

ASSIST - ASEAN SOLUTIONS FOR INVESTMENTS, SERVICES AND TRADE



ASSIST TOOLKIT

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ASSIST - ASEAN SOLUTIONS FOR INVESTMENTS, SERVICES AND TRADE









INTRODUCTION TO THE TOOLKIT

The purpose of this toolkit is to provide government officials of ASEAN Member States, who are tasked to act as National Contact Points or Focal Points for the purpose of the ASEAN Solutions for Investments, Services and Trade or 'ASSIST', as well as business and private sector representatives, with a set of training materials to train the potential users of ASSIST, on how to use ASSIST to lodge a complaint or to interact with ASEAN Governments in relation to intra-ASEAN cross-border trade issues.

The aim of ASSIST is to provide a simple means for the ASEAN private sector to address any nontariff measure, non-tariff barrier, trade irritant or trade problem that may be inhibiting regional trade in goods or services, by raising issues or concerns where integration mechanisms may not appear to be implemented in full or in the spirit of the particular regional agreement at the national level. Currently, ASSIST allows only for complaints related to intra-ASEAN cross-border trade in goods and trade in services related to the implementation of ASEAN economic agreements and within the framework of the ASEAN Economic Community (AEC).

This toolkit has been developed through the ASEAN Regional Integration Support from the European Union (ARISE) Plus, which is a European Union funded project to support the ASEAN region in trade facilitation and economic integration. The development of this toolkit is based on the request by the ASEAN Senior Economic Officials' Meeting (SEOM) and the ASEAN Trade Facilitation Joint Consultative Committee (ATF-JCC).

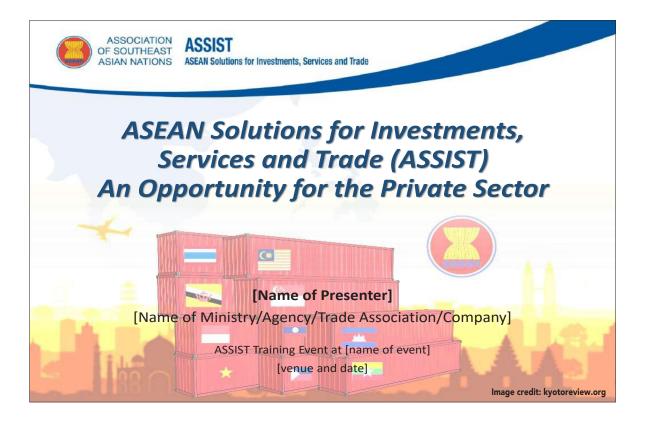
Tools

- 1. Sample PowerPoint Presentation PowerPoint explaining what ASSIST is and its structure (*i.e.*, establishment, legal basis, scope, key actors, and key features), and showing the ASSIST process flow through a simplified diagram of the ASSIST mechanism and its associated timeline.
- 2. ASSIST User Manual for the Private Sector Manual providing the guidelines and procedures for the ASEAN private sector or 'ASEAN Enterprise' of the free-of-charge, online-based and non-binding consultative mechanism 'ASSIST'.
- 3. ASSIST Tutorials For users to familiarize themselves with the mechanics of ASSIST, five step-by-step tutorials were developed based on hypothetical case studies provided in the ASSIST User Manual. The purpose of the tutorials is to help users to better understand the ASSIST process and the role played by the various actors. The tutorials are also available for download at the ASSIST website: http://assist.asean.org.

SLIDE PRESENTATION: ASEAN SOLUTIONS FOR INVESTMENTS, SERVICES AND TRADE (ASSIST) AN OPPORTUNITY FOR THE PRIVATE SECTOR



hoto credit: Paul Kent for Nathan Associate





ASSIST ASEAN Solutions for Investments, Services and Trade

What is ASSIST?

- User-friendly web-based portal (<u>http://assist.asean.org</u>) that is easy to find and access, easy to remember, easy to manage, reliable, effective, and free of charge or cost effective (no fees and simplified, non-judicial procedures).
- Its aim is to provide a simple means for the ASEAN private sector to address any non-tariff measure, non-tariff barrier, trade irritant or trade problem related to cross-border issues (e.g. when ASEAN enterprises experience trade issues when exporting their goods or services, or when investing into other ASEAN countries).
- ASSIST may be used directly by ASEAN enterprises (companies or its representative entities for anonymity reasons (*i.e.*, trade associations, chambers of commerce, business councils, business federations, or their appointed ASEAN lawyers or law firms)). Proof of registration is required.
- ASSIST is only for intra-ASEAN cross-border trade issue between an ASEAN Enterprise (*i.e.*, a company, not an individual person) legally registered in one ASEAN Member State and the Government of one of the other nine ASEAN Member States. Purely domestic issues vis-à-vis the home Government of the complaining enterprise cannot be referred through ASSIST.

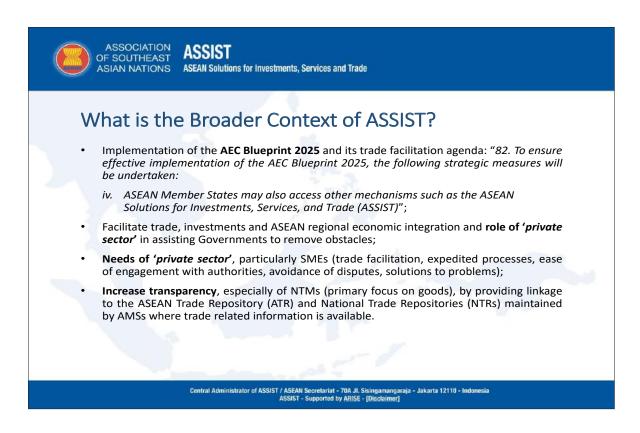
Central Administrator of ASSIST / ASEAN Secretariat - 70A JI. Sisingamangaraja - Jakarta 12110 - Indonesia ASSIST - Supported by ARISE - [Disclaimer] ASSOCIATION OF SOUTHEAST ASIAN NATIONS ASEAN Solution

ASEAN Solutions for Investments, Services and Trade

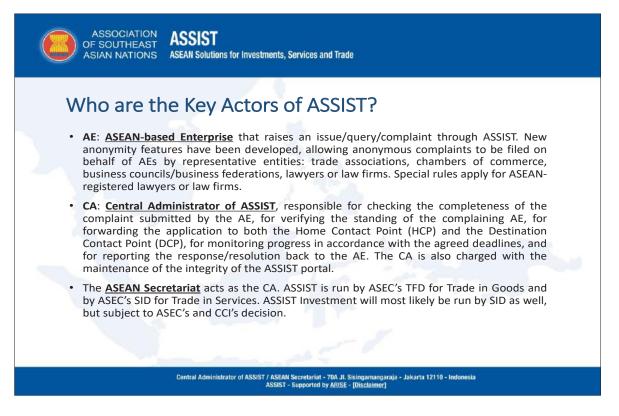
What is ASSIST?

- ASSIST serves as a non-binding and consultative mechanism to find expedited and effective solutions to
 problems encountered by ASEAN-based enterprises when doing cross-border business related to the
 implementation of ASEAN economic agreements falling within the scope of Article 1 (1) of the ASEAN
 Protocol on Enhanced Dispute Settlement Mechanism.
- Non-binding means that ASEAN Member States may decide not to accept a complaint or not to offer a solution once a complaint has been lodged on the ASSIST system. Although ASSIST is non-binding, ASEAN Member States shall deal with complaints on a best endeavour basis.
- Consultative means that it is not a judicial system unfolding before a national or international court and it is not managed and decided by an independent judge, arbiter, mediator, panel of experts or third adjudicating body. It unfolds by means of direct online consultations through the ASSIST software platform between ASEAN enterprises and ASEAN Governments.
- ASSIST allows only for complaints related to intra-ASEAN cross-border trade in goods and trade in services.
- For trade in goods, key role in addressing perceived NTBs and streamlining NTMs and natural add-on to the ATR (<u>http://atr.asean.org</u>).
- For trade in services, it is to address the issues raised in relation to the 11 broad sectors of services supply that are provided in the Services Sector Classification List under the WTO Document MTN/GNS/W/120.

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ASSOCIATION ASSIST OF SOUTHEAST ASIAN NATIONS ASEAN Solution

ASEAN Solutions for Investments, Services and Trade

Who are the Key Actors of ASSIST?

- HCP: <u>Home Contact Point</u>, which is the national body in the ASEAN Member State of the AE that is notified of the query/complaint by the CA.
- DCP: <u>Destination Contact Point</u>, which is the national body in the ASEAN Member State where the issue is raised and that is responsible for accepting (or rejecting) the issue and then coordinating the resolution/response by the relevant responsible authority(ies) (RAs).
- RA(s): <u>Responsible Authority(ies)</u> in the country of the DCP that will investigate the issue/ compliant and provide a solution, if possible.
- The HCPs/DCPs (*i.e.*, **Focal Points for ASSIST**) and RAs in each AMS must be identified, structured, trained and built into a <u>national network</u>, which is efficient and responsive. Example of Trade in Goods and Trade in Services, and expectations for ASSIST's extension to Investments.

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ASSIST

ASEAN Solutions for Investments, Services and Trade

What are the Key Features of ASSIST?

- All Key Actors must commit to adhere to the agreed administrative and technical requirements, meeting the required timeframes and following the codified due process;
- Only duly-registered AEs (or their representative entities), which file complete complaints, can use ASSIST. Proof of registration will be requested to AE (or its representative entity) when lodging a complaint;
- The CA is **independent** from the HCPs/DCPs, in order to maintain the effectiveness and **integrity** of the portal.
- Each AMS must devote the necessary institutional, financial and human resources to maintain their Focal Points and to establish networks of RAs, which are critical to its success. The **private sector must be vigilant**;
- The ASEAN business community must take full advantage of the opportunities offered by ASSIST to seek solutions to the constraints that they may be facing when trading within ASEAN. They now have 'no excuse' and can directly interact with AMS Governments to seek resolution of the trade problems that they are experiencing;

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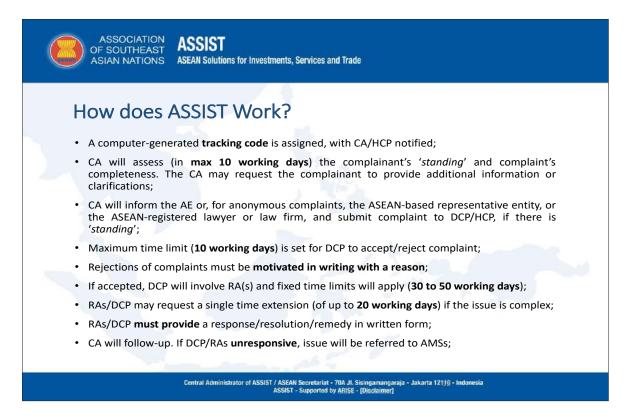
ASSIST ASEAN Solutions for Investments, Services and Trade

What are the Key Features of ASSIST?

- Anonymity is now offered and the system is simple, fully internet-based, free-of-charge, and expedited. AEs have 'nothing to lose';
- ASSIST is has an interactive 'tracking system' and a 'traffic light' dashboard that allows the key
 actors to see the progress of each complaint online (Green: on schedule; Yellow: warning; Red:
 delayed).
- The ASSIST website is now available in all 7 ASEAN languages, but cases may only be filed in English;
- **Step-by-step tutorials** for users to better understand the ASSIST process are now available on the ASSIST website and is now available in all ASEAN languages;
- A Frequently Asked Questions (FAQs) page is available on the website;
- A User Manual for CA/HCPs/DCPs is also available upon request to the National Contact Points or Focal Points for ASSIST in the respective AMSs. It is now also available in all ASEAN languages;
- A *'public forum'* section of the ASSIST portal will in the future provide data/statistics on complaints, operational guidelines, success stories of resolved cases, feedback from users/AEs, and tips on using ASSIST. No confidential information will be placed on the *public forum*.

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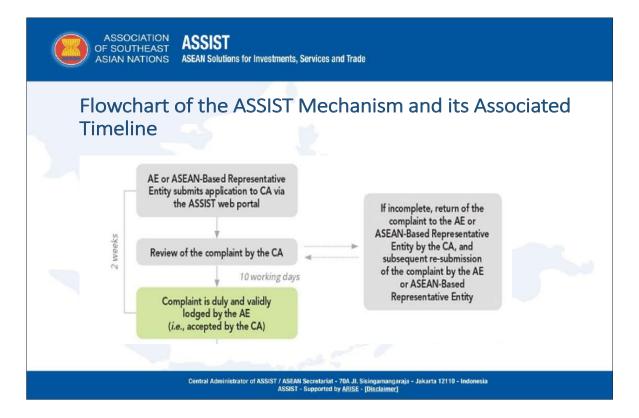


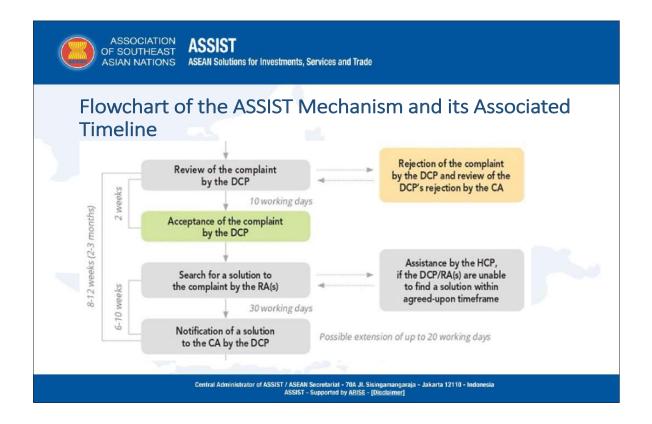
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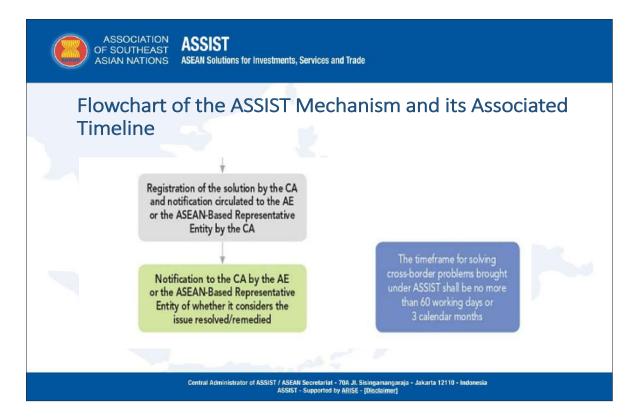
How does ASSIST Work?

- DCP will provide a solution to CA or advise why the case is not solvable;
- CA will register the solution on ASSIST and send it to the AE or, for anonymous complaints, the ASEAN-based representative entity or the ASEAN-registered lawyer or law firm. The CA will also copy the HCP;
- The AE (or its representative entity, or lawyer, or law firm) will notify the CA if it considers the issue **satisfactorily addressed** (*i.e.*, resolved/settled); and
- If not satisfied, the AE (or its representative entity, or lawyer, or law firm) may advise the CA on its intended course of action.

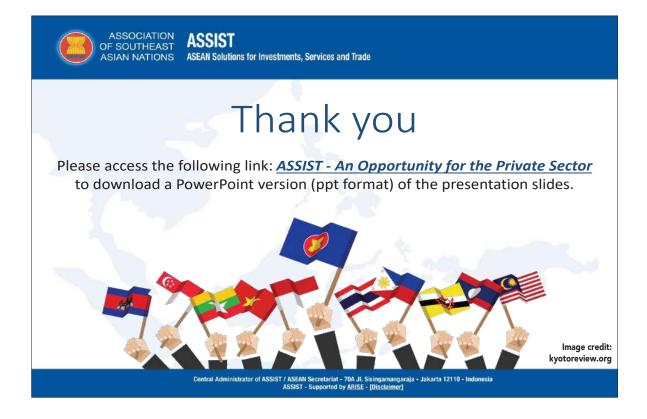
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ASSIST USER MANUAL FOR PRIVATE SECTOR

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ASSIST USER MANUAL FOR PRIVATE SECTOR

About this Manual

This Manual provides the guidelines and procedures for the key actors of the free-of-charge, onlinebased and non-binding consultative mechanism – ASEAN Solutions for Investments, Services and Trade or 'ASSIST' - set up with the aim of solving operational problems encountered by ASEAN enterprises on cross-border issues related to the implementation of ASEAN economic agreements and within the framework of the ASEAN Economic Community (AEC).

Part 1 of this Manual contains a general overview of ASSIST, outlining the scope, key actors, communications channels, etc., while Part 2 goes on to explain the complaint handling process from using the online complaint form, for non-anonymous and anonymous complaints, to when a solution is provided by ASSIST. Part 2 also provides a simplified diagram of the ASSIST Process Flow.

Reference tables, a flowchart of the ASSIST mechanism, Frequently Asked Questions (FAQs), and hypothetical case studies for better understanding of the ASSIST process are provided as Annexes at the end of this Manual.

ASSIST is accessed directly on its own website (<u>http://assist.asean.org</u>) or via the website of the ASEAN Trade Repository (<u>http://atr.asean.org</u>).

Table of Contents

Ab	bout this Manual		
	art 1:		
GE	ENERAL OVERVIEW OF ASSIST	21	
Wł	/hat is ASSIST?	21	
А.	. Why and How was ASSIST Established?	22	
B.	What is the Scope of ASSIST?	23	
2.	 Issues that are Covered by ASSIST 		
	 Issues that are Not Covered by ASSIST 		
C.	. What are the Key Features of ASSIST?	23	
D.	. Who are the Key Actors within ASSIST?	24	
	1. ASEAN Enterprise		
	2. Central Administrator		
	3. Home Contact Point		
	4. Destination Contact Point		
	5. Relevant National Authorities	25	
Ε.	How can Complaints be Filed?		
	1. Non-Anonymous Complaints		
	2. Anonymous Complaints	26	
F.	How do the ASSIST Communication Channel Work?	27	
G.	. Public Forum on the ASSIST Website	29	
	art 2:		
тн		31	
Ho	ow is a Complaint Lodged?	31	
Α.	. Using the Online Complaint Form	31	
	1. For an ASEAN Enterprise	31	
	2. For an ASEAN-Based Trade Association and other ASEAN-Based		
	Representative Entity		
	3. For an ASEAN-Registered Lawyer of Law Firm	31	
B.	Steps in Handling a Complaint	32	
	1. For an ASEAN Enterprise or an ASEAN-Based Representative Entity		
	2. For an ASEAN-Registered Lawyer or Law Firm	37	

C.	ASSIST Process Flow	39
D.	Complaint Handling Timeline	41
	1. Extensions of Time	41
	2. Follow-up on Overdue Actions	41
Е.	Complainant may Monitor Progress of the Complaint	43

ANNEXES

	EX 1. rence Tables for Complaint Description	45
1.1.	List of Sub-Categories of Goods	45
1.2.	List of Services Sectors and Sub-Sectors	47

ANNEX 2.

Flow	chart of the ASSIST Mechanism and its Associated Timeline	53
2.1.	For a Complaint Filed by an ASEAN Enterprise or ASEAN-Based	
	Representative Entity	53
2.2.	For a Complaint Filed by an ASEAN-Registered Lawyer or Law Firm	54

ANNEX 3.

Frequently Asked Questions (FAQs)	55
----------------------------------	---	----

ANNEX 4.

Hypothetical Case Studies	63
---------------------------	----

TABLE OF FIGURES

Figure 1.	The Communications/Constructive Structure of ASSIST	28
Figure 2.	Complaint filed by an ASEAN Enterprise or an ASEAN-Based	
	Representative Entity	40
Figure 3.	Complaint filed by an ASEAN-Registered Lawyer or Law Firm	40

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Part 1: GENERAL OVERVIEW OF ASSIST

This part of the Manual provides a general overview of what is ASSIST and its structure (i.e., establishment, scope, key features, key actors, types of complaints, communication channels and public forum).

What is **ASSIST**?

 ASSIST is designed as a key instrument to allow, facilitate and encourage ASEAN business operators and the private sector to interact directly with the Governments of individual ASEAN Member States and address trade problems on the ground.



- ASSIST is only available for intra-ASEAN cross-border trade issues between an ASEAN Enterprise, legally
 registered in one ASEAN Member State, and the Government of one of the other nine ASEAN Member States.
 Thus, ASSIST cannot be used to lodge a complaint against a Government of a country outside of ASEAN. ASSIST
 may also be used to address problems vis-a-vis other companies.
- ASSIST is an internet-based and business-friendly facility for receiving, processing and responding to complaints submitted by ASEAN enterprises, its representative entities or its appointed lawyer or law firm.
- Complaints within the scope of ASSIST are limited to operational problems encountered by ASEAN enterprises on cross-border trade issues related to the implementation of ASEAN economic agreements and within the framework of the ASEAN Economic Community (AEC).
- ASSIST is a non-binding and consultative means of communication, which seeks expedited and effective solutions for ASEAN enterprises experiencing trade problems when doing cross-border business within the ASEAN region. 'Non-binding' means that ASEAN Member States may decide not to accept a complaint or not to offer a solution once a complaint has been lodged on the ASSIST system. Although ASSIST is non-binding, ASEAN Member States shall deal with complaints on a best endeavour basis.
- ASSIST is consultative in nature, meaning that it is not a judicial system unfolding before a national or international court and it is not managed and decided by an independent judge, arbiter, mediator, panel of experts or third adjudicating body. It unfolds by means of direct online consultations through the ASSIST software platform between ASEAN enterprises (companies or its representative entities, *i.e.*, trade associations, chambers of commerce, business councils or business federations, or their appointed lawyers or law firms) and ASEAN Governments.
- ASSIST is a free-of-charge service, operating through an online facility that is managed by the ASEAN Secretariat. There are no charges, no fees and no registration or submission costs in using ASSIST. The ASSIST web portal is based on simple and user-friendly formats, with a high degree of automatic features and computer-generated reminders and correspondence (email messaging), based on the process stages and set timelines. This aims at making the process smooth, expedited, easy to administrate and use, and effective.

