Schemes like SEIS.

Services Covered under SEPC

In order to enhance the competitiveness of services exports and enable services industry to generate employment, the Union Cabinet chaired by Honourable Prime Minister Shri Narendra Modi in 2018 identified 12 Champion Services Sector.

The following table provides the mapping of identified Champion Services vis-a vis the services covered under SEPC and BPM6 classification. Sixth edition of the Balance of Payments and International Investment Position Manual (BPM6) is developed by IMF in collaboration with compilers and other interested parties worldwide and used by most of the countries to record and report services trade data.

S.N.	Services covered under SEPC	Champion Services	BPM6 Classification
1	Accounting/Auditing and Bookkeeping Services	Accounting and Finance Services	Other business services
2	Consultancy Services	-	
3	Legal Services	Legal services	
4	Architectural Services and related services	Construction and related Engineering services	
5	Environmental services	Environmental services	
6	Marketing Research and Public Opinion Polling Services/ Management services	-	
7	Advertising Services	-	
8	Printing and Publishing services	-	
9	Other services (IT & ITES, Communication Services)	IT & ITES, Communication services	Telecommunications, computer, and information services
10	Hotel and Tourism Related Services	Tourism and Hospitality Services	Travel
11	Education Services	Education services	
12	Healthcare services including services by nurses, physiotherapist and paramedical personnel	Medical Value Travel Services	
13	Maritime Transport Services	Transport and Logistics services	Transport
14	Distribution Services		
15	Other services (Financial Services)	Financial Services	Financial services
			Insurance and pension services
16	Entertainment services including Audio-visual services	Audio-visual services	Personal, cultural, and recreational services
17	Other Services	-	Charges for the use of intellectual property n.i.e.
		-	Government goods and services n.i.e.
		-	Manufacturing services on physical inputs owned by others
		-	Maintenance and repair services n.i.e.
		Construction and related Engineering services	Construction
			Services not allocated



HEADS of delegations to WTO from the 67 member countries participating in the Joint Initiative on Services Domestic Regulation announced on 2 December the successful conclusion of negotiations aimed at slashing administrative costs and creating a more transparent operating environment for service providers hoping to do business in foreign markets.

The declaration notes the conclusion of the negotiations on new disciplines relating to domestic regulation for services that seek to improve the business climate, lower trade costs and cut red tape so as to facilitate services trade worldwide. It also welcomes the schedules submitted by WTO members participating in the negotiations spelling out how each participant will incorporate the new disciplines into its existing services commitments. In the declaration, participants commit to certifying the new commitments within 12 months.

The new disciplines — covering licensing and qualification requirements and procedures as well as technical standards — seek to make the domestic processes regulating the authorization to supply a service clearer, more predictable and more transparent and not unduly burdensome.

All participating countries have already submitted their Schedules of Specific Commitments concerning services domestic regulation disciplines except Bahrain, El Salvador who would submit by 31st March 2022 and Russia and Philippines, who would submit by 28 February 2022. The outcome of these negotiations will be applied on a “most-favoured nation” basis, meaning that it will benefit the full WTO membership.

Participating Members:

The following 67 WTO member countries participated and committed to delivering an outcome in the Joint Initiative on Services Domestic Regulation:

Albania; Argentina; Australia; Austria; Bahrain, Kingdom of; Belgium; Brazil; Bulgaria; Canada; Chile; China; Colombia; Costa Rica; Croatia; Cyprus; Czech Republic; Denmark; El Salvador; Estonia; European Union; Finland; France; Germa-

ny; Greece; Hong Kong, China; Hungary; Iceland; Ireland; Israel; Italy; Japan; Kazakhstan; Korea, Republic of; Latvia; Liechtenstein; Lithuania; Luxembourg; Malta; Mauritius; Mexico; Moldova, Republic of; Montenegro; Netherlands; New Zealand; Nigeria; North Macedonia; Norway; Paraguay; Peru; Philippines; Poland; Portugal; Romania; Russian Federation; Saudi Arabia, Kingdom of; Singapore; Slovak Republic;

Slovenia; Spain; Sweden; Switzerland; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; Turkey; Ukraine; United Kingdom; United States; Uruguay.