- Confidentiality is of the utmost importance and only the complainants, the directly involved ASEAN Member States, and the ASEAN Secretariat will have the right to access the actual complaint and the solutions proposed (please also refer to the disclaimer of liability, which can be accessed on the link in the footer of all ASSIST's webpages, in this regard).
- Any information being exchanged through ASSIST cannot be used later in a court of law for purposes of domestic litigation or international dispute settlement (*i.e.*, World Trade Organisation (WTO) and/or ASEAN). ASSIST's disclaimer is clear. No information or statements made by complainants or by ASEAN Member States within the process of ASSIST can be used in national or international litigation. While not being enforceable in a court of law, however, the proposed solutions may have specific value within the similar context of such complaints before the administrative authorities (*i.e.*, customs officers, trade officials, authorities issuing the import licenses, conformity assessment bodies, etc.) of the ASEAN Member State that has proposed the solutions.

A. WHY AND HOW WAS ASSIST ESTABLISHED?

As mandated by the ASEAN Leaders, the ASSIST mechanism was established to implement the ASEAN Consultation to Solve Trade and Investment Issues (ACT) mandated under the ASEAN Trade in Goods Agreement (ATIGA) and it is loosely based on the European Union's SOLVIT system.

ACT was a consultation mechanism that was trialled in the 2000's, as provided in Article 88 of the ASEAN Trade in Goods Agreement and contained in the Declaration on ASEAN Concord II (Bali Concord II).

ASEAN Senior Economic Officials endorsed the proposal by ARISE (ASEAN Regional Integration Support from the European Union) on the concept for ASSIST and instructed ARISE to set up the necessary institutional mechanisms, detailed procedures and guidelines for ASSIST, and the website allowing internet access for ASSIST key actors.

ASSIST reaffirms the consultative and non-binding characteristics of the ACT, while modernising its structure and enabling the mechanism to operate in a more effective and efficient manner. As such, ASSIST serves as a mechanism for the expedited and effective solution of operational problems encountered by ASEAN enterprises on cross-border issues related to the implementation of ASEAN agreements falling within the scope of Article 1(1) of the ASEAN Protocol on Enhanced Dispute Settlement Mechanism. ASSIST was launched in 2016 at the side-lines of the 48th ASEAN Economic Ministers (AEM) Meeting in August 2016 as one of the key deliverables under Lao PDR's ASEAN Chairmanship. The intended and eventual reach of ASSIST is the compliance with and implementation of both the letter and the spirit of the ASEAN Trade in Goods Agreement, as well as the ASEAN protocols and agreements on transport, finance and investment, and services. ASSIST was initially limited to intra-ASEAN trade in good issues in order to gradually operationalize the system. However, it is also set up to deal with trade in services and trade-related investment measures.

The aim is to provide a simple means for the ASEAN private sector to address any non-tariff measure, non-tariff barrier, trade irritant or trade problem that may be inhibiting regional trade and investment, by raising issues or concerns where integration mechanisms may not appear to be implemented in full or in the spirit of the particular regional agreement at the national level.

B. WHAT IS THE SCOPE OF ASSIST?

ASSIST allows only for complaints related to intra-ASEAN cross-border trade in goods, trade in services and traderelated investment issues within the AEC.

Issues that are Covered by ASSIST

 Cross-border issues or problems related to the implementation of one or more ASEAN economic agreement(s), which means the agreements concluded by ASEAN Member States for purposes of the realisation of the AEC for trade in goods, trade in services and investment measures.

Issues that are Not Covered by ASSIST:

Essentially, anything outside the scope as described above. This includes:

- Employee/employer disputes or discrimination claims;
- Matters that are being or have been litigated/arbitrated in national jurisdictions;
- Complaints against individuals or companies/businesses;
- Matters not related to intra-ASEAN trade, services or investment;
- Immigration issues;
- Visa and residence rights; and
- Cross-border movement of capital or payments.

ADDITIONAL IMPORTANT INFORMATION

ASSIST is only for intra-ASEAN cross-border trade issue between an ASEAN Enterprise (*i.e.*, a company, not an individual person) legally registered in one ASEAN Member State and the Government of one of the other nine ASEAN Member States. Purely domestic issues vis-à-vis the home Government of the complaining enterprise cannot be referred through ASSIST.

In cases where a services provider, which belongs to a parent company based in ASEAN Member State X, but that that offers its services in ASEAN Member State Y, intends to file a complaint against ASEAN Member State Y, it is the parent company in ASEAN Member State X that should file the complaint on ASSIST. However, the case can also be filed 'anonymously' by an ASEAN-based trade association, chamber of commerce, business council, business federation, registered lawyer or registered law firm on behalf of the actual complainant.

C. WHAT ARE THE KEY FEATURES OF ASSIST?

- Linkage to the ASEAN Trade Repository (ATR). In line with the ASEAN Trade in Goods Agreement (ATIGA), the ATR is intended to provide transparency on the trade and customs laws and procedures of all ASEAN Member States. The ATR is an electronic interface through which the public can freely access the information available on the National Trade Repositories (NTRs) of each ASEAN Member State;
- Simple and user-friendly web-based portal that can be accessed and used, free-of-charge, by ASEAN enterprises
 experiencing trade problems when exporting their goods or services, or when investing into other ASEAN
 countries;

- An interactive 'tracking system' and 'traffic light' dashboard that allows the key actors to follow the online proceedings;
- The ability of ASEAN enterprises to lodge complaints anonymously, by doing so through ASEAN-based trade associations, or other representative entities such as chambers of commerce, business councils, business federations, or registered ASEAN-based lawyers or law firms, when anonymity is desired by the complainant;
- Online tutorials are available on the ASSIST website and the website will soon be available in all ASEAN languages (but cases may only be filed in English).
- A public forum where data on the type and number of applications, case studies of resolved issues, and feedback from ASEAN enterprises may be published.

D. WHO ARE THE KEY ACTORS WITHIN ASSIST?

1. ASEAN Enterprise (AE)

What is the definition of an ASEAN Enterprise and who qualifies as an ASEAN Enterprise? A company duly registered in one of the ten ASEAN Member States.

ADDITIONAL IMPORTANT INFORMATION

Only ASEAN companies may use ASSIST. An individual person with personal complaints cannot lodge a complaint on ASSIST. However, an individual lawyer may file a complaint on behalf of its client, provided that the latter is a duly-registered ASEAN Enterprise.

Who can represent an ASEAN Enterprise?

- An ASEAN-based Representative Entity (*i.e.*, one that is duly registered in one of the ten ASEAN Member States), such as an ASEAN-based trade association, chamber of commerce, business council, or business federation, can use ASSIST and raise an issue, query or complaint through ASSIST on behalf of one of its members or a multitude of its members having the same trade problem.
- An ASEAN-registered Lawyer or Law Firm, duly admitted to practice law in one of the ten ASEAN Member States' jurisdictions, may represent an ASEAN Enterprise and submit a complaint through ASSIST on behalf of its client.

ADDITIONAL IMPORTANT INFORMATION

For an ASEAN Enterprise (or representative entity) to be legally registered, the ASEAN Enterprise must have fulfilled the legal obligations in the country in which it operates and registered as a business or trade association/chamber of commerce, business council/business federation, and been provided a business registration license. For a lawyer to act on behalf of a client under ASSIST, a professional license, issued in accordance with the prevailing legislation in the respective ASEAN Member States, must be displayed.

2. Central Administrator (CA)

- The ASEAN Secretariat is the Central Administrator of ASSIST and, in that capacity, manages the online proceedings and maintains the functionality of the ASSIST facility.
- All communications among the key actors in ASSIST go through and are screened by the Central Administrator.
- The Central Administrator, after appropriate checks, passes the complaint details on to the ASSIST Contact Points (Home and Destination Contact Points) in the relevant Member State(s).
- The Central Administrator monitors progress and relays back to the applicant (*i.e.*, ASEAN Enterprise, its representative entity or its appointed lawyer or law firm) a response and, if available, a solution to the problem at the origin of the complaint.

3. Home Contact Point (HCP)

- The national body (*i.e.*, Focal Point) in the ASEAN Member State of the complaining ASEAN Enterprise (or where the parent company is based in certain Trade in Services cases).
- This ministry, agency or governmental authority may intervene, if need be, to hold discussions with the Central Administrator and/or the Destination Contact Point.

4. Destination Contact Point (DCP)

- The national body (*i.e.*, Focal Point) in the ASEAN Member State where the issue is raised and the ASEAN Enterprise is facing trade problems (*i.e.*, in the ASEAN Member State against which the complaint is lodged).
- This ministry, agency or governmental authority will decide whether it wants to engage within ASSIST to offer the ASEAN Enterprise a solution, will coordinate with its national competent authorities, and will manage all communications with the Central Administrator of ASSIST.

5. Relevant National Authorities (RAs)

- The authority(ies) or other government representative(s) that are competent and responsible in the ASEAN Member State where the issue is raised and where the ASEAN Enterprise is facing trade problems.
- These ministry(ies), agency(ies) or governmental authority(ies) are tasked by the Destination Contact Point with
 finding a solution to the issue and, in the instances where they acknowledge a complaint as accepted, they will
 suggest a possible solution to the complainant (i.e, ASEAN Enterprise, its representative entity or its appointed
 lawyer or law firm) through their Destination Contact Point and on to the Central Administrator.

E. HOW CAN COMPLAINTS BE FILED?

There are two types of complaints which can be filed through ASSIST:

1. Non-Anonymous Complaints

Non-anonymous complaints can be submitted directly by an ASEAN Enterprise in its own name, as defined in Section D.1. of this Part of the Manual.

The ASEAN Enterprise must provide its national business registration number and proof of registration, which is mandatory on the complaint form on the ASSIST website.

2. Anonymous Complaints.

If anonymity is required by the ASEAN Enterprise experiencing the cross-border trade problem within ASEAN, the complaint can be submitted by an ASEAN-based Representative Entity of the ASEAN Enterprise's choice, such as a trade association, chamber of commerce, business council, business federation, or an ASEAN-egistered Lawyer or Law Firm.

ASEAN-Based Trade Associations and other ASEAN-Based Representative Entities

- a. ASEAN-based Representative Entities, such as trade associations, chambers of commerce, business councils or business federations may file an anonymous case on behalf of one of their members or on behalf of a multitude of their members having the same trade problem. This approach is also intended to allow for multiple complainants, having the same trade problem, to avoid having to file multiple complaints. It must be noted that fees may apply when representative entities provide this service to ASEAN Enterprises seeking anonymity.
- b. In such cases, the ASEAN-based Representative Entity will file the complaint in its own name. In this case, the representative entity shall use its business registration number from the ASEAN jurisdiction where it is incorporated.
- c. ASEAN-based Representative Entities can file complaints against the ASEAN Member State where they are registered, so long as the trade problem is of a cross border nature and they are representing an ASEAN constituency (*i.e.*, a regional association and not merely a national one) or an individual member that is legally-registered in a different ASEAN Member State than the one of registration of the ASEAN-based Representative Entity.

ASEAN-Registered Lawyers or Law Firms

a. ASEAN-registered Lawyers or Law Firms may file an anonymous case on behalf of one of their clients (*i.e.*, the ASEAN Enterprise having the trade problem). The lawyer or law firm must be duly licensed to practice law in the ASEAN Member State where the client is based or in the ASEAN Member State against which the complaint is filed.

- b. Special rules apply to complaints filed by ASEAN-registered Lawyers or Law Firms. In particular, ahead of submitting an ASSIST complaint on behalf of a client, an ASEAN-registered Lawyer or Law Firm must first contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is being filed. In order to do so, the lawyer or law firm must download the necessary form on the ASSIST website (<u>http://assist.asean.org/complaint/?m=42&type=law</u>) and submit it by email to the ASEAN Secretariat, as specified on the form itself.
- c. Once the ASEAN Secretariat has provided the Confidential Case Code (CCC) by email to the lawyer or law firm, the actual complaint can be filed through ASSIST, using the dedicated online form.

ADDITIONAL IMPORTANT INFORMATION

For an ASEAN Enterprise and an ASEAN-based Representative Entity, proof of business registration within the Member State of the enterprise or representative entity making the complaint is required when lodging the complaint application – to be provided as an attachment, by means of an electronic copy of the registration document. For an ASEAN-registered Lawyer or Law Firm, the law firm or lawyer's professional license is required as registration proof. However, the lawyer or law firm must submit the business registration of its client, the ASEAN Enterprise, in confidence to the ASEAN Secretariat, prior to filing the actual complaint through ASSIST.

F. HOW DO THE ASSIST COMMUNICATION CHANNELS WORK?

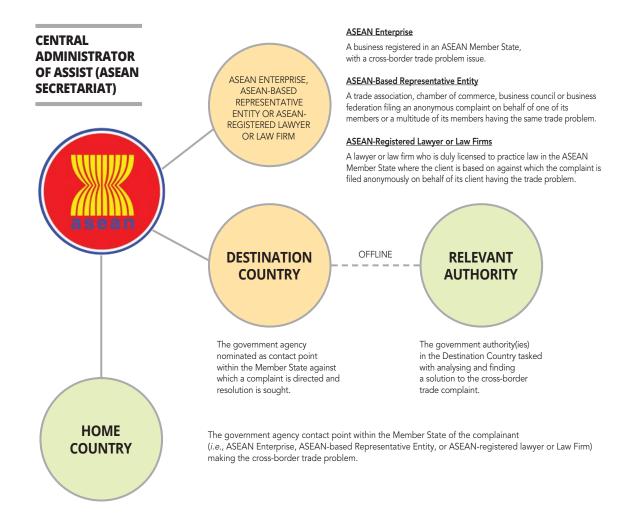
ASSIST operates by maintaining communication channels through the Central Administrator, on behalf of the complainant (*i.e.*, ASEAN Enterprise, ASEAN-based Representative Entity, or ASEAN-registered Lawyer or Law Firm), with the government officials of the agencies nominated as Focal Points for ASSIST within the ASEAN Member States.

- This is managed through the web-based portal, by email messaging, according to assigned responsibilities and procedures; and
- By user access through login controls to ASSIST Administrator Panels to monitor progress and compliance with the agreed time frames.

ADDITIONAL IMPORTANT INFORMATION

In some instances, an automated notification appears in the ASSIST webpage following a certain action by the complainant, such as a complaint is filed, which requires the complainant to click on the link provided to continue the ASSIST process.

Figure 1. The Communications/Constructive Structure of ASSIST



Central Administrator of ASSIST (CA)

The ASEAN Secretariat is the Central Administrator of ASSIST and, in that capacity, manages the online proceedings. All communications in ASSIST go through and are screened by the Central Administrator.

Home Country/Home Contact Point (HCP)

The national body, called ASSIST Focal Point, in the ASEAN Member State of business registration of the complainant. This ministry, agency or governmental authority may intervene, if need be, to hold discussions with the Central Administrator and/or the Destination Contact Point.

Destination Country/Destination Contact Point (DCP)

The national body, called ASSIST Focal Point, in the ASEAN Member State where the issue is raised and where the ASEAN Enterprise is facing trade problems. This ministry, agency or governmental authority will decide whether it wants to engage within ASSIST in order to offer the complainant (*i.e.*, ASEAN Enterprise, its representative entity or its appointed lawyer or law firm) a solution, will coordinate with its national competent authorities, and will manage all communications through the system and with the Central Administrator of ASSIST.

Relevant National Authority (RA)

The Authority or Authorities, or other government representatives, tasked with finding a solution to the issue being complained about by the complainant (i.e, ASEAN Enterprise, its representative entity or its appointed lawyer or law firm). They are the competent and responsible authorities in the ASEAN Member State against which the complaint was lodged and where the ASEAN Enterprise is facing trade related problems. In situations where the Destination Contact Point accepts a complaint, they may suggest a possible solution to the complainant, which is then forwarded through their Destination Contact Point and, via the Central Administrator and, ultimately to the ASEAN Enterprise, its representative entity, or its lawyer or law firm.

ADDITIONAL IMPORTANT INFORMATION

It is important to note that English is the language of official communication within the ASSIST system and the complaint must be written in English. All supporting documents uploaded by the complainant (such as legal briefs, technical reports and the like) must be written in English. However, any official documents such as proof of registration, national laws, certificates, licenses or similar, which are written in a national official language may be uploaded onto the system in support of the complaint, but should be accompanied by an (unofficial) English translation. The solution from the Destination Country will also be provided in English.

G. PUBLIC FORUM ON THE ASSIST WEBSITE



As more experience is gained with ASEAN Member States' trade complaint resolution through ASSIST, the ASSIST web portal will eventually have a public forum section. Over time, the Public Forum will provide information that can be useful for ASEAN Enterprises that are looking for business solutions while doing business in the region. The Public Forum will also encourage business to share their own experiences and useful lessons in seeking solutions in ASEAN. No confidential information will be placed on the Public Forum.

It is proposed that the Public Forum contain the following information:

- Data/statistics on the type and number of applications;
- Operational guidelines;
- Case studies or success stories of resolved issues;
- Guides to help businesses to better understand ASEAN agreements;
- Feedbacks from users or complainant enterprises; and
- Tips on using ASSIST.

ADDITIONAL IMPORTANT INFORMATION

Confidentiality of information in the Public Forum will be strictly maintained. Any details identifying individual complainants or their representative entities, as well as the ASEAN Member States concerned, will not be published, unless publication is authorised by all the parties involved.

Part 2: THE COMPLAINT HANDLING PROCESS

This Part of the Manual gives guidance with respect to the complaint handling process. Examples of hypothetical case studies are also provided in Annex 4 to give a better picture of the processes by which complaints are handled by Authorities involved in the operation of ASSIST.

How is a Complaint Lodged?

A. USING THE ONLINE COMPLAINT FORM

1. For an ASEAN Enterprise

A qualifying ASEAN Enterprise may file a complaint using the specified online form on the ASSIST website: <u>http://assist.asean.org</u> or by selecting 'ASEAN Enterprise' icon on the 'File a Complaint' tab.



2. For an ASEAN-Based Trade Association and other ASEAN-Based Representative Entity

For anonymous complaints lodged by a qualifying ASEAN-based Trade Association and other ASEAN-based Representative Entities, such as chambers of commerce, business councils or business federations, a complaint may be filed using the specified online form on the ASSIST website by selecting 'ASEAN Trade Association' on the 'File a Complaint' tab. In this case, the complaint must be filed under the representative entity's own name, as the member(s) on behalf of which the complaint is filed must remain anonymous. The complaint will be filed using the representative entity's business registration number and no information on the actual ASEAN Enterprise behind the complaint is to be revealed to the Home and/or Destination Contact Points.

3. For an ASEAN-Registered Lawyer or Law Firm

For anonymous complaints lodged by a qualifying ASEAN-registered Lawyer or Law Firm, a complaint may be filed using the specified online form on the ASSIST website by selecting 'ASEAN Lawyer or Law Firm' on the 'File a Complaint' tab. In this case, the complaint will be filed using the lawyer's professional license and no information on the actual ASEAN Enterprise need to be revealed to the Home and/or Destination Contact Point. However, special rules apply to complaints filed by ASEAN-registered Lawyers or Law Firms. In particular, ahead of submitting an ASSIST complaint on behalf of a client, an ASEAN-based lawyer or law firm must first contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is being filed (*i.e.*, the company registration licences). In order to do so, the lawyer or law firm must download the necessary form from the ASSIST website (http://assist.asean.org/complaint/?m=42&type=law) and submit it by email to the ASEAN Secretariat, as specified on the form itself. Once the ASEAN Secretariat has provided a Confidential Case Code (CCC) by email to the lawyer or law firm, the actual complaint can be filed. The CCC is a substitute for the contact details of the ASEAN Enterprise, which enables the Destination Contact Point to be reassured that the anonymous complaint was lodged on behalf of an ASEAN Enterprise and vetted by the ASEAN Secretariat. The CCC has to be inserted by the law firm or lawyer in the actual complaint form on the ASSIST website in the field provided in the 'Complaint Description' section of the form.

PLEASE INCLUDE ALL ESSENTIAL INFORMATION IN THE ONLINE COMPLAINT FORM!

The online form prompts for the required information, including business name and details (depending on the complainant, *i.e.*, ASEAN Enterprise, ASEAN-based Trade Association or other ASEAN-based Representative Entity, or ASEAN-registered Lawyer or Law Firm), contact person details, and a description of the complaint, to be provided. It is extremely important that the 'Description' field in the 'Complaint Description' section of the complaint form be filled-in properly, (*i.e.*, it should give a full explanation of the problem experienced), so that the Central Administrator of ASSIST may be able to clearly identify the problem in the context of the specific ASEAN agreement(s). Also, Reference Tables on List of Sub-Category of Goods and List of Services Sectors and Sub-Sectors are provided in Annex 1 to this Manual, so as to give guidance on filling in the 'Type of Problem Encountered' and 'Services Sector Description' in the 'Complaint Description' section of the complaint form.

Supporting documents, such as the business registration of the ASEAN Enterprise or ASEAN-based Trade Association (or other ASEAN-based Representative Entity), the professional license of the lawyer for complaints filed by an ASEAN-registered Lawyer of Lawyer, the relevant law or measure, the schedule of specific commitments under ASEAN Framework Agreement on Services or AFAS (for trade in services related complaints), and any legal arguments, factual evidence, and possible avenues that already have been pursued domestically, should be filed with the complaint, so as to help the Central Administrator in deciding whether to approve the complaint or not. Complainants may even consider proposing possible solutions in order to facilitate the process and the identification of a solution. Properly and comprehensively presented complaints will have a higher chance of being accepted by the Destination Country, with the objective of finding a solution. Such additional information may be provided in electronic form as attachments to the website complaint form.

Fields marked with an asterisk (*) are mandatory fields. If the complainant is not sure on what to fill-in for a field, **1** buttons are available to click on for a review of the detailed instructions on what to fill-in for each of the 'Complaint Description' field.

The Central Administrator of ASSIST may request resubmission of a complaint if any of the necessary information is incomplete or incorrect (refer to Section C.2. of Part 3 'Roles and Responsibilities of the Central Administrator' of this Manual for more details).

B. STEPS IN HANDLING A COMPLAINT

1. For an ASEAN Enterprise or an ASEAN-Based Representative Entity



Submission of Complaint

A qualifying ASEAN Enterprise or an ASEAN-based Trade Association or other ASEAN-based Representative Entity prepares and submits a complaint (being within the scope of ASSIST) using the online complaint form at ASSIST's website: http://assist.asean.org in the 'ASEAN Enterprise' or 'ASEAN Trade Association' icons on the 'File a Complaint' tab. An ASEAN-based Representative Entity may

file a complaint on behalf of one of its members or a multitude of its members if the ASEAN Enterprise wishes to remain anonymous. The input details are checked by the system to ensure that all mandatory information is present.

ADDITIONAL IMPORTANT INFORMATION

In order to build a thorough and well-proven/well-argued case, before lodging a complaint, the complainant should undertake careful research on the basis of the information provided on ASSIST's website and/or by seeking guidance and assistance from its own home Government or from independent consultants, lawyers, law firms, business councils, chambers of commerce, business federations and trade associations.

Acknowledgement of complaint

On the submission of a complaint, the ASEAN Enterprise or ASEAN-based Representative Entity receives an automatic acknowledgement on the webpage, as shown below.

OF SOUTHEAST		Investments, Services an	l Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Please confirm You will shortly receive a confirm Please click on the link contained You will be able to monitor your com http://assist.asean.org/user/login	ation e-mail containing your r in the e-mail in order to confi	eferences. Irm your submission.	017 submission			
by using your e-mail / tracking ID.						
	Central Administrator	of ASSIST / ASEAN Secretarial	- 70A JI. Sisingamangaraja - Jakarta 1	2110 - Indonesia		

The Central Administrator of ASSIST is also alerted to the submission of a new complaint. This is followed by an email directed to the address given for the contact person named in the complaint form. An example is given below.

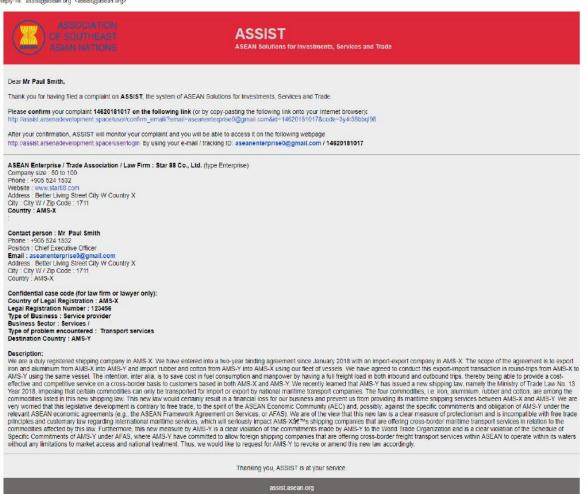
Wed, Oct 17, 2018 at 12:49 P

M Gmail

ASEAN Enterprise <aseanenterprise0@gmail.com

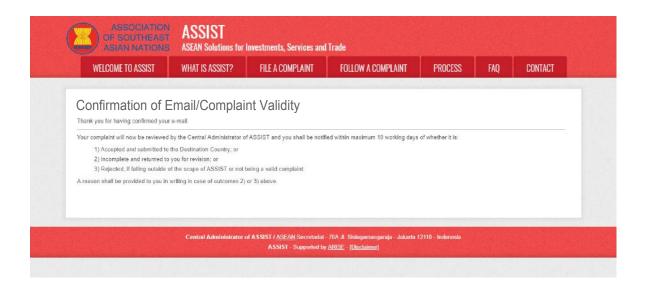
[ASSIST] Thanks to confirm your complaint #14620181017 submission

No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org>



3 attachments

The email to the ASEAN Enterprise or ASEAN-based Representative Entity's contact person contains the basic details of the complaint submission and the complaint number or tracking identity number (Tracking ID), that is automatically allocated to the complaint by ASSIST, through which the complainant may monitor progress of the complaint (further details on monitoring a complaint are provided in the "Complainant may Monitor the Progress of a Complaint" in Section E of this Part). A reply to the email is expected; the complainant/addressee can confirm and so validate the submission by simply clicking on the link provided in the email. Once the complainant clicks on the link, the following page will automatically appear on the computer screen.



Verification by Central Administrator

The Central Administrator of ASSIST carries out verification checks to determine eligibility (*i.e.*, whether or not the complaint falls within the scope of ASSIST), and as a result of that analysis, within 10 working days, reviews the complaint and:

- Accepts the complaint and passes it on to the relevant national focal points (*i.e.*, the 'Destination Contact Point' and the 'Home Contact Point');
- May request further information (incomplete) or ask for revision by the complainant (see further explanation of the Central Administrator's actions under Section C.2. of Part 3 of this Manual 'The Role of the Central Administrator of ASSIST'); or
- **Rejects** the complaint as invalid, with reasons given as to why it took such decision.

Destination Contact Point to Accept or Reject

The Destination Contact Point (within the ASEAN Member State against which the complaint is directed and from which a solution is sought) reviews the details of the complaint within 10 working days and decides if:

- On the basis of the information provided, the complaint appears to present a valid case, and so the complaint is accepted;
- An email notifying acceptance goes to the Central Administrator and Home Contact Point;
- Details are forwarded to the Relevant National Authority, in order to seek a potential resolution to the problem; or
- The case presented is not valid, or, after consulting the Relevant National Authorities, the Destination Contact Point decides that the ASSIST mechanism is not the appropriate channel, and the complaint is **rejected**. The Central Administrator and Home Contact Point are informed through email, with reasons for the rejection given by the Destination Contact Point.

ADDITIONAL IMPORTANT INFORMATION

If the complaint is accepted by the Destination Contact Point and passed to the Relevant Authority(ies) for a reply, the Destination Contact Point is expected to monitor progress and to obtain a response from the Relevant National Authority(ies) within the agreed ASSIST time frame. The timeline set for each stage of the ASSIST process is laid out in Section D 'Complaint Handling Timeline' of this Part of the Manual.

Central Administrator Responds with Result

The reply, such as a suggested solution, is sent by the Destination Contact Point to the Central Administrator, within 30 to 50 working days, and:

- The response or solution proposed is reviewed by the Central Administrator, in the context of providing a satisfactory answer to the problem experienced and described in the complaint.
- This gives the Central Administrator an opportunity to seek any clarification, if necessary, before registering the solution or response, and relaying the outcome to the ASEAN Enterprise (*i.e.*, the complainant) or the ASEANbased Representative Entity.
- The Central Administrator relays the Destination Contact Point's response to the complaint back to the ASEAN Enterprise (the complainant) or the ASEAN-based Representative Entity.

ADDITIONAL IMPORTANT INFORMATION

All solutions must be in full conformity with existing ASEAN commitments and applicable ASEAN Member States' laws and regulations.

Complainant Responds in the Satisfaction Survey

After submission of the solution by the ASEAN Member State through ASSIST, the ASEAN Enterprise (*i.e.*, the complainant) or the ASEAN-based Representative Entity is notified by email and asked to reply to a satisfaction survey by clicking on YES/NO. The ASEAN Enterprise (*i.e.*, the complainant) or the ASEAN-based Representative Entity is then redirected to the ASSIST website to answer the survey and is invited to give comments, particularly if not satisfied.

- If the ASEAN Enterprise (*i.e.*, the complainant) or the ASEAN-based Representative Entity that lodged the complaint is not satisfied with the proposed outcome, it may seek to refer the case, through its ASEAN Member State of business registration, to the ASEAN Compliance Body (ACB) or to the ASEAN Enhanced Dispute Settlement Mechanism (EDSM).
- The complainant may also decide to pursue national litigation or alternative dispute resolution mechanisms (*i.e.*, mediation, conciliation or arbitration) within national ASEAN jurisdictions.

WELCOME TO ASSIST	WHAT IS ASSIST?	MY COMPLAINT	LOGOUT	PROCESS	FAQ	CONTACT	DISCLAIME
Satisfaction ou	10/01/						
Satisfaction su	livey						
Please comment your response for (
Your answer		isfied with the solution					
Comments	0						
							2
		I'm not a	a robot	C			
				reCAPTCHA Privacy * Terma			
		SUBMIT	YOUR FEEDBACK				

ADDITIONAL IMPORTANT INFORMATION

When a solution to an issue is proposed, it is important to remember that ASSIST is established as a consultative process vis-à-vis ASEAN Member States and the advice given aims at solving the specific issue on the ground and not at 'deciding who is right and who is wrong' or determining the consistency with ASEAN law of the ASEAN Member States' laws, regulations, procedures and/or practices being complained against through ASSIST.

In addition, the information provided by the complainant shall be used within ASSIST and by the actors involved only for purposes of addressing the specific ASSIST complaint. Appropriate steps shall be taken to safeguard commercially sensitive or personal data at all times, especially when transferring data across the network.

The complainant may choose to withdraw the complaint at any stage until a solution has been proposed by ASSIST.

2. For an ASEAN-Registered Lawyer or Law Firm

Download Anonymous Complaint Form

If an ASEAN-registered Lawyer or Law Firm submits a complaint on behalf of its client, the lawyer or law firm must, prior to submitting the actual complaint, download the necessary form from the ASSIST website in the 'File a Complaint: ASEAN Lawyer or Law Firm' page or the following link: (<u>http://assist.asean.org/complaint/?m=42&type=law</u>), as provided below.

Submit Anonymous Form and other Required Documents to the ASEAN Secretariat/ ASSIST Central Administrator

Once the lawyer or law firm fills in the form, it must be submitted by email to the ASEAN Secretariat at <u>assist@asean.</u> <u>org</u>, along with: (i) the lawyer's or law firm's professional registration/license document (if the original language is not

English, then an unofficial translation into English should also be attached) and (ii) the company/business registration document of the client (ASEAN Enterprise) on whose behalf the anonymous complaint is filed.



- Country of Legal Registration:
- Registration Number:
- Company Registration Proof: To be attached to the email

ASEAN Secretariat Responds

The ASEAN Secretariat responds to the ASEAN-registered Lawyer or Law Firm on whether the documents that are submitted meet the requirements and are complete or not.

- If the documents are complete, then the ASEAN Secretariat provides the Confidential Case Code (CCC) by email to the lawyer or law firm, so that the actual complaint can be filed.
- If the documents are not complete, the ASEAN Secretariat requests that the lawyer or law firm sends the missing necessary documents.

Submission of Actual Complaint

The ASEAN-registered Lawyer or Law Firm prepares and submits a complaint using the online complaint form available on ASSIST's website: <u>http://assist.asean.org</u> in the 'ASEAN Lawyer or Law Firm' icon on the 'File a Complaint' tab. The input details are checked by the system to ensure that all mandatory information is present.

ADDITIONAL IMPORTANT INFORMATION

The Confidential Case Code (CCC) provided by the ASEAN Secretariat must be inserted in the actual complaint under the field provided in the 'Complaint Description' section of the form.

The ASEAN-registered Lawyer or Law Firm may then continue the ASSIST process by following the same steps in handling a complaint for an ASEAN Enterprise and ASEAN-based Representative Entity, as listed above.

C. ASSIST PROCESS FLOW

The two flow charts below illustrate the basic steps in handling a complaint. The first flow chart illustrates the steps in handling a complaint submitted by an ASEAN Enterprise or an ASEAN-based Representative Entity, while the second one illustrates the steps in handling a complaint submitted by an ASEAN enterprise or an ASEAN-based Representative Entity, while the second one illustrates the steps in handling a complaint submitted by an ASEAN enterprise or an ASEAN-based Representative Entity, while the second one illustrates the steps in handling a complaint submitted by an ASEAN enterprise or an ASEAN-based Representative Entity, while the second one illustrates the steps in handling a complaint submitted by an ASEAN-based Representative Entity.

Figure 2. Complaint Filed by an ASEAN Enterprise or an ASEAN-Based Representative Entity

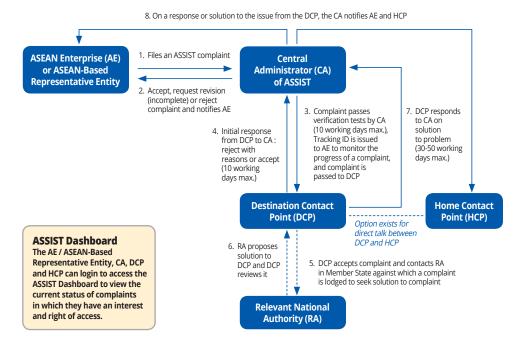
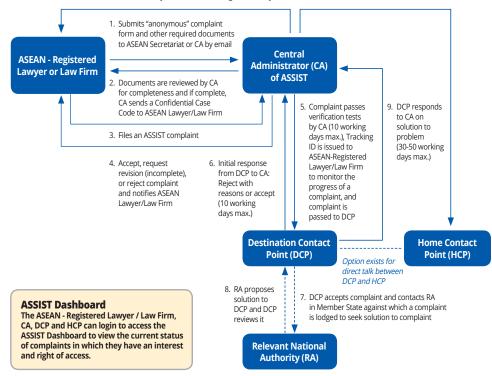
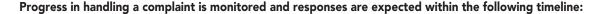


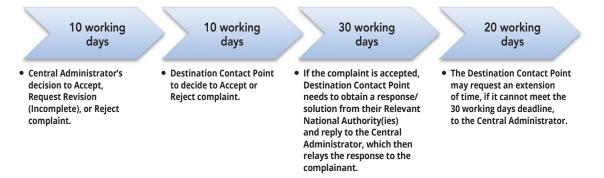
Figure 3. Complaint Filed by an ASEAN-Registered Lawyer or Law Firm

 On a response or solution to the problem from the DCP, the CA reviews it and relays result to ASEAN-Registered Lawyer/Law Firm and HCP



D. COMPLAINT HANDLING TIMELINE





1. Extensions of Time

In situations where the Relevant National Authority(ies), within the Member State against which the complaint is lodged, are actively seeking a resolution to the trade problem encountered by the complainant, and are unable to meet the 30 working day deadline set by the Central Administrator of ASSIST due to the issue being complex and requiring consultations with additional domestic authorities, the Destination Contact Point may request an extension of time.

- The Central Administrator may extend the deadline for up to 20 working days upon request of the Destination Contact Point.
- This extended deadline shall not extend the total duration of the time allocated to the Destination Country to provide a solution to more than 50 working days from when the complaint was accepted by the Destination Contact Point.
- An extension of time is recorded within the system and the Central Administrator notifies the Destination Contact Point of the extended deadline for a solution to be submitted.
- In an extension of time, the whole ASSIST process should not exceed 60 working days from when a complaint is accepted by the Central Administrator.

2. Follow-up on Overdue Actions



When some actions are overdue by the Central Administrator or the Destination Contact Point, or reminders are needed on actions to be taken within the expected time intervals, yellow or red warnings, as seen here, are displayed to the Central Administrator or Destination Contact Point's dashboards, including to the complainant's display of the status of the complaint through accessing the website.

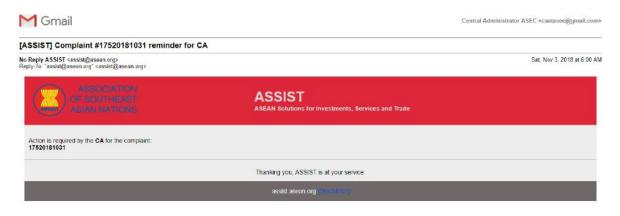
Automatic reminders via email from the ASSIST system are also sent to the Central Administrator and Destination Contact Point, with copies sent to the Home Contact Point, if no actions are taken by the Central Administrator and/or the Destination Contact Point within the required timeframes for that certain action.

- If, upon receiving a complaint, the Central Administrator does not revert to the complainant within 10 working days after a complaint is lodged, the Central Administrator will receive an automatic reminder via email from ASSIST within 7 calendar days after the complaint is lodged. The Central Administrator must decide to accept, request revision (incomplete), or reject a complaint within 10 working days.
- If the Central Administrator still has not provided a response to the complainant, the Central Administrator will receive another automatic reminder via email from ASSIST, within 14 calendar days after a complaint is lodged, informing the Central Administrator that an action is required by it in order to continue the ASSIST process.

M Gmail		AMS Y <asesnmemberstate.y@gmail.com< th=""></asesnmemberstate.y@gmail.com<>
[ASSIST] Complaint #14620181017 reminder for DCF	9	
No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>		Thu, Oct 18, 2018 at 5:00 AM
ASSOCIATION OF BOUTHEAST ASIAN NATIONS	ASSIST ASEAN Solutions for Investments, Services and Trade	
Action is required by the DCP AMS-Y for the complaint: 14520181017		
	Thanking you, ASSIST is at your service.	
	assist asean org	

An example of an email reminder to the Central Administrator that an action is overdue.

- If a complaint has been accepted by the Central Administrator and passed on to the Destination Contact Point, but the Destination Contact Point does not revert with a response within 10 working days, the Destination Contact Point will receive an automatic reminder via email from ASSIST within 7 calendar days after the complaint has been accepted by the Central Administrator. The Destination Contact Point must decide on whether to accept or reject the complaint within 10 working days.
- If the Destination Contact Point still has not provided a response, the Destination Contact Point will receive another automatic reminder via email from ASSIST, within 14 calendar days after a complaint is lodged, informing the Destination Contact Point that an action is required by it in order to continue the ASSIST process.



An example of an email reminder to the Destination Contact Point that an action is overdue.

ADDITIONAL IMPORTANT INFORMATION

The timeframe for solving cross-border problems brought under ASSIST shall be no more than 30 working days (unless an extension of maximum 20 working days has been accorded) from the date when the complaint has been accepted by the Destination Contact Point (i.e., the ASEAN Member State against which the complaint is filed).

Annex 2 'Flowchart of the ASSIST Mechanism and its Associated Timeline' of this Manual provides a detailed but easy to follow description of the ASSIST processes.

E. COMPLAINANT MAY MONITOR PROGRESS OF THE COMPLAINT

To follow progress of a complaint, select the 'Follow a Complaint' tab from the webpage at <u>http://assist.asean.org</u>, and the below page will appear. The complainant may login using their email address and the Tracking ID given in the confirmation of complaint submission message.

ASSOCIATIO OF SOUTHEAS ASIAN NATION	T 422121	Investments, Services and	l Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Follow a Com	plaint					
Please log in using your email addr	ess and the tracking ID that you	were given at the time of filing yo	ur complaint to enter the ASSIST dash	iboard and check on t	he progress of y	our proceeding.
Email			acking ID racking ID			
		LOGIN				
	Central Administrator	of ASSIST / <u>ASEAN</u> Socretariat ASSIST - Supported by	- 70A JL Sisingamangaraja - Jakarta 1 ARUSE - [Disclaimer]	2110 - Indonesia		

By using the Tracking ID, the system displays to the complainant the details of the complaint and the processing steps taken by ASSIST in the complainant's ASSIST dashboard.

In the example display of the complainant's ASSIST dashboard below, which uses fictitious data developed for tutorial developing purposes, the complaint is directed in this case against a trade problem with ASEAN Member State-Y (AMS-Y). The complainant was represented by an ASEAN-registered Lawyer because its client, a duly registered business in AMS-X (*i.e.*, the ASEAN Enterprise) wished to remain anonymous.

- The complaint has been acknowledged as received by ASSIST, by email message;
- Upon initial review by the Central Administrator, the complaint was seen as incomplete (for the reasons stated in an email to the complainant) and the Central Administrator requested the ASEAN-registered Lawyer to revise the complaint and provide additional information;
- The complaint was revised and resubmitted by the Lawyer on the same day; and
- The status of the complaint remains at this stage (according to the history of the complaint) with the Central Administrator for verification of completeness and acceptance.

WELCOME TO ASSIS	T WHAT IS ASSIST? MY C	omplaint logout	PROCESS FAQ CONTACT DISCLA	IMER
Tracking ID a	#18120181102 / AM	S-Y		
raolang ib i	101201011027744	0		
History				
Date Actio	Action By Action By AseAN-based Enterprise	Comments		
12/11/2018 16:10:12	Central Administrator of ASSIST	Dear Ms. Sierra Filviora,		
	ASSIST	Thank you for lodging your complaint u determine its eligibility under ASSIST, 1 requests additional information.	nder ASSIST. In order to properly assess your complaint and he Central Administrator of ASSIST (i.e. the ASEAN Secretarial or C	A)
		In particular, the CA requests that your	complaint be re-submitted together with information on the AMS-Y	
02/11/2018 12:19:35	Estal Conference	measure that is allegedly inconsistent v Email Confirmed	vith the ATIGA (i.e. AMS-Y's Ministry of Health's Regulation 🛝	
02/11/2018 12:18:02	Max ASEAN-based Enterprise	Line commu		
			WITHDRAW COMPLAINT	
ASEAN ENTERF	PRISE			
SEAN Enterprise Name	ARISE & Partners			
ompany Size		Address	Danube Streat No. 13 City P Country X	
hone	+36 1 7653572	City	City P	
Vebsite	www.arise&partners.com	ZIP Code	12310	
		Country	AMS-X	
CONTACT PERS	SON			
irst Name	Sierra	Address	Danube Street No. 13 City P Country X	
ast Name	Riviera	City	City P	
hone	+36 7878137686	ZIP Code	12310	
osition	Senior Associate	Country	AMS-X	
Imail	aseanlawyer0@gmail.com (Confirmed)			
COMPLAINT DE	SCRIPTION			
country of Legal Registration	AMS-X	Business Sector	Geods	
legistration Number	137911	Type of Problem Encountered	Goods / Internal taxes and charges levied on imports	
Company Registration Proof	Annex_0- Simulated_Professional_License_of_Ms_Sierra	Destination Country Riviera4.pdf	AMS-Y	
ype of Business	Expart/import			
Jescription	relation to the new socks duty imposed by AMS Health's Food Regulation Chapter 1000, Section a strategy for addressing the rising problem of of fat compensat of palm oil and of products contail discoursaring excessive consumption of products adopted and applied by AMS-Y is contrary to An	-Y (the Decimation Contact Point or DCP) of 100 of 2015. The measure adopted by AMS besity in AMS-Y. We are of the view that AM ning path oil, theraby discriminating against is containing saturated fats, independently of ide 6 of the ATIGA (on National Treatment of	t, a duy registered paim oil company in AMS-X. The complaint is in palm oil and feed products containing paim oil under its Ministry of 3-Y Introduced taxes on foods high in sugar and saturated fait is pain 5-Y measure expressity targoted paim oil and not just the saturated paim oil and demonstraing the product as a whole intensed of just thes vegetables or animal origin of the fats. Thus, we find the measures internet Taxation and Regulation(), is in much as it discriminates AMS-Y (ii e., food products containing seturated fats deriving from 5	t of 1
ittachment	Annex 2-Simulated Regulation of AMS-Y1.cd Annex 3-Simulated Legal Briet-ARISE Partne			

An example of the ASSIST dashboard of a complainant in viewing the status of its complaint.