Participation in this Joint Initiative is open to all WTO members. WTO members currently participating in the Initiative represent 90 per cent of global services trade.



Services trade has grown considerably in the past decade and is estimated to now account for around half of global trade. At the same time, the 2019 WTO World Trade Report found that the costs of trading services are about twice as high as trade costs for goods. A significant portion of these costs are attributable to regulatory divergence, as well as opaque regulations and cumbersome procedures.

In December 2017, 59 WTO members issued a Joint Statement on Services Domestic Regulation, affirming their commitment to advance negotiations on domestic regulation of trade in services.

In May 2019, 59 WTO members welcomed the progress made in the negotiations in a second Joint Statement on Services Domestic Regulation, and committed to continue working on outstanding issues and finalize negotiations by the 12th Ministerial Conference.

On 27 September 2021, participants finalized their text-based negotiations. The disciplines agreed by the participants are detailed in the Reference Paper on Services Domestic Regulation. The disciplines focus mainly on the transparency, predictability and effectiveness of procedures

that businesses have to comply with to obtain authorization to supply their services. They have been designed to apply to all sectors where participants have undertaken commitments in their schedules for trade in services.

The Organisation for Economic Co-operation and Development (OECD) and the WTO released on 26 November 2021 a trade policy brief highlighting the economic benefits that would result from a new deal on services domestic regulation being finalised by a group of 67 WTO members. The study finds that annual cost savings in services trade could amount to USD 150 billion globally due to a reduction in red tape and increased transparency, with particularly important gains for financial, business, communications and transport services. The study finds that implementing the outcome will:

- **Improve the business climate:** by enhancing the transparency, efficiency and predictability of regulatory frameworks, the new disciplines will address the practical challenges that affect the ability of businesses and suppliers to operate in foreign markets.
- **Lower trade costs and lead to other trade benefits:** annual savings could amount to USD 150 billion globally, with important gains for financial, business, communications and transport services. Moreover, the implementation of the new disciplines would increase the value of services trade and lead to enhanced participation in global value chains.
- **Facilitate services trade:** while an increasing number of “new generation” ambitious trade agreements are being concluded, economies at all levels are also implementing reforms on services trade. Implementing the outcome of the negotiations would ensure that domestic regulatory arrangements can open trade opportunities for services providers, particularly for small businesses.
- **Generate widespread gains beyond the participants:** exporters from all WTO members will benefit from the improved regulatory conditions when they trade with participants in this joint initiative.

Objective

Building upon work undertaken in the Working Party on Domestic Regulation, a group of WTO members established in December 2017 the Joint Initiative on Services Domestic Regulation, with the aim of developing disciplines to facilitate services trade and to mitigate the unintended trade-restrictive effects of measures relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards.

Broad Agreements

1. Members agreed to the disciplines on Services Domestic Regulation with the objective of elaborating upon the provisions of the General Agreement on Trade in Services.
2. Members recognized the difficulties which may be faced by service suppliers, particularly those of developing country Members, in complying with measures relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards of other Members and in particular, the specific difficulties which may be faced by service suppliers from least-developed country Members.
3. Members recognized the right to regulate, and to introduce new regulations, on the supply of services within their territories in order to meet their policy objectives.
4. Members further recognized the existence of asymmetries with respect to the degree of development of services regulations in different countries, especially in the case of developing and least-developed country Members.

Submission of Applications

Each Member shall, to the extent practicable, avoid requiring an applicant to approach more than one competent authority for each application for authorization. If a service is within the jurisdiction of multiple competent authorities, multiple applications for authorization may be required.