Annex 1. REFERENCE TABLES

1.1. List of Sub-Categories of Goods¹

2.4.1. Sub—Categories of Goods

I. GOODS

- 1. <u>Tariff-related measures</u>
- 2. <u>Rules of origin</u>
- 3. Non-tariff measures

3.1 Sanitary and phytosanitary measures

- 3.1.1 Prohibitions and restrictions of imports for SPS reasons
- 3.1.2 Tolerance limits for residues and restricted use of substances
- 3.1.3 Labeling, marking and packaging requirements
- 3.1.4 Hygienic requirements
- 3.1.5 Treatment for elimination of plant and animal pests and disease-causing organisms in the final product (*e.g.*, post-harvest treatment)
- 3.1.6 Other requirements on production or post-production processes
- 3.1.7 Conformity assessment related to SPS
- 3.1.8 SPS measures not elsewhere specified

3.2 Technical barriers to trade

- 3.2.1 Prohibitions or restrictions of imports for TBT reasons
- 3.2.2 Tolerance limits for residues and restricted use of substances
- 3.2.3 Labeling, marking, and packaging requirements
- 3.2.4 Production or post-Production requirements
- 3.2.5 Product identity requirement
- 3.2.6 Product quality or performance requirement
- 3.2.7 Conformity assessment related to TBT
- 3.2.8 TBT measures not elsewhere specified

3.3 Pre-shipment inspection and other formalities

- 3.3.1 Pre-shipment inspection
- 3.3.2 Direct consignment requirement
- 3.3.3 Requirement to pass through specified port of customs
- 3.3.4 Import monitoring and surveillance requirements and other automatic licensing measures
- 3.3.5 Other formalities not elsewhere specified

¹ This classification is based on the classification proposed and endorsed for use in the ASEAN Trade Repository, with respect to notification obligations under Article 13 of the ATIGA.

3.4 Contingent trade protective measures

- 3.4.1 Antidumping measures
- 3.4.2 Countervailing measure
- 3.4.3 Safeguard measures

3.5 Non-automatic licensing, quotas, prohibitions, and quantity control measures other than for SPS or TBT reasons

- 3.5.1 Non-automatic import licensing procedures other than authorisations for SPS or TBT reasons
- 3.5.2 Quotas
- 3.5.3 Prohibitions other than for SPS and TBT reasons
- 3.5.4 Export restraint arrangement
- 3.5.5 Tariff Rate Quotas (TRQs)
- 3.5.6 Quantity control measures not elsewhere specified

3.6 Price control measures including additional taxes and charges

- 3.6.1 Administrative measures affecting customs value
- 3.6.2 Voluntary export price restraints (VEPRs)
- 3.6.3 Variable charges
- 3.6.4 Customs surcharges
- 3.6.5 Seasonal duties
- 3.6.6 Additional taxes and charges levied in connection to services provided by the Government
- 3.6.7 Internal taxes and charges levied on imports
- 3.6.8 Decreed Customs valuations
- 3.6.9 Price control measures not elsewhere specified

3.7 Finance measures

- 3.7.1 Advance payment requirement
- 3.7.2 Multiple exchange rates
- 3.7.3 Regulation on official foreign exchange allocation
- 3.7.4 Regulations concerning terms of payment for imports
- 3.7.5 Finance measures not elsewhere specified

3.8 Measures affecting competition

- 3.8.1 State trading enterprises, for importing; other selective import channels
- 3.8.2 Compulsory use of national services
- 3.8.3 Measures affecting competition not elsewhere specified

3.9 Trade-related investment measures (TRIMs)

- 3.9.1 Local content measures
- 3.9.2 Trade balancing measures
- 3.9.3 Trade-related investment measures not elsewhere specified

3.10 Distribution restrictions

- 3.10.1 Geographical restriction
- 3.10.2 Restriction on resellers

3.11 Restriction on post-sales services

3.12 Subsidies (excluding export subsidies)

3.13 Government procurement restrictions

3.14 Intellectual property

3.15 Export-related measures

- 3.15.1 Export license, quota, prohibition, and other quantitative restrictions
- 3.15.2 State trading enterprises, for exporting; other selective export channels
- 3.15.3 Export price control measures
- 3.15.4 Measures on re-export
- 3.15.5 Export taxes and charges
- 3.15.6 Export technical measures
- 3.15.7 Export subsidies
- 3.15.8 Export credits
- 3.15.9 Export measures not elsewhere specified

1.2. List of Services Sectors and Sub-Sectors²

1. BUSINESS SERVICES

1.1 Professional Services

- 1.1.1 Legal Services
- 1.1.2 Accounting, auditing and bookkeeping services
- 1.1.3 Taxation Services
- 1.1.4 Architectural services
- 1.1.5 Engineering services
- 1.1.6 Integrated engineering services
- 1.1.7 Urban planning and landscape architectural services
- 1.1.8 Medical and dental services
- 1.1.9 Veterinary services
- 1.1.10 Services provided by midwives, nurses, physiotherapists and para-medical personnel
- 1.1.11 Other professional services

1.2 Computer and Related Services

- 1.2.1 Consultancy services related to the installation of computer hardware
- 1.2.2 Software implementation services
- 1.2.3 Data processing services
- 1.2.4 Data base services
- 1.2.5 Other computer and related services

47

² This list of services sector and sub-sectors is adapted from the WTO Document #MTN/GNS/W/120, Services Sector Classification List.

1.3 Research and Development Services

- 1.3.1 R&D services on natural sciences
- 1.3.2 R&D services on social sciences and humanities
- 1.3.3 Interdisciplinary R&D services

1.4 Real Estate Services

- 1.4.1 Involving own or leased property
- 1.4.2 On a fee or contract basis

1.5 Rental/Leasing Services without Operators

- 1.5.1 Relating to ships
- 1.5.2 Relating to aircraft
- 1.5.3 Relating to other transport equipment
- 1.5.4 Relating to other machinery and equipment
- 1.5.5 Other rental/leasing services without operators

1.6 Other Business Services

- 1.6.1 Advertising services
- 1.6.2 Market research and public opinion polling services
- 1.6.3 Management consulting service
- 1.6.4 Services related to manufacturing consulting
- 1.6.5 Technical testing and analysis services
- 1.6.6 Services incidental to agriculture, hunting and forestry
- 1.6.7 Services incidental to fishing
- 1.6.8 Services incidental to mining
- 1.6.9 Services incidental to manufacturing
- 1.6.10 Services incidental to energy distribution
- 1.6.11 Placement and supply services of personnel
- 1.6.12 Investigation and security
- 1.6.13 Related scientific and technical consulting services
- 1.6.14 Maintenance and repair of equipment
- 1.6.15 Building-cleaning services
- 1.6.16 Photographic services
- 1.6.17 Packaging services
- 1.6.18 Printing, publishing
- 1.6.19 Convention services
- 1.6.20 Other business services

2. COMMUNICATION SERVICES

- 2.1 Postal services
- 2.2 Courier services

2.3 Telecommunication services

- 2.3.1 Voice telephone services
- 2.3.2 Packet-switched data transmission services
- 2.3.3 Circuit-switched data transmission services
- 2.3.4 Telex services
- 2.3.5 Telegraph services
- 2.3.6 Facsimile services
- 2.3.7 Private leased circuit services
- 2.3.8 Electronic mail
- 2.3.9 Voice mail
- 2.3.10 On-line information and data base retrieval
- 2.3.11 Electronic data interchange (EDI)
- 2.3.12 Enhanced/value added facsimile services, incl. store and forward, store and retrieve
- 2.3.13 Code and protocol conversion
- 2.3.14 On-line information and/or data processing (including transaction processing)
- 2.3.15 Other telecommunication services

2.4 Audio-visual services

- 2.4.1 Motion picture and video tape production and distribution services
- 2.4.2 Motion picture projection service
- 2.4.3 Radio and television services
- 2.4.4 Radio and television transmission services
- 2.4.5 Sound recording
- 2.4.6 Other audio-visual services

2.5 Other communication services

3. CONSTRUCTION AND RELATED ENGINEERING SERVICES

- 3.1 General construction work for buildings
- 3.2 General construction work for civil engineering
- 3.3 Installation and assembly work
- 3.4 Building completion and finishing work
- 3.5 Other construction and related engineering services

4. **DISTRIBUTION SERVICES**

- 4.1 Commission agents' services
- 4.2 Wholesale trade services
- 4.3 Retailing services
- 4.4 Franchising
- 4.5 Other distribution services

5. EDUCATIONAL SERVICES

- 5.1 Primary education services
- 5.2 Secondary education services
- 5.3 Higher education services
- 5.4 Adult education
- 5.5 Other education services

6. ENVIRONMENTAL SERVICES

- 6.1 Sewage services
- 6.2 Refuse disposal services
- 6.3 Sanitation and similar services
- 6.4 Other environmental services

7. FINANCIAL SERVICES

7.1 All insurance and insurance-related services

- 7.1.1 Life, accident and health insurance services
- 7.1.2 Non-life insurance services
- 7.1.3 Reinsurance and retrocession
- 7.1.4 Services auxiliary to insurance (including broking and agency services)

7.2 Banking and other financial services

- 7.2.1 Acceptance of deposits and other repayable funds from the public
- 7.2.2 Lending of all types, incl., inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction
- 7.2.3 Financial leasing
- 7.2.4 All payment and money transmission services
- 7.2.5 Guarantees and commitments
- 7.2.6 Trading for own account or for account of customers, whether on an exchange, in an overthe-counter market or otherwise, the following:
- 7.2.7 Participation in issues of all kinds of securities, incl. under-writing and placement as agent (whether publicly or privately) and provision of service related to such issues
- 7.2.8 Money broking
- 7.2.9 Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services
- 7.2.10 Settlement and clearing services for financial assets, incl. securities, derivative products, and other negotiable instruments
- 7.2.11 Advisory and other auxiliary financial services
- 7.2.12 Provision and transfer of financial information, and financial data processing and related software by providers of other financial services

7.3 Financial services, other

8. HEALTH-RELATED AND SOCIAL SERVICES

- 8.1 Hospital services
- 8.2 Other Human Health Services
- 8.3 Social Services
- 8.4 Other health-related and social services

9. TOURISM AND TRAVEL-RELATED SERVICES

- 9.1 Hotels and restaurants (including catering)
- 9.2 Travel agencies and tour operator services
- 9.3 Tourist guides services
- 9.4 Other tourism and travel-related services

10. RECREATIONAL, CULTURAL AND SPORTING SERVICES

- 10.1 Entertainment services
- 10.2 News agency services
- 10.3 Libraries, archives, museums and other cultural services
- 10.4 Sporting and other recreational services
- 10.5 Other recreational, cultural and sporting services

11. TRANSPORT SERVICES

11.1 Maritime Transport Services

- 11.1.1 Passenger transportation
- 11.1.2 Freight transportation
- 11.1.3 Rental of vessels with crew
- 11.1.4 Maintenance and repair of vessels
- 11.1.5 Pushing and towing services
- 11.1.6 Supporting services for maritime transport

11.2 Internal Waterways Transport

- 11.2.1 Passenger transportation
- 11.2.2 Freight transportation
- 11.2.3 Rental of vessels with crew
- 11.2.4 Maintenance and repair of vessels
- 11.2.5 Pushing and towing services
- 11.2.6 Supporting services for internal waterway transport

11.3 Air Transport Services

- 11.3.1 Passenger transportation
- 11.3.2 Freight transportation
- 11.3.3 Rental of aircraft with crew
- 11.3.4 Maintenance and repair of aircraft
- 11.3.5 Supporting services for air transport

11.4 Space Transport

11.5 Rail Transport Services

- 11.5.1 Passenger transportation
- 11.5.2 Freight transportation
- 11.5.3 Pushing and towing services
- 11.5.4 Maintenance and repair of rail transport equipment
- 11.5.5 Supporting services for rail transport services

11.6 Road Transport Services

- 11.6.1 Passenger transportation
- 11.6.2 Freight transportation
- 11.6.3 Rental of commercial vehicles with operator
- 11.6.4 Maintenance and repair of road transport equipment
- 11.6.5 Supporting services for road transport services

11.7 Pipeline Transport

- 11.7.1 Transportation of fuels
- 11.7.2 Transportation of other goods

11.8 Services auxiliary to all modes of transport

- 11.8.1 Cargo-handling services
- 11.8.2 Storage and warehouse services
- 11.8.3 Freight transport agency services
- 11.8.3 Services auxiliary to all modes of transport, other

11.9 Other Transport Services

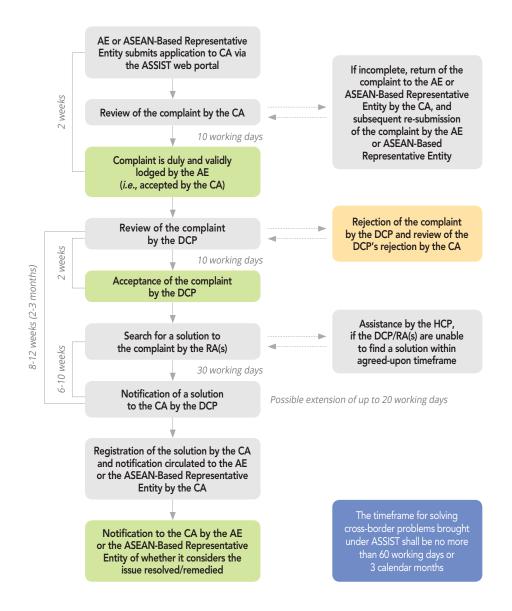
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Annex 2. FLOWCHART OF THE ASSIST MECHANISM AND ITS ASSOCIATED TIMELINE

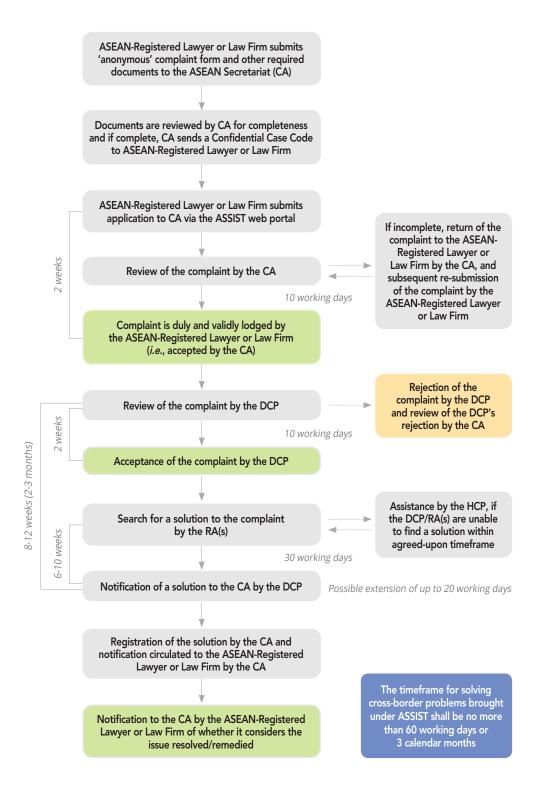
The following flowcharts provides a summary of the ASSIST process. The following acronyms apply:

- AE : ASEAN Enterprise
- CA : Central Administrator
- DCP : Destination Contact Point
- HCP : Home Contact Point
- RAs : Relevant Authority(ies)

2.1. For a Complaint Filed by an ASEAN Enterprise or an ASEAN-Based Representative Entity



2.2. For a Complaint Filed by an ASEAN-Registered Lawyer or Law Firm



Annex 3. FREQUENTLY ASKED QUESTIONS (FAQs)



1. General questions about ASSIST

1.1 Are there any charges or fees for using ASSIST? No, ASSIST can be used at no cost. There are no charges, no fees and no registration or submission costs.

1.2 Why is ASSIST currently available only for complaints related to intra-ASEAN cross-border trade in goods and trade in services?

When will it be extended to investment issues? ASSIST has been available for issues in relation to trade in goods since August 2016 and for issues occurring with respect to intra-ASEAN cross-border trade in services since 1 May 2019. ASSIST will likely be extended to investment issues in 2020.

1.3 What is meant by saying that ASSIST is non-binding?

Non-binding means ASEAN Member States may decide not to accept a complaint or to offer a solution once a complaint has been lodged on the ASSIST system. Although ASSIST is non-binding, ASEAN Member States shall deal with complaints on a best endeavour basis.

1.4 Why is ASSIST consultative in nature?

ASSIST is not a judicial system unfolding before a national or international court and it is not managed and decided by an independent judge, arbiter, mediator, panel of expert or third adjudicating body. It unfolds through direct online consultations through the ASSIST software platform between ASEANbased enterprises (companies or trade associations/chambers of commerce) and ASEAN Governments.

1.5 What kind of information will be placed on the public forum page of the ASSIST website?

Over time, the Public Forum will provide information that can be useful for ASEAN Enterprises that are looking for business solutions while doing business in the region. The information will include success stories, case studies and guides to help businesses better understand ASEAN agreements. The Forum will also encourage business to share their own experiences and useful lessons in seeking solutions in ASEAN. No confidential information will be placed on the Forum.

1.6 Will complaints remain confidential? Who has access to the information provided by a complainant in its complaint or by an ASEAN Government as part of a solution being proposed?

Confidentiality is of the utmost importance and only the complainants, the directly involved ASEAN Member States and the ASEAN Secretariat will have the right to access to the actual complaint and to the solutions proposed. (Please also see the disclaimer of liability on the ASSIST website in this regard).

1.7 Can any of the information being exchanged through ASSIST later be used in a court of law for purposes of domestic litigation or international dispute settlement (i.e., WTO and/or ASEAN)?

No. ASSIST's disclaimer (please see the link in the footer of all ASSIST's webpages) is clear. No information or statements made by complainants or by ASEAN Member States within the process of ASSIST can be used in national or international litigation. While not being enforceable in a court of law, however,

the proposed solutions may have specific value within the similar context of such complaints before the administrative authorities (*i.e.*, customs officers, trade officials, authorities issuing the import licenses, conformity assessment bodies, etc.) of the ASEAN Member State that has proposed solutions.

2. The scope of ASSIST

- 2.1 Can an ASEAN Enterprise lodge a complaint against its own country's Government? No. ASSIST is only for intra-ASEAN cross border trade issue between an ASEAN Enterprise legally registered in one ASEAN Member State and the Government of one of the other nine ASEAN Member States. Purely domestic issues vis-à-vis the home Government of the complaining enterprise cannot be referred through ASSIST. In cases where a services provider, that belongs to a parent company based in ASEAN Member State A, but that that offers its services in ASEAN Member State B, intends to file a complaint against ASEAN Member State B, it is the parent company in ASEAN Member State A that should file the complaint on ASSIST. However, the case can also be filed 'anonymously' by an ASEAN-based trade association, chamber of commerce, business council, business federation, registered lawyer or registered law firm on behalf of the actual complainant.
- 2.2 Can ASSIST be used to lodge a complaint against a Government of a country outside of ASEAN (e.g., Australia, China, the EU, Japan, Korea, the US, etc.)? No. ASSIST is only for intra-ASEAN cross border trade issue between an ASEAN Enterprise legally registered in one ASEAN Member State and the Government of one of the other nine ASEAN Member States.
- 2.3 Can a complainant lodge a complaint in relation to a measure that is already before national courts in domestic litigation, or that is the object of an ongoing arbitration or that has been taken up by its Government within WTO or ASEAN under the respective dispute settlement mechanisms?

No. If a complaint is lodged under any such circumstances, the ASEAN Secretariat or the Destination country will likely reject the complaint as not validly lodged.

3. Before lodging a complaint

3.1 Is it necessary to get permission or support from the ASEAN Government where the complainant is legally registered ahead of lodging a complaint on ASSIST?

No, it is not. ASSIST is available for direct use by ASEAN Enterprises and no permission need be sought from their home Governments. That being said, complainants are encouraged to seek their home governments' opinions and possible support ahead of filing a complaint through ASSIST.

3.2 If a complainant does not fully understand the relevant ASEAN Agreements or needs advice before lodging a complaint, what are the available resources to seek advice and guidance?

A complainant may seek their home governments' opinions and possible support ahead of filing a complaint through ASSIST. They may also seek guidance and assistance from independent consultants, lawyers, law firms, chambers of commerce, business councils, business federations, trade associations or even academia. Guidance and support by any of these actors is highly recommended when complainants are enterprises that may have technical capacity constraints with regard to understanding ASEAN issues or difficulties communicating in English.

3.3 If the complaint is a micro-, small- or medium-sized enterprise (MSME), what is the best way to seek support when filing an ASSIST complaint?

By seeking guidance and assistance from independent consultants, lawyers, law firms, chambers of commerce, business councils, business federations, trade associations or even academia. Or by seeking its home government's opinion and possible support ahead of filing a complaint through ASSIST.

3.4 How can a complainant be sure that the issue that is affecting its business activities falls within the scope of ASSIST?

The scope of ASSIST is presented on the ASSIST website. A complaint may be rejected if it falls into one of the following categories: It is not covered or regulated by any ASEAN trade agreement; It goes beyond intra-ASEAN trade; It is solely a dispute between businesses; It is not supported by sufficient and reliable information; It is subject to other legal administrative or judicial review and/or litigation; and It is addressing investment issues, which is currently not yet available under ASSIST.

Therefore, the complainant should undertake careful research on the basis of the information provided on ASSIST's website and/or by seeking guidance and assistance from its own home government or from independent consultants, lawyers, law firms, business councils, chambers of commerce, business federations and trade associations.

3.5 Why is it important to build a thorough and well-proven/well-argued case before lodging a complaint on ASSIST?

This is very important because the case will be examined by the relevant authorities involved in ASSIST. The measure or practice being challenged, or the problem being faced by the complainant must be presented clearly, and it is highly recommended that supporting documentation be provided. Complainants may even consider proposing possible solutions to facilitate the process. Comprehensively presented complaints will have a higher chance of being accepted by the Destination Country, with the objective of finding a solution.

4. Lodging a complaint

- 4.1 Does a complainant need to pre-register to show that his/her company is an ASEAN-based enterprise or trade association or is registration automatic when filing a complaint? There is no pre-registration process. The complainant must provide its national business registration number and proof of registration, which is mandatory on the complaint form on the ASSIST website. Lawyers or law firms filing complaints on behalf of their clients (anonymous complaints) must first register with the ASEAN Secretariat and file a dedicated form to obtain the Confidential Case Code from the ASEAN Secretariat.
- 4.2 Does a complainant need to fill in the online complaint form and register each time that he/she wishes to lodge a complaint or can he/she file multiple complaints with a single form? The complainant must fill in the online Complaint Form each time the enterprise (or the entity representing it, in anonymous complaints) lodges a new complaint with all the mandatory fields completed.
- **4.3** Does a complainant need to register as an ASEAN Enterprise at some central registry? No, there is no central registry. Only lawyers or law firms filing complaints on behalf of their clients (anonymous complaints) must first register with the ASEAN Secretariat and file a dedicated form to obtain the Confidential Case Code from the ASEAN Secretariat.

4.4 What does it mean to be an ASEAN Enterprise (i.e., company or trade association) legally registered in one of the 10 ASEAN Member States?

This means that the ASEAN Enterprise has fulfilled the legal obligations of the country in which it operates and has registered as a business or trade association / chamber of commerce / business council / business federation. This will be in accordance with the prevailing legislation in the respective ASEAN country. Similar criteria apply to lawyers or law firms filing complaints on behalf of their clients. They will need to show registration with one of the ASEAN Member States and the professional license to practice law in the relevant ASEAN jurisdiction.

4.5 If the complainant is the legally registered ASEAN office (*i.e.*, branch, subsidiary, representative office, plant, distribution centre, etc.) of a multinational corporation from a country outside of ASEAN, can the complaint be lodged by the complainant's "head office" located in a non-ASEAN country?

No. The complaint must be lodged by the enterprise operating in one of the ASEAN countries. However, the 'head office' can provide advice or technical support to the ASEAN Enterprise when the latter submits its complaint.

4.6 Can a complaint be lodged by a consultant, lawyer or advisor on behalf of an ASEAN Enterprise? If so, which business registration number and proof of registration should be provided?

Yes, a complaint may be filed by a consultant, lawyer or advisor on behalf of an ASEAN Enterprise, but in this case the registration number and proof of legal registration must be that of the ASEAN Enterprise (AE) being represented, because it is the AE's complaint that is being lodged. Complainants may, of course, be advised and assisted in lodging their complaints by individuals or entities not working for that ASEAN Enterprise. However, if the complaint being filed is an anonymous complaint, the business registration number (for trade associations, chambers of commerce, business councils, business federations, etc.) and proof of legal registration (for lawyers and law firms) will be those of the entity filing the complaint on behalf of the ASEAN enterprise and not of the ASEAN enterprise itself.

4.7 Can an individual person lodge a complaint on ASSIST?

No. At this point in time, ASSIST is only available for use by legally registered businesses (*i.e.*, legal entities). It is not for individuals (*i.e.*, natural persons). However, an individual lawyer may file an anonymous complaint on behalf of one of his/her clients (*i.e.*, an ASEAN-based Enterprise), so long as of course all other requirements are met.

4.8 Can a complainant lodge a complaint anonymously without using its company's name? If so, what is the alternative approach to do so?

Yes, anonymous complaints may be lodged when a complainant prefers that, for whatever reason, its identity not be revealed to the Home and/or Destination Contact Points. In order to do so, a complainant may use a trade association or similar representative entity (*i.e.*, a chamber of commerce, business council, business federation, lawyer or law firm) for the complaint to be lodged on its behalf. The ASEAN-based trade association or representative entity does not need to indicate the name of the specific ASEAN Enterprise(s) on behalf of which it files the complaint and shall simply file the complaint by using its own business registration number (*i.e.*, the business registration number in the ASEAN jurisdiction where it is incorporated or the practicing license for lawyers or law firms). Lawyers and law firms also need to preregister with the ASEAN Secretariat and file a dedicated form in order to receive a Confidential Case Code to be used when filing the anonymous complaint. This approach is also intended to allow for multiple complainants, having the same trade problem, to avoid having to file multiple complaints. It must be noted that fees may apply when representative entities provide this service to ASEAN Enterprises seeking anonymity.

4.9 Why/when should a complainant or multiple complainants consider lodging a complaint through a legally registered ASEAN trade association, business council or business federation?

This mode may be used if a number of companies all have the same trade problem or issue and they decide to use their representative business association (*i.e.*, trade associations, chambers of commerce, business councils, business federations, etc.) in order to lodge the complaint on their behalf seeking a solution for all of them. Another situation may be where the enterprise does not wish to have its identity revealed due to the potential sensitivity of an issue and would prefer for its business association to lodge the complaint on its behalf, thereby retaining anonymity. In this latter case, duly registered ASEAN-based and licensed lawyers or law firms may also be used, subject to them meeting the registration requirements with the ASEAN Secretariat.

4.10 Can a complainant upload any document (e.g., laws, correspondence with authorities, licenses, photographic evidence, legal memoranda, etc.) when filing its complaint?

Yes. In any format, as long as it is within the Mb limit for attachments that are indicated on the ASSIST online complaint form. In exceptional cases, the complainant may be requested to provide the Central Administrator with additional information by email.

4.11 Can a draft complaint be saved on the ASSIST webpage (i.e., the online complaint form) for later completion?

No. The complainant should work offline to prepare the complaint and then copy and paste the information onto the online complaint form at the time of lodging the complaint.

4.12 Can a single complaint be filed against multiple ASEAN Member States if the same trade problem is being experienced in many countries?

No. Each complaint can only be against one ASEAN Member State at any one time. The complainant would have to lodge multiple complaints if it is experiencing the same problem in more than one country.

- **4.13** Does a complainant need to mail a copy of its complaint to any of the other actors under ASSIST? No. All communications are done online through the ASSIST platform.
- **4.14** Can a complaint be lodged in a language other than English? If not, can at least some of the supporting factual and legal information (e.g., proof of company registration or copy of a national law) be provided in the language of the complainant or of the country where the trade problem is occurring? English is the language of official communication within the system and the complaint must be written in English. All supporting documents uploaded by the complainant (such as legal briefs, technical reports and the like) must be written in English. However, any official documents such as proof of registration, national laws, certificates, licenses or similar, which are written in a national official language may be uploaded onto the system in support of the complaint, but should be accompanied by an English translation. The solution from the Destination Country will also be provided in English.

5. Once a complaint is lodged

5.1 What should a complainant do if it has lost or forgotten the tracking ID number and or the e-mail used to lodge a complaint?

The complainant should contact the ASEAN Secretariat's Contact Point as shown on the ASSIST website.

5.2 What happens to a complaint if it is rejected by either the Central Administrator (CA) or the Destination Contact Point (DCP)?

Once a complaint is rejected, that particular proceeding is technically concluded and the complaint is terminated. However, a complainant may either file a new complaint under ASSIST, providing additional or new information to justify its complaint, or seek other alternative options to find appropriate solutions, including referring the matter to other dispute resolution mechanisms (see information provided below in the section on "Once a solution is provided").

5.3 Can the Central Administrator or the Destination Contact Point request additional information from the complainant (ASEAN Enterprise)?

Yes they can. The Central Administrator can send the complaint back to the Enterprise using the 'Incomplete' function on the ASSIST system and requesting further information. The Destination Contact Point can only request additional information from the ASEAN Enterprise via the Central Administrator and this is to be done 'offline' (i.e., via e-mail or telephone communication). The Destination Contact Point does not have direct contact with the ASEAN Enterprise.

5.4 Can a complainant voluntarily provide additional information after having filed its complaint? If so, what is the procedure to do so?

No. A complainant cannot provide additional information once the complaint has been accepted or rejected by either the Central Administrator or the Destination Country. To do so, the complainant would have to withdraw the complaint and lodge a new one with the additional information.

5.5 Can a complaint be withdrawn once a complainant has lodged it? If so, what is the procedure to do so?

Yes it can. Only the complainant can withdraw the complaint at any time during the course of the proceeding. To do so, the complainant would need to log onto its ASSIST dashboard, open the complaint and click on the 'Withdraw' function. All the relevant actors under ASSIST would be automatically notified of the withdrawal by the ASSIST system.

5.6 Does the ASEAN Enterprise communicate directly with the Destination Contact Point or with the Responsible Authorities?

No. There is no direct communication at any stage in the process.

5.7 How often can a Destination Contact Point request a time extension of a maximum 20 days? Only once using the online function.

5.8 What should a complainant do if it does not hear back from ASSIST with an answer within 30 to 50 working days (i.e., 6-10 calendar weeks) from the date when the Destination Contact Point accepted the complaint?

In this case, a complainant may either contact ASSIST's Central Administrator via e-mail (see the ASSIST website for contact details of the ASEAN Secretariat's ASSIST Contact Point) to enquire about the state-ofplay of its proceeding, or contact its Home Contact Point in its own country to follow-up on its behalf with the Destination Contact Point as to why there is a delay.

6. Provision of Solutions

6.1 What can a complainant do if it does not receive a solution to its complaint?

In this case, a complainant may either contact ASSIST's Central Administrator via e-mail to enquire about the state-of-play of its proceedings, and contact its Home Country Contact Point to facilitate the process. The complainant could seek other options including dispute resolution mechanisms (e.g., the procedures of the ASEAN Enhanced Dispute Settlement Mechanism, through its home Government, or national litigation in the destination country, or arbitration, or even the procedures of the WTO Dispute Settlement Mechanism, through its Home Government, country).

6.2 What can a complainant do if it is not satisfied with the solution to its complaint?

In this case, a complainant may consider either filing a new complaint under ASSIST with new or additional factual information, or seek other alternative options, including recourse to the dispute resolution mechanisms as mentioned in 6.1 above.

- **6.3 Can a complainant appeal a proceeding that has not delivered a solution or one that is not satisfactory?** No. The ASSIST is a "non-binding" and voluntary mechanism. It is not part of a legal proceeding where the complainant can appeal a decision by a government.
- 6.4 Can a complainant file again the same complaint if it did not receive an answer or it received a solution that it did not consider satisfactory?

Yes, technically it can, but it would likely be unproductive and a waste of time and resources. However, if the complainant decides to do so, it is strongly recommended that it consider reformulating the complaint, providing additional factual evidence or legal arguments for consideration by the Destination Country.



A 'Frequently Asked Questions' page is also available for users or key actors of ASSIST under the 'FAQ' tab on the ASSIST website at: <u>https://assist.asean.org/read/faq/30/.</u>

3000

Annex 4. HYPOTHETICAL CASE STUDIES

Several case studies were developed to test the operationalisation and functioning of the ASSIST system. These simulated scenarios add realistic detail in illustrating the intended scope of ASSIST and the interaction of the complainant enterprise, the Central Administrator and the National Contact Points. The information in these five case studies is fictional and does not reflect the position of and/or any provisions with respect to any ASEAN Member States. No identification with actual companies, countries, trade in goods, services or investments is intended or should be inferred.

Step-by-step tutorials based on the following case studies were also developed for better understanding of the ASSIST process. The tutorials are available in the last section of this toolkit and also on the ASSIST website at https://assist.asean.org/read/proces/20.

The first scenario is for a complaint not falling under ASSIST, the second and third scenarios are mock trade in good cases, while the last two scenarios are hypothetical trade in services cases.

The Scenarios

Case 1:

A complaint is filed by an ASEAN Enterprise and rejected by ASSIST's Central Administrator

Reason for Rejection:

The complaint dealt with an issue that falls outside of the scope of ASSIST and so is not validly lodged by the ASEAN Enterprise.

Case 2:

A complaint that is filed by an ASEAN-based Trade Association on behalf of its Member, an ASEAN Enterprise, accepted by ASSIST's Central Administrator as validly lodged, (*i.e.*, being complete and falling within ASSIST's scope), but rejected by the Destination Contact Point

Reason for Rejection:

The complaint is rejected by the Destination Contact Point because of the same dispute having already been litigated at the World Trade Organization (WTO) in a complaint brought by the country of registration of the ASEAN Enterprise (where the Home Contact Point is located) against the country of the Destination Contact Point. This placed the complaint outside of the scope of ASSIST and within the rights of the Destination Contact Point to reject. In the case at stake, the rejection by the Destination Contact Point was sufficiently motivated and fell within the sovereignty of ASEAN Member States within the ASSIST system.

Case 3:

A complaint that is filed by an ASEAN-registered Lawyer of Law Firm on behalf of its client, an ASEAN Enterprise, accepted by the Central Administrator as having been validly lodged (*i.e.*, being complete and falling within ASSIST's scope), also accepted and solution proposed by the Destination Contact Point and accepted by the ASEAN Enterprise.

Reason for Acceptance:

The Destination Contact Point accepted the complaint as an issue for which it is willing to engage with the ASEAN Lawyer through ASSIST, interact with the domestic Relevant National Authorities (RAs) and provide a solution to the ASEAN Lawyer through ASSIST.

In the case at stake, the Home Contact Point is not actively involved, but all other possible steps in the ASSIST procedure, including the initial request by the Central Administrator for additional information from the ASEAN Lawyer, are simulated for purposes of reviewing a full-fledged ASSIST proceeding.

Case 4:

A complaint that is filed by an ASEAN Enterprise, accepted by the Central Administrator as having been validly lodged (*i.e.*, being complete and falling as within ASSIST's scope), also accepted and solution proposed and Destination Contact Point and accepted by the ASEAN Enterprise

Reason for Acceptance:

The Destination Contact Point accepted the complaint as an issue for which the particular ASEAN Member State is willing to engage with the ASEAN Enterprise, interact with the domestic Relevant Authorities (RAs) and provide a solution to the AE through ASSIST. The case at stake is structured to reflect Mode 1 (or the so-called Cross Border Supply) of international trade in services, which is defined in the ASEAN Framework Agreement on Services (AFAS) and the General Agreement on Trade in Services (GATS), *mutatis mutanda*, as the supply of a service from the territory of one country into the territory of another country or, in other words, in all commercial instances where the service moves across the border.

Case 5:

A complaint that is filed by an ASEAN Enterprise (parent company of its subsidiary company), accepted by the Central Administrator as having been validly lodged (*i.e.*, being complete and falling within ASSIST's scope), but rejected by the Destination Contact Point

Reason for Rejection:

The Destination Contact Point rejected the complaint because it finds that the allegations by the ASEAN Enterprise lacks merits as the Destination Contact Point has complied with the relevant ASEAN commitments. The case at stake falls under Mode 3 (Commercial Presence) of services trade, which is defined in GATS and AFAS, *mutatis mutanda*, as the supply of a service supplier of one country, through commercial presence in the territory of any other country.

The ASEAN Enterprise is this case is the parent company in another ASEAN Member State of its subsidiary company where the Subject ASEAN Member State or DCP is located and that is actually the one with the problem or complaint.

Case 1: Complaint Rejected by Central Administrator

The Complainant

Mr. Very Upset is a director of *Blue Sapphire Consulting Group* (the ASEAN Enterprise) and he has a post graduate degree in economics. He has been offered a job in a consultancy firm in AMS-Y (the Destination Country) and intends to move to Phnom Penh and live there on a permanent basis.

The Complaint Details

The Cambodian company indicated that it would take about one month for it to secure Mr. Upset's work permit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by the Government of AMS-Y. This is jeopardizing Mr. Upset's chances of getting the job. Mr. Upsets wishes to raise an ASSIST complaint against the Cambodian Government, though his company in AMS-X, for delaying the issuing of his work permit. The basis of Mr. Upset's complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN as well as the ASEAN Framework Agreement on Services (AFAS).

Review by ASSIST's Central Administrator

ASSIST's Central Administrator (*i.e.*, the ASEAN Secretariat) reviews the complaint and rejects it. This case appears to be an individual's private issue rather than a company issue and is, therefore, not covered by the ASEAN Agreement on Movement of Natural Persons, which states in Article 2.2 that it does not apply to measures affecting natural persons seeking to access to the employment market of another ASEAN Member State, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.

ASSIST is available for complaints triggered by ASEAN Enterprises (*i.e.*, duly registered legal entities, not natural persons) and the artificial use of a legal entity (*i.e.*, the ASEAN Enterprise), in order to address and issue that refers to interactions between an ASEAN Member States and a natural person, is not sufficient to extend the scope of coverage of ASSIST to it. In the case at stake, Mr. Upset should interact directly with AMS-Y's Ministry of Interior and/or Ministry of Labour. ASSIST is not an available instrument.

The Result

The rejection appears valid and sufficiently justified. ASSIST will consider this procedure as one where no complaint was lodged.

Case 2:

Complaint Filed by an ASEAN-Based Trade Association and Rejected by Destination Contact Point

The Complainant

The ASEAN Enterprise is a registered company in AMS-X. The ASEAN Tobacco Trade Association, the ASEAN-based Trade Association, files an ASSIST complaint on behalf of the ASEAN Enterprise against AMS-Y (the Destination Contact Point) concerning a number of AMS-Y's fiscal and customs measures affecting cigarettes exported from AMS-X to AMS-Y.

The Complaint Details

Such measures include AMS-Y's customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers. *ASEAN Tobacco Trade Association* claims that AMS-Y administers these measures in a partial and unreasonable manner and thereby violates Article 57 of the ATIGA, which incorporates into ASEAN, mutatis mutandis, the WTO Agreement on Customs Valuation. According to *ASEAN Tobacco Trade Association*, AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement.

In addition, *ASEAN Tobacco Trade Association* claims that AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the General Agreement on Tariffs and Trade (GATT) 1994, because it provides less favourable treatment for imported products than for like domestic products.

Review by ASSIST's Central Administrator

This complaint was validly lodged and is approved by the Central Administrator of ASSIST - the ASEAN Secretariat.

Details of the complaint are forwarded by the Central Administrator to the Destination Contact Point (AMS-Y) and the Home Contact Point (AMS-X).

Review and Decision by Destination Contact Point

The Destination Contact Point (AMS-Y) rejected the complaint because it argued that the case was the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism.

In fact, on 29 September 2008, AMS-X had requested the establishment of a panel to resolve a dispute that challenged exactly the same customs valuation regime of AMS-Y as it applied to imported cigarettes.

- At its meeting on 17 November 2008, the WTO Dispute Settlement Body (DSB) had established a panel, which circulated its report to the Members on 15 November 2010.
- On 22 February 2011, AMS-Y notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation covered in the panel report.
- On 17 June 2011, the Appellate Body report was circulated to Members and, at its meeting on 15 July 2011, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report.
- On 11 August 2011, AMS-Y informed the DSB that it intended to implement the recommendations and rulings of the DSB in line with its WTO obligations and that it would need a reasonable period of time to do so.
- On 23 September 2011, AMS-Y and AMS-X informed the DSB that they had mutually agreed on the reasonable period of time for AMS-Y to comply with the recommendations and rulings of the DSB.
- At a DSB meeting on 28 January 2013, AMS-Y reported that it had completed the final outstanding steps in its implementation process. However, AMS-X did not agree that AMS-Y had fully implemented the DSB's recommendations and rulings.
- At the DSB meeting of 27 February 2013, AMS-X expressed concern that it had not been informed of any progress toward resolving the remaining WTO-inconsistencies and added that it would take appropriate steps shortly.
- At the DSB meeting on 18 June 2014, AMS-Y reported that it did not have to take any further action to implement the DSB's recommendations and rulings. AMS-X disagreed and was of the view that AMS-Y had failed to comply.

Despite there not being agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved and on whether AMS-Y had complied with its WTO obligations, the complaint lodged by ASEAN Tobacco Trade

Association is one that the Destination Contact Point rightfully considered as already addressed within the WTO framework, including in light of the ASEAN obligations that ASEAN Tobacco Trade Association had referred to in its ASSIST complaint. The Destination Contact Point is sovereign in deciding whether or not it intends to engage in the ASSIST Process to offer a solution to the complaining ASEAN-based Trade Association.

The Result

The rejection appears valid and sufficiently justified. ASSIST will consider this procedure as one where the complaint was rejected and a solution has not been provided.

Case 3:

Complaint Filed by an ASEAN-Registered Lawyer or Law Firm and Solution to Complaint Proposed and Accepted

The Complainant

ARISE & Partners (the ASEAN Enterprise) is a duly registered law firm based in AMS-X. It files a complaint under ASSIST on behalf of its client, a company duly registered in AMS-X, in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015.

The Complaint Details

The measure adopted by the Government of AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in Singapore.

ARISE & Partners claims that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats.

ARISE & Partners claims in its ASSIST complaint, that the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in AMS-Y (*i.e.*, food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

Review by ASSIST's Central Administrator

This complaint was validly lodged by the ASEAN-registered Lawyer, but the Central Administrator of ASSIST requests additional information from the complainant in order to properly assess the claim and accept the complaint. In particular, the Central Administrator requests re-submission the complaint by annexing information on the AMS-Y measure that is allegedly inconsistent with the ATIGA.

Resubmits Complaint with Additional Information

ARISE & Partners resubmits the complaint and annexes both the copy (in the English language) of AMS-Y's Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015, and a legal brief detailing out its allegations, the parts of the AMS-Y measure that are considered discriminatory, and the arguments that the ASEAN Enterprise believes should be taken into consideration for purposes of accepting the complaint and possibly providing a solution.