Application Timeframes

If a Member requires authorization for the supply of a service, it shall ensure that its competent authorities to the extent practicable permit submission of an application at any time throughout the year. If a specific time period for applying exists, the Member shall ensure that the competent authorities allow a reasonable period for the submission of an application.

Electronic Applications and Acceptance of Copies

If a Member requires authorization for the supply of a service, it shall ensure that its competent authorities:

- a. taking into account their competing priorities and resource constraints, endeavour to accept applications in electronic format; and
- b. accept copies of documents, that are authenticated in accordance with the Member's domestic laws and regulations, in place of original documents, unless the competent authorities require original documents to protect the integrity of the authorization process.

Processing of Applications

If a Member requires authorization for the supply of a service, it shall ensure that its competent authorities:

- a. to the extent practicable, provide an indicative timeframe for processing of an application;
- b. at the request of the applicant, provide without undue delay information concerning the status of the application;
- c. to the extent practicable, ascertain without undue delay the completeness of an application for processing under the Member's domestic laws and regulations;
- d. if they consider an application complete for processing under the Member's domestic laws and regulations, within a reasonable period of time after the submission of the application ensure that:
 - i. the processing of the application is completed; and
 - ii. the applicant is informed of the decision concerning the application, to the extent possible in writing;
- e. if they consider an application incomplete for processing under the Member's domestic laws and regulations, within a reasonable period of time, to the extent practicable:
 - i. inform the applicant that the application is incomplete;
 - ii. at the request of the applicant, identify the additional information required to complete the application, or otherwise provide guidance on why the application is considered incomplete; and
 - iii. provide the applicant with the opportunity to provide the additional information that is required to complete the application; however, if none of the above is practicable, and the application is rejected due to incompleteness, ensure that they so inform the applicant within a reasonable period of time; and
- f. if an application is rejected, to the extent possible, either upon their own initiative or upon request of the applicant, inform the applicant of the reasons for rejection and, if applicable, the procedures for resubmission of an application; an applicant should not be prevented from submitting another application solely on the basis of a previously rejected application.

The competent authorities of a Member shall ensure that authorization, once granted, enters into effect without undue delay, subject to applicable terms and conditions.

Assessment of Qualifications

If a Member requires an examination for authorization for the supply of a service, that Member shall ensure that its competent authorities schedule such an examination at reasonably frequent intervals and provide a reasonable period of time to enable applicants to request to take the examination. Having regard to the cost, administrative burden, and the integrity of the procedures involved, Members are encouraged to accept requests in electronic format to take such examinations, and to consider, to the extent practicable, the use of electronic means in other aspects of examination processes.

Recognition

Where professional bodies of Members are mutually interested in establishing dialogues on issues relating to recognition of professional qualifications, licensing or registration, the relevant Members should consider supporting the dialogue of those bodies where requested and appropriate.

Publication and Information available

If a Member requires authorization for the supply of a service, further to Article III of the Agreement, the Member shall promptly publish, or otherwise make publicly available in writing, the information necessary for service suppliers or persons seeking to supply a service to comply with the requirements and procedures for obtaining, maintaining, amending and renewing such authorization. Such information shall include, inter alia, where it exists:

- the requirements and procedures;
- contact information of relevant competent authorities;
- fees;
- technical standards;
- procedures for appeal or review of decisions concerning applications;
- procedures for monitoring or enforcing compliance with the terms and conditions of licenses or qualifications;
- opportunities for public involvement, such as through hearings or comments;
- indicative timeframes for processing of an application.

The disciplines will complement the existing specific commitments undertaken by participating members in their respective GATS schedules. The disciplines will not affect any existing rights and obligations under the GATS or any other WTO Agreements.

(Most of the content in the article is taken from WTO sources)

TRANSPARENCY

- Publish and make available information required to comply with requirements and procedures for authorization, including through electronic means;
- Establish appropriate mechanisms for responding to enquiries from service suppliers;
- Engage stakeholders by publishing proposed laws and regulations, providing opportunity for comments from interested persons, and considering comments received.