Central Administrator Accepts

On the basis of the re-submitted and now complete complaint, the Central Administrator accepts the complaint as falling within the scope of ASSIST and as being validly lodged. The ASSIST proceeding commences and the complaint is submitted to AMS-Y (the Destination Contact Point) and copied to AMS-X (the Home Contact Point) for information.

The Destination Contact Point agrees to Accept

The Destination Contact Point (*i.e.*, AMS-Y's Ministry of Trade and Industry) reviews the complaint, informally interacts with its domestic Relevant Authorities, namely the Prime Minister's Office, the Ministry of Health, the Ministry of Finance, the Agri-Food and Veterinary Authority, and the Health Promotion Board of AMS-Y, and replies to the Central Administrator that it wishes to accept the complaint and engage in the ASSIST procedure.

Resolution Sought

Upon internal discussions between the Destination Contact Point and the Relevant Authorities, it emerges that, indeed, the measure adopted by AMS-Y, imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under Singapore's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action Plan for the Prevention and Control of Non-Communicable Diseases 2013-2020, such as diabetes and obesity.

However, AMS-Y recognizes that the measure did single-out certain products (*i.e.*, inter alia, palm oil) and did not target, in a 'neutral manner', the substances (*i.e.*, saturated fats) that the Government considers dangerous (if consumed in excess) from a dietary and health policy perspective. Therefore, the Destination Contact Point, in coordination with AMS-Y's Relevant Authorities, proposes the immediate suspension of the measure contained in its Ministry of Health Regulation Chapter 1000, Section 100 of 2015, pending its amendment to delete any express reference to specific products and application only to products containing saturated fats, irrespective of their vegetable or animal origin. Singapore underlined that its measure was never intended to have, *de jure or de facto*, any discriminatory effect or objective, being justified in science and in light of its health protection purpose and applying to all '*like*' products containing saturated fats.

Solution Proposed and Accepted

The Destination Contact Point communicated the proposed solution to the Central Administrator, which in turn informed the Relevant Authorities and Home Contact Point through ASSIST.

Having reviewed the proposed solution, *ARISE & Partners* replies to the Central Administrator through ASSIST and expresses its satisfaction at the proposed solution thereby accepting it.

ASSIST will consider this procedure as one where the complaint was accepted and a solution was provided by the Destination Contact Point and accepted by the Complainant.

Case 4: Complaint Filed by an ASEAN Enterprise and Solution to Complaint Proposed and Accepted

The Complainant

Star 88 Co., Ltd., the ASEAN Enterprise, is a duly registered shipping company in AMS-X. As a shipowner, it has entered into a two-year binding agreement since January 2018 with an import-export company in AMS-X. The scope of the agreement is to export iron and aluminium from AMS-X into AMS-Y and import rubber and cotton from AMS-Y into

AMS-X using *Star 88 Co., Ltd.*'s fleet of vessels. It has agreed to conduct this export-import transaction in round-trips from AMS-X to AMS-Y using the same vessel. The intention, inter alia, is to save cost in fuel consumption and manpower by having a full freight load in both inbound and outbound trips, thereby being able to provide a cost-effective and competitive service on a cross-border basis to customers based in both AMS-X and AMS-Y.

The Complaint Details

In August 2018, *Star 88 Co., Ltd.* learned that AMS-Y has issued a new shipping law, namely the Ministry of Trade Law No. 13 Year 2018, imposing that certain commodities can only be transported for import or export by national maritime transport companies. The four commodities (*i.e.*, iron, aluminium, rubber and cotton), are among the commodities listed in this new shipping law. This new law would certainly result in a financial loss for *Star 88 Co., Ltd.*'s business and prevent it from providing its maritime shipping services between AMS-X and AMS-Y. *Star 88 Co., Ltd.* is very worried and believes that this legislative development is contrary to free trade, to the spirit of the ASEAN Economic Community (AEC) and, possibly, against the specific commitments and obligation of AMS-Y under the relevant ASEAN economic agreements (e.g., the ASEAN Framework Agreement on Services, or AFAS).

Star 88 Co., Ltd. files a complaint under ASSIST in relation to the issuance of the new shipping law by AMS-Y. The AE argues that this new law is a clear measure of protectionism and is incompatible with free trade principles and customary law regarding international maritime services, which will seriously impact AMS-X's shipping companies that are offering cross-border maritime transport services in relation to the commodities affected by this law. Furthermore, the AE claims that this new measure by AMS-Y is a clear violation of the commitments made by AMS-Y to the World Trade Organization and, most importantly for purposes of ASSIST, is a clear violation of the Schedule of Specific ASEAN Commitments of AMS-Y under the AFAS, where AMS-Y have committed to allow foreign shipping companies that are offering cross-border freight transport services within ASEAN to operate within its waters without any limitations to market access and national treatment.

Review by ASSIST's Central Administrator

The Central Administrator of ASSIST – the ASEAN Secretariat initially reviews and accepts the complaint as falling within the scope of ASSIST and as being validly lodged.

The ASEAN Enterprise has provided proof that it is a business registered in an ASEAN Member State (*i.e.*, AMS-X) by providing its company registration number and an electronic copy of its company/business registration in both the local language and English translation (unofficial). The ASEAN Enterprise has also annexed a copy of the Ministry of Trade Law No. 13 Year 2018 that is allegedly in violation of the Schedule of Specific ASEAN Commitments of AMS-Y under the AFAS. The AE has also given a detailed description in the complaint form of the problem in the context of the new law and of its allegations, which the Central Administrator deems sufficient.

Details of the complaint is submitted to AMS-Y (the Destination Contact Point or DCP) and copied to AMS-X (the Home Contact Point or HCP) for information.

Destination Contact Point Accepts Complaint

AMS-Y's Destination Contact Point, (*i.e.*, the Ministry of Trade of AMS-X) reviews the complaint, informally interacts with its domestic Relevant Authorities (RAs), namely the Directorate General of International Trade, the Ministry of Transportation, the Ministry of Marine Affairs and Fisheries, and the Ministry of Finance, and communicates to the Central Administrator that it wishes to accept the complaint and engage in the ASSIST procedure.

Resolution Sought

Upon internal discussions between the DCP and the RAs, AMS-Y decides to postpone the application of the new regulation requiring exporters and importers of certain commodities, including iron, aluminium, cotton and rubber,

69

to use only AMS-Y's domestic vessels (*i.e.*, vessels belonging to maritime shipping companies based in AMS-Y), as there has also been criticism and disagreements from local exporters that this new regulation will possibly affect export volumes and State revenues, as it will discourage or alienate foreign investors, as many buyers of the restricted commodities are now pending finalization of their contracts. However, AMS-Y stated that it did not intend for the regulation to be seen as a protectionist measure against foreign vessels and in violation of free trade principles. AMS-Y underlined that its measure was initially intended to encourage AMS-Y's shipping industry to increase domestic shipping capacity as more than 90% of all shipping in AMS-Y waters is handled by foreign vessels. Thus, for example, in the rubber industry more than 90% export shipments are conducted by foreign vessels. Domestic shipping capacity was estimated at 50 million tons in 2017, while foreign vessels shipped 800 million tons in the same year, which is a major difference.

AMS-Y added that the key goal of the regulation is that domestic shipping services companies start to benefit more significantly from the rising amount of sea trade in AMS-Y waters. Currently, most of the contracts and volumes of sea trade are dominated by foreign shipping service companies. However, AMS-Y agrees that it requires a more gradual process rather than a sudden break, thus the decision to postpone indefinitely (although not to revoke) the application of the new law.

Solution Proposed and Accepted

The Destination Contact Point communicated the proposed solution to the Central Administrator, which in turn informed the Relevant Authorities and Home Contact Point through ASSIST.

Having reviewed the proposed solution, *Star 88 Co., Ltd.* replies to the Central Administrator through ASSIST and expresses its satisfaction at the proposed solution thereby accepting it.

ASSIST will consider this procedure as one where the complaint was accepted and a solution was provided by the Destination Contact Point and accepted by the Complainant.

Case 5:

Complaint Filed by an ASEAN Enterprise (Parent Company of its Subsidiary Company) and Rejected by Destination Contact Point

The Complainant

AirTel Co., Ltd. is a duly registered telecommunications company in AMS-Y. It is a subsidiary company of AirTel Holdings, Inc. which is based in AMS-X. 80% of the total shares issued by AirTel Co., Ltd. are owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses.

A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level

management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. *AirTel Co., Ltd.* feels that it has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce.

The revoking of *AirTel Co., Ltd.*'s license and the amendment of the business license regulation has caused the shares of *AirTel Co., Ltd.*'s parent company, *AirTel Holdings, Inc.*, to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. *AirTel Co., Ltd.* believes that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS).

The Complaint Details

AirTel Co., Ltd. decides to lodge its complaint through ASSIST. However, under ASSIST, an ASEAN Enterprise legally registered in AMS-Y cannot lodge a complaint against AMS-Y for a measure adopted or maintained by the latter. With respect to trade in services, this principle would rule out any complaint being lodged under Mode 3 on Commercial Presence, where an ASEAN Enterprise legally registered and 'commercially present' in AMS-Y would need to bring a complaint against a measure of AMS-Y. Thus, *AirTel Co., Ltd.* decided to request its parent company, *AirTel Holdings, Inc.,* which is based and legally registered in AMS-X, to bring this case under ASSIST against AMS-Y.

Thus, *AirTel Holdings, Inc.*, the ASEAN Enterprise, a duly registered company in AMS-X, files a complaint under ASSIST in relation to the revocation of the license of its subsidiary company, *AirTel Co., Ltd.* which is registered in AMS-Y. *AirTel Holdings, Inc.* argues that the revocation of the license of *AirTel Co., Ltd.* and the amendment of the Telecommunications Business License Act are illegal acts in the telecommunications sector by AMS-Y and thus, a discrimination against foreign investors and in clear violation of the Schedule of Specific ASEAN Commitments of AMS-Y under the AFAS where AMS-Y have committed to allow commercial presence of a foreign company (*i.e.,* the Mode 3 provision of telecommunication services), in other words the legal right for foreign operators, legally registered in another ASEAN Member State to provide the service through commercial establishment, without any limitations to market access and national treatment.

Review by ASSIST's Central Administrator

The Central Administrator of ASSIST – the ASEAN Secretariat initially reviews and accepts the complaint as falling within the scope of ASSIST and as being validly lodged.

The ASEAN Enterprise has provided proof that it is a business duly registered in an ASEAN Member State by providing its company registration number and an electronic copy of its company/business registration in both the local language and English translation (unofficial). The ASEAN Enterprise has also annexed a copy of the AMS-Y Specific Schedule of ASEAN Services Commitments, specifically in the Telecommunication Services sector, as well as the AMS-Y 2010 Telecommunications Business License Act No. 1500 and the amended act (2018).

Details of the complaint is submitted to AMS-Y (the Destination Contact Point or DCP) and copied to AMS-X (the Home Contact Point or HCP) for information.

Review and Decision by Destination Contact Point

AMS-Y's Destination Contact Point, (*i.e.*, the Ministry of Trade of AMS-X) reviews the complaint, informally interacts with its domestic Relevant Authorities (RAs), namely the Ministry of Telecommunications, the National Communication Authority, and the Ministry of Commerce, and communicates to the CA that it wishes to reject the complaint.

The Destination Contact Point finds sufficient basis that AMS-Y has complied with its relevant ASEAN commitments and that the complaint lacks merit. It argues that, although under the AFAS Schedule of Specific Commitments, AMS-Y has no limitations on foreign ownership, it is stated in its Horizontal Commitments that, as a limitation to market access, the Commercial Presence of the foreign service provider(s) may be in the form of a joint venture and/or representative office, which should meet the following requirements: (i) not more than 49% of the capital share of the company may be owned by foreign partner(s); (ii) at least three quarters of the company's senior level management and the person authorized to sign any binding commitments as a representation of the company must be AMS-Y nationals. Thus, the amendment of the 2018 Telecommunications Business License Act No. 1500 is not in violation of AMS-Y's Schedule of Services Commitments.

In response to AE's claim that it has not received any notification from AMS-Y on the new amendment, AMS-Y responded that the Government of AMS-Y has promulgated the amendment of the law through official government websites and local newspapers after it has been approved on 1 September 2018.

The Result

The Destination Contact Point's reasons for rejection are sent to the Central Administrator and it is reviewed for language and sufficiency of information. The Central Administrator accepts the reason of rejection as it appears valid and sufficiently justified. The Central Administrator: (i) notifies the ASEAN Enterprise of the decision; (ii) informs the ASEAN Enterprise that the ASSIST proceedings are terminated; and (iii) informs the ASEAN Enterprise of its options (*i.e.*, legal action, arbitration, withdrawal of service, etc.) and advise the Central Administrator whether it intends to pursue any of these courses of actions.

ASSIST will consider this procedure as one where the complaint was rejected and a solution has not been provided.



ASSIST TUTORIALS

The tutorials are also available on the ASSIST website at <u>https://assist.asean.org/read/proces/20</u>

ASSOCIATION OF SOUTHEAST ASIAN NATIONS ASSIST WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT PROCESS FAQ CONTACT



Complaint Filed by an ASEAN Enterprise and Rejected by the Central Administrator.

Brief Description of Case: This scenario is that of a complaint that is rejected by ASSIST's Central Administrator (CA) because of it not having been validly lodged by the Complainant. In the case at stake, the rejection took place because the complaint dealt with an issue that falls outside of the scope of ASSIST.

The complaint is in relation to a delay of the complainant's work permit in the Destination Country. The complainant is a director of a consultancy firm in the Home Country with a postgraduate degree in economics, who has been offered a job in a consultancy firm in the Destination Country and intends to move and live there on a permanent basis. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by the Destination Country. This is jeopardizing the complainant's chances of getting the job. Thus, he wishes to raise an ASSIST complaint against the Destination Country, through his company in the Home Country, for delaying the issuing of his work permit. The basis of Mr. Upset's complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services (AFAS).

List of Actors and Abbreviations:

- Complainant = ASEAN Enterprise (AE)
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)

STEP

GO TO THE ASSIST WEBSITE (HTTP://ASSIST.ASEAN.ORG)

If you feel that your case is a problem on an ASEAN cross-border trade related issue, you are a business registered in an ASEAN Member State, and you would like a free of charge, non-binding, consultative service, and receive an expedited and effective solution, go to the following link: http://assist.asean.org.



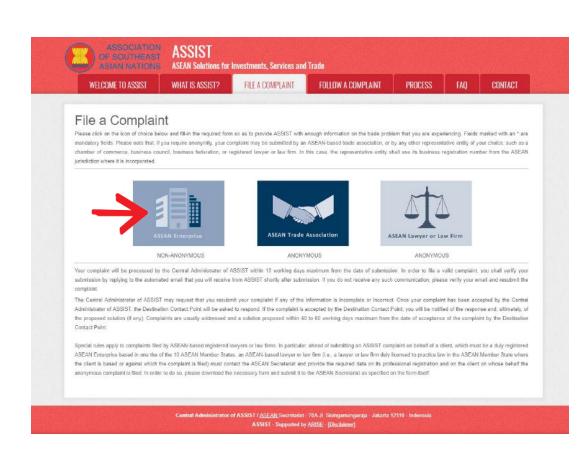
ASSOCIATION OF SOUTHEAST ASIAN NATIONS ASEAN Solutions for Investments, Services and Trade WELCOME TO ASSIST WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT

PROCESS

ROCESS

FAO

CONTACT



When you click on the 'ASEAN Enterprise' icon, the following page will appear.

OF SOUTHEAST ASIAN NATIONS		Investments, Services and	Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Complaint to be	Please fill-in the form I with an * are mandator Please note that, if you i representative entity of y forms are available unde	ielow so as to provide ASSIST y fields. equire anonymity, your complaint our choice, such as a chamber o ir the respective <u>icons</u>	PERFISE with enough information on the tra- should be submitted instead by an A commarce, business council, busines submission by replying to the auto	SEAN-based trade ass ss faderation, or regist	oclation, or by a ared lawyer or l	iny other aw firm. Dedicated
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CONTACT PERSON	1					
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° Gender ^ First Name) Mr 🔿 Mrs 🔿 Ms	* Last Name			

LCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	(
	City Country COMPLAINT DESS Country of Legal Registration Registration Number Company Registration Proof Registration Number Company Registration Proof Support Business Business Sector Services Sector Description Services Sector Description Services Sector Description Destination Country Description	CRIPTION	ZIP Code *		×.	
	Attachment There read and accept the AS Thereby submit this complaint the complaint	o the Central Administrator of ASSIST and I accept I				

Fill-in the above form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an asterisk (*) are mandatory fields. If you are not sure on what to fill-in for a field, the **1** buttons are available for detailed instructions on what to fill-in for each field. Please click on the **1** buttons to make sure that you fill-in the correct information in the form.

It is extremely important that you properly fill-in the 'Description' field. The CA will need to verify that the description given in the complaint is sufficient to clearly identify the problem in the context of the specific subject agreement(s). Thus, please carefully layout your complaint with legal arguments and factual evidence to help the CA in deciding whether to approve your complaint.

FILL-IN THE COMPLAINT FORM

STEP

3

Below is an example of a completed form for this specific case study.

ASIAN NATIONS	ASEAN Solutions for	Investments, Services and	Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Complaint to be						
Complaint to be		elow so as to provide ASSIST	erprise with enough information on the tran	le problem that you	are experienci	ng. Fields marke
1	Please fill-in the form be with an * are mandatory Please note that, if you re	elow so as to provide ASSIST fields. equire anonymity, your complain	with enough information on the transformation on the transformation of the submitted instead by an AS	SEAN-based trade ass	sociation, or by	any other
Complaint to be	Please fill-in the form be with an * are mandatory Please note that, if you re	elow so as to provide ASSIST r fields, equire anonymity, your complain sur choice, such as a chamber o	with enough information on the trac	SEAN-based trade ass	sociation, or by	any other



ASEAN Solutions for Investments, Services and Trade WELCOME TO ASSIST **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO WHAT IS ASSIST? ASEAN ENTERPRISE * ASEAN Enterprise Name Blue Sapphire Consulting Group 10 to 50 * Company Size * Phone +96131415 Website www.bluesapphirecg.com Red Sparrow Street No. 13 City V Country X * Address 254 characters remaining (300 maximum) * City ZIP Code City V 12130 * Country AMS-X CONTACT PERSON O Mrs O Ms * Gender Mr * Last Name Upset * First Name Very - Phone +96131415 * Position Director * Email aseanenterprise0@gmail.com Address Red Sparrow Street No. 13 City V Country X 204 characters remaining (300 maximum) City ZIP Code City V 12130 Country AMS-X + COMPLAINT DESCRIPTION * Country of Legal Registration AMS-X * Registration Number 123456 * Company Registration Proof Choose File Simulated Comp. Ing Group.pdf * Type of Business 6 Service provider * Business Sector Services * - Services Sector Description Consultancy 12 Other Services * Type of Problem Encountered * Destination Country AMS-Y * I am a director of a consultancy firm in $\underline{MS}_{-}X$. I have been offered a job in a consultancy firm in $\underline{MS}_{-}Y$ and intend to move and live there on a permanent basis. * Description 0 Pursuant to the job offer by the company in 200-V, they informed me that it would take about one month for it to secure my work parmit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by 200-V. This is jeopardizing my chances of getting the job. Thus, I wish to raise an ASSIST complaint against <u>AUS-Y</u>, through my company in <u>AUS-X</u>, for Attachment Choose File No file chosen + Attachment I have read and accept the ASSIST rules I hereby submit this complaint to the Central Administrator of ASSIST and Laccept its transmission to the relevant authorities of the ASEAN Member States involved 🗸 i'm not a robot SUBMIT YOUR COMPLAINT

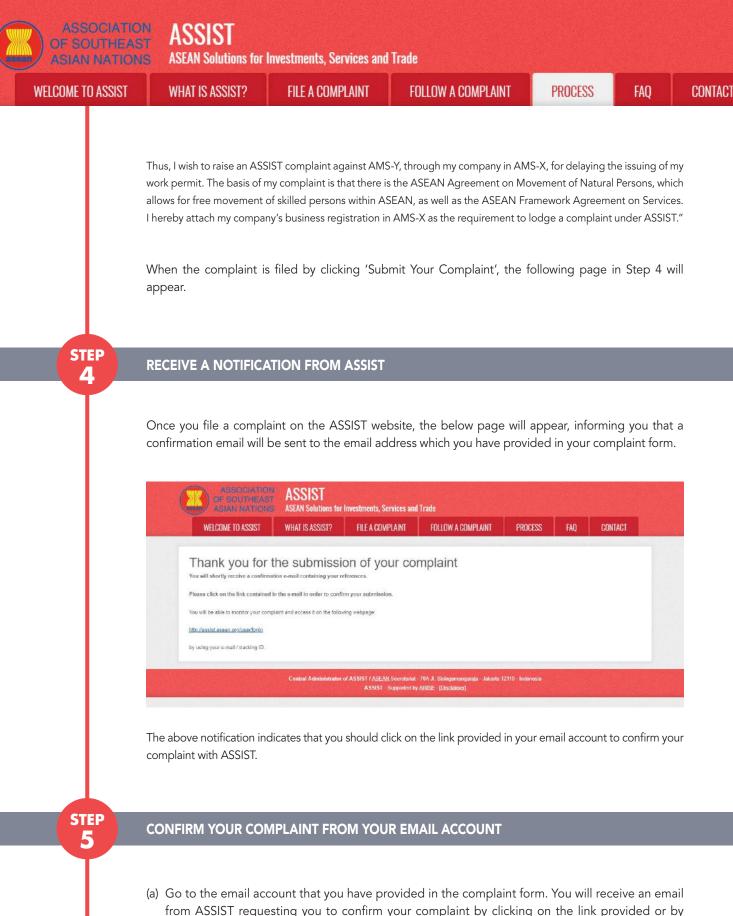
> Central Administrator of ASSIST / <u>ASEAN</u> Secretariat - 70A JL Sisingamangaraja - Jakana 12110 - Indonesi ASSIST - Supported by <u>ARSE</u> - [<u>Dischamer</u>]

Below is the AE's description of his complaint in this case study:

"I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis.

Pursuant to the job offer by the company in AMS-Y, they informed me that it would take about one month for it to secure my work permit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by AMS-Y. This is jeopardizing my chances of getting the job.

CONTACT

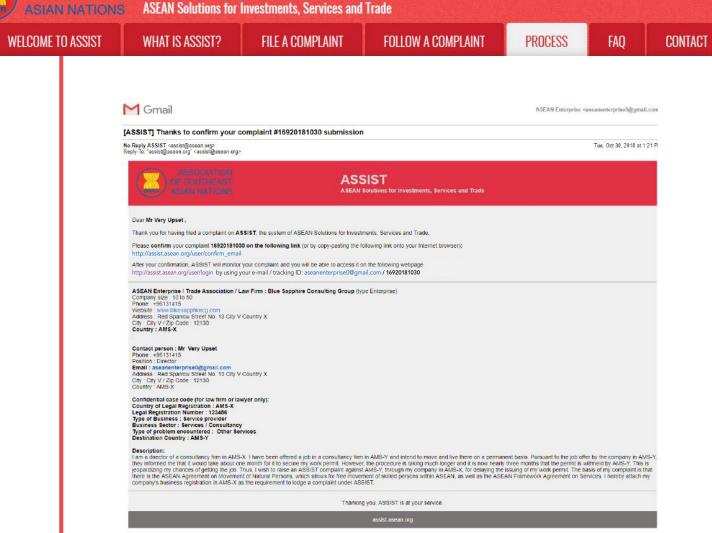


from ASSIST requesting you to confirm your complaint by clicking on the link provided or by copy-pasting the link onto the Internet browser. This is also required by ASSIST to confirm that the email address which you have provided is valid. Your complaint number is also provided in this email. In this case, your complaint number is **16920181030**.

Below is the email which you will receive from ASSIST.

80





Simulated_Company_Registration_of_Blue_Sapphire_Consulting_Group.pdf

(b) Click on the link as requested in the above email and the following page will appear.

WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Email/complair	nt confirmatio	on valid				
ank you for having confirmed you						
ur complaint will now be reviewed	by the Central Administrator	of ASSIST and you shall be notif	ied within maximum 10 working days	of whether it is:		
1) Accepted and submitted to	the Destination Country; or					
 Incomplete and returned to Delected, if felling outside 	o you for revision; or of the scope of ASSIST or not	holog a valid completed				
reason shall be provided to you in	2 1.0 1.0 C 1.0 . C 1.0 C 1.0 . C . C . C . C . C . C . C . C					

The above notification will inform you that your complaint will be reviewed by the CA and that you will be notified by email within maximum 10 working days of whether it is:

- 1) Accepted and submitted to the Destination Country; or
- 2) Incomplete and returned to you for revision; or
- 3) Rejected, if falling outside of the scope of ASSIST or not being a valid complaint.

Go to your email account.

ASSOCIATION ASSIST OF SOUTHEAST ASIAN NATIONS ASEAN Solutions for Investments, Services and Trade

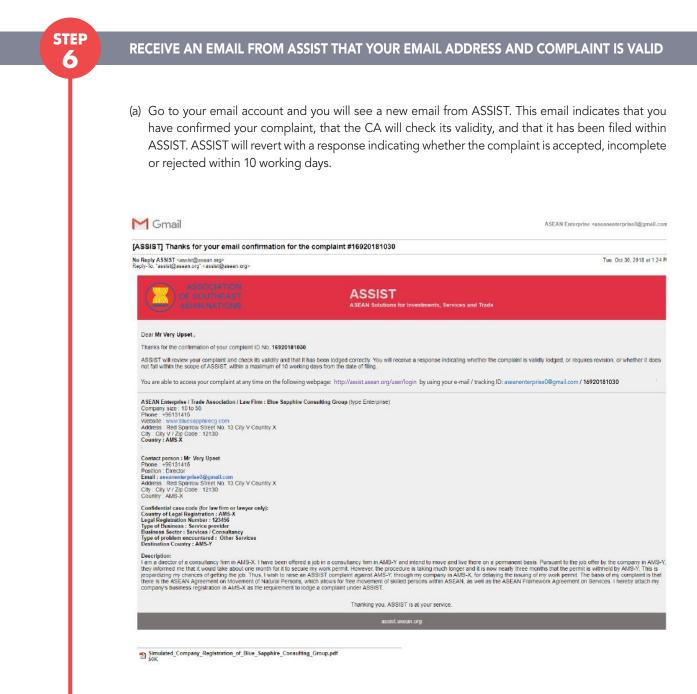
WHAT IS ASSIST?

WELCOME TO ASSIST

FOLLOW

FILE A COMPLAINT

PROCESS

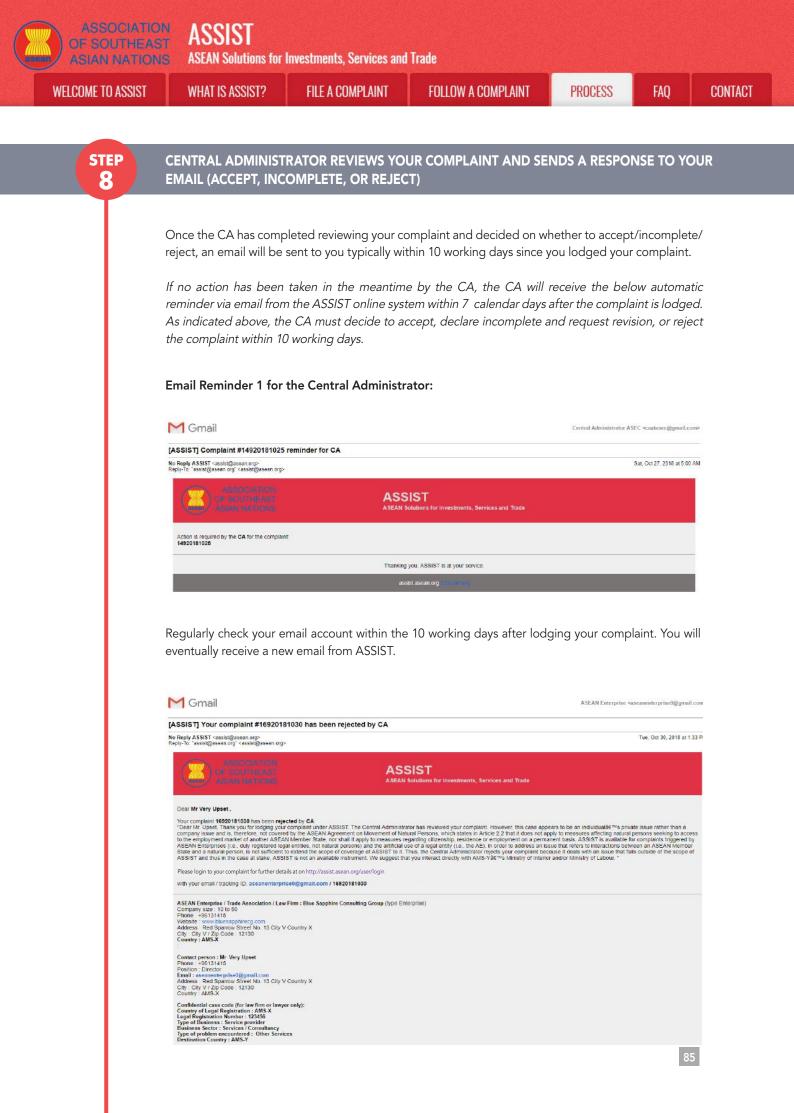


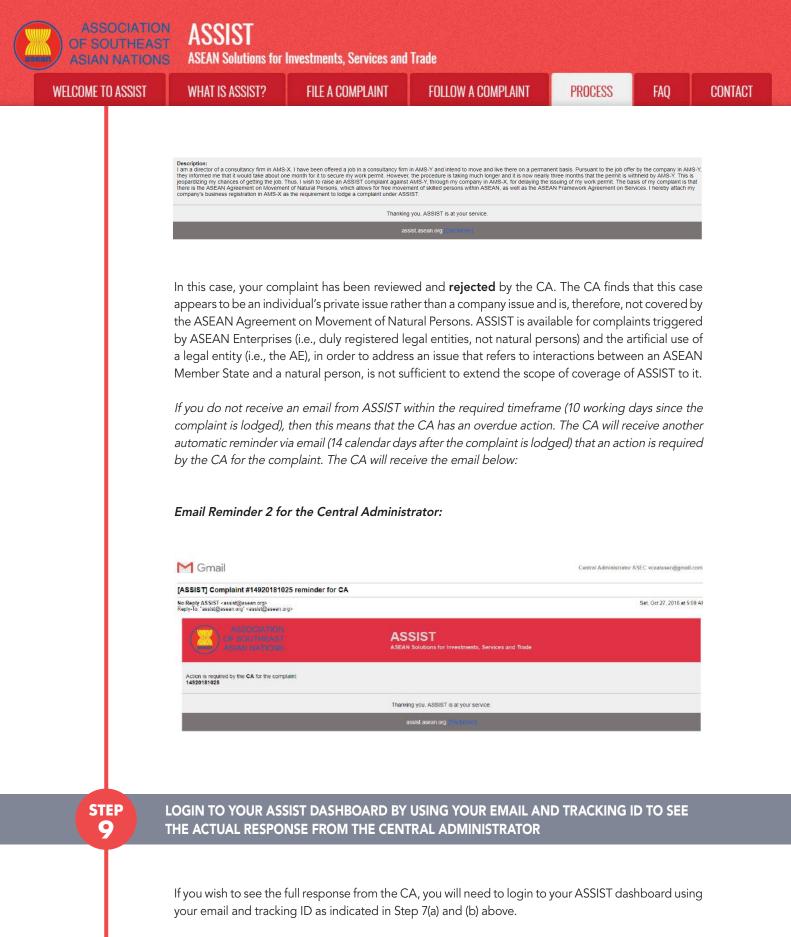
As indicated in the above email, you are now able to monitor the progress by clicking on the indicated link which will be directed to the 'Follow a Complaint' tab on the menu bar on the ASSIST Website.

ASSOCIATIO	ST ROOIOI	Investments, Services and	l Trade		
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS FA	Q CONTACT
STEP 7	MONITOR THE PROC	GRESS OF YOUR COM	/IPLAINT		
			n.org/user/login or go to the below page will appear.	e 'Follow a Complaint	' tab on
	ASSOCIATIO OF SOUTHEAS ASIAN NATION WELCOME TO ASSIST	T ASSIST		CESS FAQ CONTACT	
	Follow a Com Please log in using your email add Email Email		ne of filing your complaint to enter the ASSIST dashboard and Tracking ID Tracking ID	check on the progress of your proceeding.	
			LOGIN		
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	Once you login, you w complaint.	vill see your ASSIST d	ashboard where you can r	nonitor the progress	of your

COME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COM	API AINT	PROCESS	FAQ	CC
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(c) View of your ASSIS	ST Dashboard once you	have successfully	/ logged-in:			
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	History Date Actio	in Action By	Comments			- 1	
	30/10/2016 13:24:11		Email Confirmed				
	30/10/2018 13:21:22	ASEAN-based Enterprise					
					WITHDRAW COMPL	AINT	
	ASEAN ENTERF						
	ASEAN Enterprise Name Company Size	Blue Sapphire Consulting Group 10 to 50	Address	Red Sparrow Street No.	13 City V Country X		
	Phone	+96131415	City	City V	15 City Y Country X		
	Website	www.bluesapphirecg.com	ZIP Code	12130			
			Country	AMS-X			
	CONTACT PERS	SON					
	First Name	Very	Address	Red Sparrow Street No.	13 City V Country X		
	Last Name	Upset	City	City V			
	Phone	+96131415	ZIP Code	12130			
	Position Email	Director aseanenterprise0@gmail.com (Confirmed)	Country	AMS-X			
	COMPLAINT DE		Desta	Oradaya			
	Country of Legal Registration	123455	Business Sector Type of Problem	Services Services / Other Services			
			Encountered				
	Company Registration Proof Type of Business	Simulated_Company_Registration_of_Blue_Sapphir Service provider	e_ConsultingDessiration Country	AMS-Y			
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	Description	I am a director of a consultancy firm in AMS-X. I have Pursuant to the job offer by the company in AMS-Y. I	hey informed me that it would take abo	ut one month for it to secure my	work permit. However, the p	procedure is	
		taking much longer and it is now nearly three months an ASSIST complaint against AMS-Y, through my co					
		ASEAN Agreement on Movement of Natural Persons	s, which allows for free movement of sk	illed persons within ASEAN, as	well as the ASEAN Framew		
	Attachment	Agreement on Services. I hereby attach my company	r e ouerress regisulation in AMO-X as th	ie reduitement to todde a could	ern under Ap3131.		
		Central Administrator of ASSIST 1400	AN Secretariat - 70A JI. Sisingamanga	raja Jakarta 12010		-	1
			-Supported by ARISE - [Disclaimer]				

dashboard and this list will be regularly updated after each action is taken. Your comform, which you have submitted, is also accessible on your dashboard.





The full view of your dashboard can be seen below. As you can see, another action has been added to your 'History' indicated that the CA has **"Rejected"** your complaint.

ASSIST **ASEAN Solutions for Investments, Services and Trade** WELCOME TO ASSIST WHAT IS ASSIST? **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO CONTACT ASSIST ASEAN Solutions for Investments, Services and Trade WHAT IS ASSIST? MY COMPLAINT LOGOUT PROCESS FAO CONTACT DISCLAIMER WELCOME TO ASSIST Tracking ID #16920181030 / AMS-Y 0/10/2018 13:33:22 Dear Mr. Upset Central Administrator of ASSIST Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed your complaint However, this case appears to be an individual's private issue rather than a company issue and is, therefore, not covered by the ASEAN Agreement on Movement of Natural 30/10/2018 13:24:11 ASEAN-based Enterprise 30/10/2018 13:21:22 New ASEAN-based Enterprise WITHDRAW COMPLAINT ASEAN ENTERPRISE ASEAN Enterprise Name Blue Sapphire Consulting Group 10 to 50 Address Red Sparrow Street No. 13 City V Country X Company Size Phone +96131415 City City V Website www.bluesapphirecg.com ZIP Code 12130 Country AMS-X CONTACT PERSON First Name Address Red Sparrow Street No. 13 City V Country X Very Last Name City V Upset City Phone +95131415 ZIP Code 12130 Position AMS-X Director Country Email aseanenterprise0@gmail.com (Confirmed) COMPLAINT DESCRIPTION Country of Legal Registration AMS-X **Business Sector** Services Type of Problem Registration Number 123455 Services / Other Services Encountered Company Registration Proof Simulated_Company_Registration_of_Blue_Sapphire_ConsultingDBattingtidh Country AMS-Y Type of Business Service provider Description I am a director of a consultancy firm in AMS-X. I have been offered a job in a consultancy firm in AMS-Y and intend to move and live there on a permanent basis. Pursuant to the job offer by the company in AMS-Y, they informed me that it would take about one month for it to secure my work permit. However, the procedure is taking much longer and it is now nearly three months that the permit is withheld by AMS-Y. This is jeopardizing my chances of getting the job. Thua, I wish to relae an ASSIST complaint against AMS-Y, through my company in AMS-X, for dalaying the issuing of my work permit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the ASEAN Framework Agreement on Services. I hereby attach my company's business registration in AMS-X as the requirement to lodge a complaint under ASSIST. Attachment Central Administrator of ASSIST / <u>ASEAB</u> Secretariat - 70A JL Skillgamangaraja - Jakarta 12110 - Indonesia ASSIST - Supported by ARISE - [Disclaime]

Click on the magnifying glass icon in the comments column. The full response from the CA will appear, as can be seen below:



ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

AINT

PROCESS FAQ

CONTACT

(**x**

Dear Mr. Upset,

Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed your complaint. However, this case appears to be an individual's private issue rather than a company issue and is, therefore, not covered by the ASEAN Agreement on Movement of Natural Persons, which states in Article 2.2 that it does not apply to measures affecting natural persons seeking to access to the employment market of another ASEAN Member State, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis. ASSIST is available for complaints triggered by ASEAN Enterprises (i.e., duly registered legal entities, not natural persons) and the artificial use of a legal entity (i.e., the AE), in order to address an issue that refers to interactions between an ASEAN Member State and a natural person, is not sufficient to extend the scope of coverage of ASSIST to it.

Thus, the Central Administrator rejects your complaint because it deals with an issue that falls outside of the scope of ASSIST and thus in the case at stake, ASSIST is not an available instrument. We suggest that you interact directly with AMS-Y's Ministry of Interior and/or Ministry of Labour.

The rejection appears valid and is sufficiently justified. ASSIST will consider this procedure as one where no complaint was ever lodged.



WELCOME TO ASSIST

FAO



Complaint Filed by an ASEAN-Based Trade Association on behalf of its Member, an ASEAN Enterprise, Accepted by Central Administrator and Rejected by Destination Contact Point.

Brief Description of Case: This scenario is that of a complaint that is accepted by ASSIST's Central Administrator as having been validly lodged by an ASEAN-based Trade Association on behalf of its member, an ASEAN Enterprise/ AE (i.e., being complete and falling within ASSIST's scope). The complaint is lodged by the ASEAN-based Trade Association because the AE wishes to remain anonymous. However, the case is rejected by the Destination Country because of the same dispute having already been litigated at the World Trade Organization (WTO) in a complaint brought by the country of registration of the AE (where the Home Country is located) against the Destination Country. In the case at stake, the rejection by the Destination Country was sufficiently motivated and fell within the sovereignty of ASEAN Member States within the ASSIST system.

The complaint is in relation to several fiscal and custom's measures of the Destination Country affecting cigarettes exported from the Home Country to the Destination Country. Such measures include the Destination Country's customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers. The ASEAN-based Trade Association claims that the Destination Country administers these measures in a partial and unreasonable manner and thereby violates Article 57 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN, mutatis mutandis, the WTO Agreement on Customs Valuation. According to the ASEAN-based Trade Association, the Destination Country does not use transaction value as the primary basis for customs valuation and fails to conform to the sequence of valuation methods mandated by Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement. In addition, the ASEAN-based Trade Association claims that the Destination Country's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the General Agreement on Tariffs and Trade (GATT) 1994, because it provides less favourable treatment for imported products than for like domestic products.

List of Actors and Abbreviations:

- Complainant = ASEAN-Based Trade Association = ASEAN Trade Association
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)
- Relevant National Authorities = Relevant Authorities (RAs)



ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

CONTACT

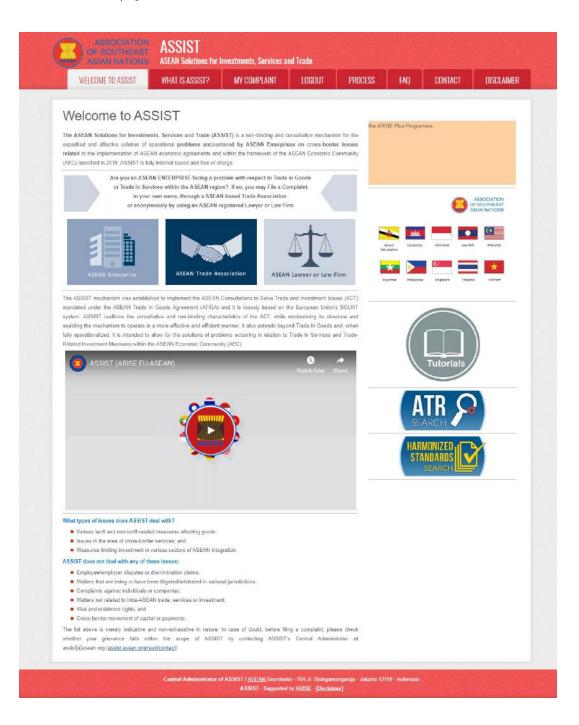
FAO

STEP 1

GO TO THE ASSIST WEBSITE (HTTP://ASSIST.ASEAN.ORG)

If you feel that your case is a problem on an ASEAN cross-border trade related issue, you are a business registered in an ASEAN Member State, and you would like a free of charge, non-binding, consultative service, and receive an expedited and effective solution, go to the following link: http://assist.asean.org.

Below is the homepage of ASSIST.





WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

PROCESS

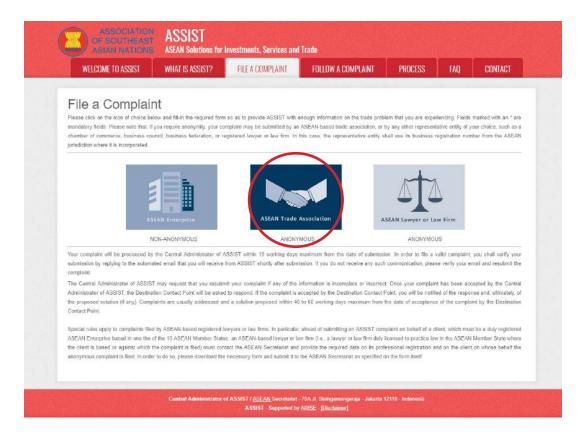
FAQ CONTACT

STEP 2

SELECT THE 'FILE A COMPLAINT' TAB (ASEAN TRADE ASSOCIATION ICON)

If you are an ASEAN-based trade association filing a complaint on behalf of your member or a multitude of members (anonymously) having the same trade problem, click on the 'ASEAN Trade Association' icon on the 'File a Complaint' tab.

Please note that, as an ASEAN-based trade association, you need to file the complaint in your own name as your member is anonymous. ASEAN-based representative entities, include trade associations, can file complaints against the ASEAN Member State where they are registered, so long as the trade problem is of a cross-border nature.



When you click on the 'ASEAN Trade Association' icon, the following page will appear.