SNAPSHOT OF DISCIPLINES AT SERVICES DOMESTIC REGULATIONS UNDER WTO

LEGAL CERTAINTY AND PREDICTABILITY

- Establish indicative timeframes for processing applications;
- Process applications in a timely manner;
- Provide information on the status of applications;
- Allow applicants to correct minor deficiencies in incomplete applications and identify additional information required;
- Inform applicants of reasons for rejection of applications and allow resubmission;
- Allow authorization once granted to enter into effect without undue delay;
- Allow reasonable time between publication of laws and regulations and date of required compliance by service suppliers;
- Hold examinations at reasonably frequent intervals.

LEGAL CERTAINTY AND PREDICTABILITY

- Require applicants to approach only one competent authority to obtain authorization;
- Permit submission of applications at any time throughout the year, or at least, allow reasonable periods of time for submission;
- Accept electronic applications and authenticated copies of documents;
- Ensure that authorization fees are reasonable, transparent, and do not in themselves restrict the supply of service;
- Support professional bodies wishing to establish dialogues on issues relating to recognition of professional qualifications;
- Ensure that competent authorities reach their decisions in a manner independent from services suppliers;
- Consolidate relevant information on a single online dedicated portal;
- Develop technical standards through open and transparent processes;
- Base measures relating to authorization on objective and transparent criteria;
- Ensure that procedures are impartial, adequate and do not unjustifiably prevent fulfilment of authorization requirements;
- Ensure that authorization measures do not discriminate between men and women

Meeting with AIMA

SEPC team had a meeting with AIMA officials on 2nd November 2021 to discuss on developing a capacity building short term courses for services exporters in collaboration with AIMA.

Meeting with Juptice Legal Firm

SEPC officials met Legal Firm Juptice on 12th November 2021 and initiated a dialogue about the technology solutions and services for legal export services to bring the entire justice ecosystem on a single platform.

Meeting with Media & Entertainment Skills Council

SEPC officials met Mr Mohit Soni, CEO of Media & Entertainment Skills Council on 15th November 2021 for an initial discussion and possible collaboration to create a platform for the benefit of Media & Entertainment Industry by organising Buyer Seller Meet and Capacity Building Programmes which would benefit both SEPC and MESC.

Meeting with Boston Consulting Group (BCG)

DG, SEPC had a zoom meeting with BCG team on 16th November 2021 which was engaged by Department of Commerce to understand the structure & process of respective offices which comes under Ministry of Commerce. The purpose of the meeting is to analyse the existing structure and develop a comprehensive restructuring plan and implementation roadmap to enable to fulfil its strategic vision and achieve its goal of US\$ 2 trillion exports by 2027.

Meeting with Enking International

SEPC officials met Enking International to discuss about organising a webinar for Industry focused on carbon credit points, their use, how the industry can benefit it and what is the process for registrations. A concept paper in this regard to be submitted to SEPC for taking this initiative forward.

Meeting with Internet and Mobile Association of India

Internet and Mobile Association of India met SEPC officials on 23rd November 2021, to initiate a discussion on SEPC collaboration in joining as Strategic Partner in their flagship event India Digital Summit with the theme of "Supercharging the Startup Ecosystem" to be held in the month January 2022 and to chalk out a mutually beneficial engagement for the growth of digital communities.

Meeting with Medical Value Tour Operators

A zoom meeting between SEPC and Medical Value Tour Operators officials was held on 25th November 2021 to discuss the strategy to mobilise members participation for Dubai Expo, India Heals, Arab Health.



EVENTS & ACTIVITIES



WEBINARS:

Export Promotion Schemes for Global Market Access: A detailed insight

SEPC organised a webinar on "Export Promotion Schemes for Global Market Access: A detailed insight on 25th November 2021 to create an awareness of various export promotion schemes of Ministry of Commerce and other Ministries enable the exporters to get market access and also facilitating exporters to understand on how to avail these benefits as facilitated by SEPC.

Master Class Series

SEPC is organizing Master Class series webinar on "Evolving Trends in Forex Management" on 30th November 2021 to create an awareness of latest market information and trends related to cross border payments and foreign exchange.

The details of the session are as follows:

- Evolving Trends in Forex Management
- Managing forex rates
- A misguided conclusion by exporters: forwards an effective tool
- Optimizing interest cost on exports
- Where is Rupee headed - 72 or 78?
- Use technology to address forex challenges

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IN the NEWS

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Page 2

Civil Aviation Ministry has given 'in-principle' approval for setting up of 21 green-field airports across India so far, the Civil Aviation Ministry said in a written reply to Rajya Sabha. Airports Authority of India (AAI) has taken up development of new airports and expansion/upgradation at an estimated cost of ~Rs 25,000 crore in the next 4-5 years. This plan includes expansion and modification of existing terminals, new terminals, expansion or strengthening of existing runways, aprons, Airport Navigation Services control towers, technical blocks, etc. (Business Today)

- Majority of the global container logistics industry (75 per cent) is rethinking strategy for 2022, according to a survey by Container xChange. While 71 per cent of respondents said they will go for diverse sourcing, 43 per cent said they plan to hold more inventory, and 21 per cent said they will prefer entering into long-term contracts with carriers to avoid the spot market. Some participants were also thinking of on-boarding more suppliers at competitive prices, and engaging in long-term business deals. (Indian Transport & Logistics News)
- The road logistics market in India is expected to grow at a compounded annual growth rate of 8 per cent in the next five years, to reach USD 330 billion by 2025, as per a report. This growth will be fueled by factors such as the rapidly growing e-commerce sector and a growing retail sales market, among others, according to 'Inter-city Logistics Market Study', released by consulting firm RedSeer's early stage research arm, RedCore on Thursday. (The Economic Times)

- Israel Ministry of Tourism (IMOT) conducted its first roadshow in 2021 across three Indian cities to enhance commercial ties with the Indian travel trade fraternity that focused on out-bound MICE travel. The roadshows were held in the cities of Chennai, Bengaluru, and Kolkata. (BW Hotelier)
- According to Gartner, India's IT spending will grow 7 per cent year-on-year to \$101.8 billion in 2022. That compares with its forecasts of \$81.89 billion spending in 2021, \$79.26 billion in 2020 and \$92.01 billion in 2019. (The Economic Times)
- The tourism sector that was hit hard by the COVID-19 pandemic for a whole year in 2020 due to lockdowns and travel restrictions is yet again facing a possible crisis. Cancellations have increased during the holiday season, say tour operators. (NDTV)

GOVERNMENT NOTIFICATION

DGFT's notification dated 30th November 2021: A new online common digital platform for issuance of Registration Cum Membership Certificate (RCMC)/Registration Certificate (RC) has been developed which would be single point of access for all exporters/importers and issuing agencies. The given platform shall be available at the following URL:<https://dgft.gov.in>

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International Trade in Services Data

Date of release: Dec 01, 2021

Month	Receipts (Exports)	Payments (Imports)
July – 2021	18,524 (10.9)	11,057 (14.2)
August – 2021	19,574 (21.4)	11,520 (24.5)
September – 2021	20,680 (22.0)	12,214 (25.0)
October – 2021	19,845 (17.5)	11,605 (26.1)

Notes: (i) Data are provisional; and (ii) Figures in brackets are growth rates over corresponding month's data which have been revised on the basis of balance of payments statistics released on June 30, 2021.

Source: Reserve Bank of India

Note: Monthly data on services are provisional and are likely to undergo revision when the Balance of Payments (BoP) data are released on a quarterly basis.



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