ASIAN NATIONS	ASSIST ASEAN Solutions for	Investments, Services and	l Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Complaint to b	e Filed by ar	ASEAN-Bas	ed Trade Assoc	ciation		
	anonymous case on beh	alf of one of their members or or	ociations, chambers of commerce, bus behalf of a multitude of their member	s having the same trac	de problem. In s	uch cases, the
			In its own name. ASEAN-based repre rade problem is of a cross broder natu		file complaints a	igainst the ASEAN
	Intemper clate where the					
	Please fill-in the form t	elow so as to provide ASSIST	with enough information on the tra	de problem experien	ced by the ASE	AN Enterprise
ASEAN Trade Association	Please fill-in the form b	he ASEAN-based trade associ	with enough information on the tra- ation, chamber of commerce, busin			



AST ASSIST

SEAN Solutions for Investments, Services and Trade

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	Website					
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	* Country		*			
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	* Position					
	* Email					
	Address					
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	City		ZIP Code			
	Country	-	*			
	COMPLAINT DES	CRIPTION				
	* Country of Legal Registration	0	-			
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	* Type of Business * Business Sector	O Goods			*	
	- Services Sector Description				_	
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	* Destination Country	0	•			
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		5000 characters remaining	(5000 medmum)			
	Attachment	Choose File No f		1		
	I have read and accept the AS	SSIST <u>niles</u>				
	I hereby submit this complaint	to the Central Administrator of ASSIST and Laccept it	is transmission to the relevant authorities of the ASEAN Mem	ber States involved		
		[] I'm no	t a robot			
			An or a factor of the second s			
		S	UBMIT YOUR COMPLAINT			

Fill-in the above form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an asterisk (*) are mandatory fields. If you are not sure on what to fill-in for a field, the **①** buttons are available for detailed instructions on what to fill-in for each field. Please click on the **①** buttons to make sure that you fill-in the correct information in the form.

It is extremely important that you properly fill-in the 'Description' field. The CA will need to verify that the description given in the complaint is sufficient to clearly identify the problem in the context of the specific subject agreement(s). Thus, please carefully layout your complaint with legal arguments and factual evidence to help the CA in deciding whether to approve your complaint.

COME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ CON
STEP	FILL-IN THE COMPLA				_
3					
T	Below is an example of	a completed form for t	his specific case study.		
	ASSOCIATIC OF SOUTHEAT	ST ASSIST	Services and Trade		
	WELCOME TO ASSIST		OMPLAINT FOLLOW A COMPLAINT	PROCESS FAQ CO	TATIN
	Complaint to	be Filed by an ASEA	N-Based Trade Associa	ation	
		ASEAN-based representative entities, su anonymous case on behalf of one of their ASEAN-based representative entity will fi	ch as trade associations, chambers of commerce, busines r members or on behalf of a multitude of their members ha le the complaint in its own name. ASEAN-based represen	ss councils or business federations may file aving the same trade problem. In such case	is, the
		Please fill-in the form below so as to p	so long as the trade problem is of a cross broder nature rovide ASSIST with enough information on the trade p	problem experienced by the ASEAN Ente	reprise
	ASEAN Trade Associati		d trade association, chamber of commerce, business		
	In order to file a valid complaint your spam/junk boxes)	, you shall verify your submission by replying	to the automated email that you will receive from ASSI	IST shortly after submission (please che	ck also
	ASEAN-BASED TI * ASEAN-based Trade Associati	RADE ASSOCIATION			
	* Phone	on Name ASEAN Tobacco +12 905903901	Trade Association		
	Website	www.aseantobac	co.com		
	* Address	Barbecue Road City A Country X	No. 78		
		Country X			
		250 ottaradiara remainin	g (300 maximum)		
	* City	City A	ZIP Code 90210		
	* Country * ASEAN Jurisdiction where the	AMS-X Entity is Established Country X			
	CONTACT PERSO	and a second second second second			
	"Gender	® Mr ⊖ M	is 🔘 Ms		
	* First Name	Stephen	*Last Name Bogua		
	* Phone	+12 905903901			
	* Position	Chairman			
	* Email Address		lation@gmail.com		
	end and	Barbecue Road City A Country X	NG. 78		
				đ	
	City	250 characters remaining City A	g (300 maximum) ZIP Code 90210		
	Country	AMS-X	*		
	COMPLAINT DES	CRIPTION			
	* Country of Legal Registration	O AMS-X			
	* Registration Number	131213			
	* Entity Registration Proof		nnex 1-Simulatssociation.pdf		
	* Type of Business * Business Sector	Retailer Goods	*		*
	- Services Sector Description	0			
	* Type of Problem Encountered	3.6.8 Decreed Ci	stoms valuations		•
	* Destination Country * Description	AMS-Y	-		
	- Description	We are a tobac would like to customs measure	co trade association which represent a regist file an ASSIST complaint against AMS-Y concer- es affecting cigarettes exported from AMS-Y ion practices, excise tax, health tax, VAT re-	ered tobacco company in <u>AMS-X</u> . We ning a number of <u>AMS-Y's fiscal an</u> o <u>AMS-Y</u> . Such measures include <u>AMS</u>	d
		and import gua	rantees imposed upon cigarette importers.		5
		Atig-Y administ Article 57 of mutandis, the	ers these measures in a partial and unreasonal the <u>ASEAN</u> Trade in Goods Agreement (<u>ATIGA</u>), w World Trade Organization (WTO) Agreement on C	ble manner and thereby violates hich incorporates into <u>ASEAN</u> , <u>muta</u> ustoms Valuation. AMS-Y does not w	tia *
		3661 diteracters remain	ng (5000 maximum)		5
	Attachment		nnex 2-Simulated F., Scheme of AMS-Y.pdf + Attachr	ment	
	I have read and accept the AS I hereby submit this complaint to		It its transmission to the relevant authorities of the ASEAN	Member States involved	
			-		
		✓ ſm	INCAPTCHA Prize-Theme		
		100 C			
			SUBMIT YOUR COMPLAINT		



WHAT IS ASSIST?

PROCESS

FAO

As an example of a clear and concise description of the complaint, below is the description for this specific case study:

"We are a tobacco trade association which represent a registered tobacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y concerning a number of AMS-Y's fiscal and customs measures affecting cigarettes exported from AMS-X to AMS-Y. Such measures include AMS-Y's customs valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers.

AMS-Y administers these measures in a partial and unreasonable manner and thereby violates Article 57 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN, mutatis mutandis, the World Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation and fails to conform to the sequence of valuation methods mandated by Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement.

In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses to sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the General Agreement on Tariffs and Trade (GATT) 1994, because it provides less favourable treatment for imported products than for like domestic products."

When the complaint is filed by clicking 'Submit Your Complaint' tab, the following page in Step 4 will appear.

STEP Δ

RECEIVE A NOTIFICATION FROM ASSIST

WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
WELGOME TO AGOIOT	WINE IS ASSIST?	TILE & GUMPLAINT	TULLOW A GUMPLAINT	ГКОЦЕЗА	raų	GUNTAGT
Thank you for			mplaint			
'ou will shortly receive a confirma	tion e-mail containing your r	eferences.				
lease click on the link contained	in the e-mail in order to conf	irm your submission.				
ou will be able to monitor your com	plaint and access it on the folio	wing webpage.				
ttp://assist.asean.org/user/login						
y using your e-mail / tracking ID.						
, and the second s						

The above notification indicates that you should click on the link provided in your email account to confirm your complaint with ASSIST.

ASSIST ASEAN Solutions for Investments, Services and Trade **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO CONTACT WELCOME TO ASSIST WHAT IS ASSIST? STEP CONFIRM YOUR COMPLAINT FROM YOUR EMAIL ACCOUNT 5 (a) Go to the email account that you have provided in the complaint form. You will receive an email from ASSIST requesting you to confirm your complaint by clicking on the link provided or by copy-pasting the link onto the Internet browser. This is also required by ASSIST to confirm that the email address which you have provided is valid. Your complaint number is also provided in this email. In this case, your complaint number is **17420181031.** Below is the email which you will receive from ASSIST. M Gmail ASEAN Trade Association <aseantradeassociation@gmail.co [ASSIST] Thanks to confirm your complaint #17420181031 submission No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org> Wed. Oct 31, 2018 at 11:55 A ASSIST nts. Services and Trade Dear Mr Stephen Bogus. Thank you for having filed a complaint on ASSIST, the system of ASEAN Solutions for Investments, Services and Trade Please confirm your complaint 17420181031 on the following link (or by copy-pasting the following link onto your internet browser): http://assist.asean.org/user/confirm emai After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the folk http://assist.asean.org/user/login by using your e-mail / tracking ID: aseanenterprise0@gmail.com / 17420181031 ASEAN Enterprise / Trade Association / Law Firm : ASEAN Tobacco Trade Association (type Trade Company size : Phone : +12 905903901 Website : www.aseantch-Website: www.aseantobacco.com Address: Barbecue Road No. 76 City A Country X City: City A / Zip Code : 90210 Country : AMS-X ASEAN Junscicition where the Entity is Established : Country X Contact person : Mr Stephen Bogus Phone : +12 905903901 Prone: +12 Subsidson Position: Chairman Email : aseantradeassociation@gmail.com Address: Barbecue Road No. 78 City A Country X City: City A: Zip Code: 90210 Country: AMS-X Confidential case code (for law firm or lawyer only): Country of Legal Registration : AMS-X Legal Registration Number : 10143 Type of Business : Retailer Business Sector : Goods ! Type of problem encountered : Decreed Customs valuations Destination Country : AMS-Y

(b) Click on the link as requested in the above email and the following page will appear.

2 attachments

Annex 2-Simulated_Fiscal_Customs_Neasures_Dual_License_Scheme_of_AMS.Y21.pdf
 Ack
 Ack

Description: We are a totacco trade association which represent a registered totacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y concerning a number of AMS-Y36^{TMS} fiscal and customs measures affecting cigareties exported from AMS-X to AMS-Y such measures include AMS-Y36^{TMS} sustoms valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon cigarette importers. AMS-Y atoministers these measures in a partial and unreasonable manner and mereby violates Article 57 of the ASEAN trade in Booods Agreement (ATIGA), which incorporates indo ASEAN, mate in Booods Agreement (ATIGA), which are required in to ASEAN. Trade in Booods Agreement (ATIGA), which are required in the sequence of valuation methods mandated by the Article 57 of the ASEAN trade in Booods Agreement (ATIGA), which requires into topacco and reliates hold regarder tenties in to bacco and the sequence of valuation methods mandated by the Article 57 of the ATIGA, which requires that to bacco and the sequence of valuation methods mandated by the Article 57 of the ATIGA, rether it uses a valuation method with no basis in the Agreement in addition, AMIS-Y46^{TMS} sual license schem which requires that tobacco and the is not expressing license to schem to the association cigaretic retainers hold scheme to licenses to early incompared licenses to scheme the attraction value and the Article 50 of the ATIGA, incorporating Article III of the GATT 1994, because provides less favourable treatment for imported products than for like domestic products.

Thanking you, ASSIST is at your service

	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ
	ASSOCIATIN OF SOUTHEA ASIAN NATION WELCOME TO ASSIST	ST ASSISI		ESS FAQ CONT	ACT
	Thank you for having confirmed Your complaint will now be revie 1) Accepted and submitte 2) Incomplete and returne 3) Rejected, if failing outsi	wed by the Central Administrator of ASSIST and you d to the Destination Country; or	shall be notified within maximum 10 working days of whether i laint.	ie:	-
			1, Secristariant - 70A. Jl. Sleingannangarnija - Jakartin 12110 - Indor Supported by ARISE - [Vischimer]	esiù	
	notified by email within 1) Accepted and suk 2) Incomplete and re	maximum 10 working c omitted to the Destination eturned to you for revision outside of the scope of	on Country; or		
6	RECEIVE AN EMAIL	FROM ASSIST THAT Y	OUR EMAIL ADDRESS A	ND COMPLAIN	IT IS VALID
T			new email from ASSIST. T eck its validity, and that it	nas been filed w	
	ASSIST will revert with within 10 working days	a response indicating w onfirmation for the complaint #17420	hether the complaint is acce	NSEAN Trade Association <aseantra< td=""><td>-</td></aseantra<>	-
	ASSIST will revert with within 10 working days Gmail [ASSIST] Thanks for your email co	a response indicating w onfirmation for the complaint #17420	hether the complaint is acce	NSEAN Trade Association <aseantra< td=""><td>adeassociation@gmail.com</td></aseantra<>	adeassociation@gmail.com

ASSOCIATION OF SOUTHEAST ASIAN NATIONS	ASSIST	Investments, Services and	Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
	measures affecting cigarettes exported from guarantees imposed upon cigarette importer incorporates into ASEAN, mutatis mutadis, and fails to conform to the sequence of value which requires that tobacco and/or cigarette provides less favourable treatment for impor 2 attachments 2 attachments 46K	ar only): stoms valuations stoms valuations stoms value of the store of the store of the store of the store ANS-X to ANS-Y. Such measures in a patie the World Trade Organization (WTO) Agreement ithe World Trade Organization (WTO) Agreement itom exhoots manaded by the Archice 3-7 of the Arch	We would like to file an ASSIST complaint against AMS- 'de"*s customs valuation practices, excise tax, health tai and unreasonable manner and thereby violates Article 5 on Customs Valuation, AMS-Y does not use transaction not imported cigarettes, is inconsistent with Article 6 of the and imported cigarettes, is inconsistent with Article 6 of the g you, ASSIST is at your service. assistLasean org	K, VAT regime, retail licensing req 7 of the ASEAN Trade in Goods A value as the primary basis for cus he Agreement. In addition, AMS- ³	uirements and import Agreement (ATIGA), whic toms valuation as require Y候s dual license sche	h ed me,

As indicated in the above email, you are now able to monitor the progress by clicking on the indicated link which will be directed to the 'Follow a Complaint' tab on the menu bar on the ASSIST Website.

STEP 7

MONITOR THE PROGRESS OF YOUR COMPLAINT

(a) Go to the following link: <u>http://assist.asean.org/user/login</u> or go to the 'Follow a Complaint' tab on the menu bar on the ASSIST Website. The below page will appear.

	Contraction of the second second					
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Follow a Com	plaint					
lease log in using your email addr	rees and the tracking ID that you	were given at the time of filing yo	ur complaint to enter the ASSIST das	board and check on t	he progress of y	our proceeding.
Email			acking ID			
Email			recking ID			
		LOGIN				

(b) Enter your email address and tracking ID (your complaint number) in the required fields to login. In this case, the **Email Address** is <u>aseantradeassociation@gmail.com</u> and the **Tracking ID** is **17420181031**.

ME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMF	PLAINT	PROCESS	FAQ
	ASIAN NATION WELCOME TO ASSIST	ONS ASEAN Solutions for Investments, Se		UNT PROCESS	FAQ CO	NTACT
	Follow a Co	mplaint				
		address and the tracking ID that you were given at the tim	ne of filing your complaint to enter the ASS	SIST dashboard and check of	on the progress of your proce	veding.
	Email aseantradeassociation@	Igmail.com	Tracking ID			
			LOGIN			
		Central Administrator of ASSIST / <u>ASEAN</u> ASSIST -	<u>t</u> Socretariat - 70A Jt. Sisingamangaraja - Supported by <u>ARISE</u> - <u>[Disclaime</u> t]	Jakarta 12110 - Indonesia		
	O	will see your ASSIST da				
	complaint.					
	complaint.					
		IST Dashboard once you	have successfully	logged-in:		
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	(c) View of your ASSI ASSOCIA	TION ASST ST ASSIST WHAT IS ASSIST? AV COMP #17420181031 / AMS- the Action By (ASEAN-based Enterprise) ASEAN-based Enterprise) PRISE ASEAN Tobacco Trade Association +12 9550301 Www.asgantobacco.com	Services and Trade LAINT LOGOUT PR Commonts Email Continued Address City ZIP Code Country Address	ROCESS FAQ Barbecus Road No. 78 I City A 98210 AMS-X Barbecus Road No. 78 I	WITHDRAW COMP City A Country X	
	(c) View of your ASSI ASSOCIAT ASS	TION ASST ST ASSIST ST WHAT IS ASSIST? MY COMP #17420181031 / AMS- tion Action By (ACTION	Services and Trade LAINT LOGOUT PR Commonts Email Continued Address City ZIP Code Country Address City City City City City City City City	ROCESS FAQ Barbecus Road No. 78 I City A 99210 AMS-X Barbecue Road No. 78 I City A	WITHDRAW COMP City A Country X	
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ASSIST ASEAN Solutions for Investments, Services and Trade WELCOME TO ASSIST **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO CONTACT WHAT IS ASSIST? on which represent a registered tobacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y Description concerning a number of AMS-Y's fiscal and customs measures affecting cloarettes exported from AMS-X to AMS-Y. Such measures include AMS-Y's customs valuation practices, excise tax, health tax, VAT regime, retail loensing requirements and import guarantees imposed upon cigarette importers. AMS-Y administers those measures in a partial and unreasonable manner and thereby violates Article 57 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN, mutatis mutands, the Wold Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATIGA, rather it uses a valuation method with no basis in the Agreement. In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cigarette retailers hold separate licenses sell domestic and imported cigarettes, is inconsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994, because it provides less favourable atte retailers hold senarate licenses to treatment for imported products than for like domestic products. Annex_2-Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf Attachment Central Administrator of ASSIST / <u>ASE AB</u> Secretariat - 70A JI. Sistegamangaraja - Jakarta 12110 - Indonesia ASSIST - Supported by ARISE - [Dischaimer] As you can see in your dashboard, the actions taken for your complaint are clearly indicated in your dashboard and this list will be regularly updated after each action is taken. Your completed complaint form, which you have submitted, is also accessible on your dashboard.

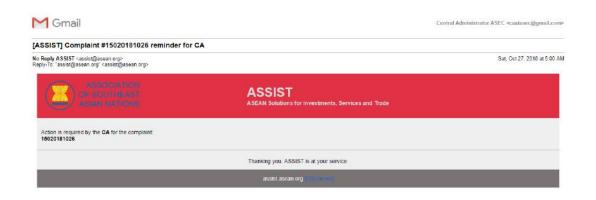
STEP 8

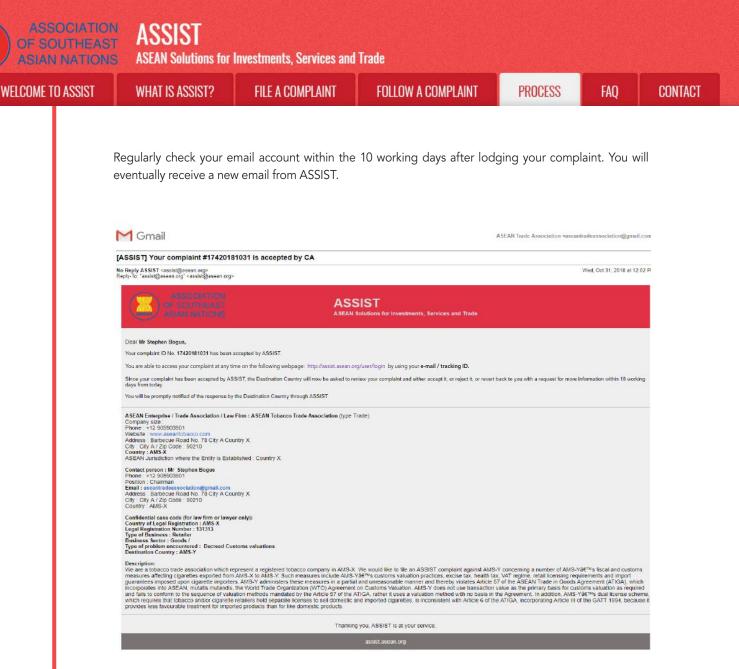
CENTRAL ADMINISTRATOR REVIEWS YOUR COMPLAINT AND SENDS A RESPONSE TO YOUR EMAIL (ACCEPT, INCOMPLETE, OR REJECT)

Once the CA has completed reviewing your complaint and decided on whether to accept/incomplete/ reject, an email will be sent to you typically within 10 working days since you lodged your complaint.

If no action has been taken in the meantime by the CA, the CA will receive the below automatic reminder via email from the ASSIST online system within 7 calendar days after the complaint is lodged. As indicated above, the CA must decide to accept, declare incomplete and request revision, or reject the complaint within 10 working days.

Email Reminder 1 for the Central Administrator:

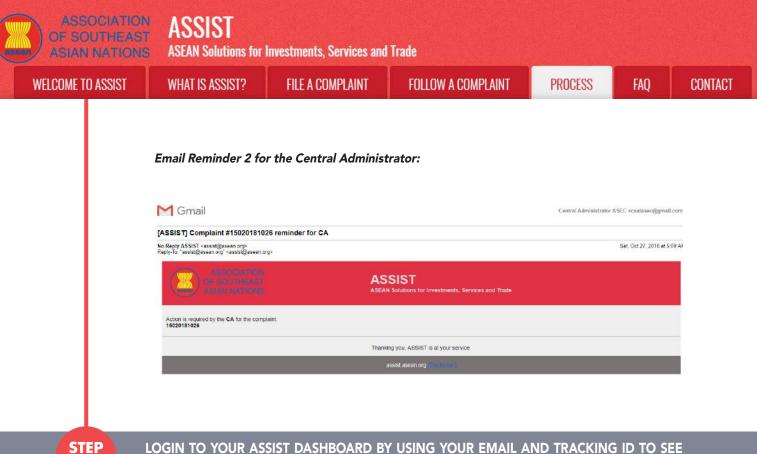




In this case, the above email shows that your complaint has been **accepted** by the CA. The email also informs you that your complaint will now be sent to the Destination Contact Point, which is the government agency (ASSIST Focal Point) in AMS-Y where you are facing trade problems and where your complaint is directed and a resolution is sought. The DCP in AMS-Y will be given 10 working days to review your complaint and either accept, reject or revert back to you with a request for more information. This is intended to give time to the DCP to examine the details of the complaint, and consult as necessary with any relevant national authorities.

The Home Contact Point, which is the government agency (ASSIST Focal Point) in AMS-X (your home country) has also been notified that your complaint is lodged.

If you do not receive an email from ASSIST within the required timeframe (10 working days since the complaint is lodged), then this means that the CA has an overdue action. The CA will receive another automatic reminder via email (14 calendar days after the complaint is lodged) that an action is required by the CA for the complaint. The CA will receive the email below:



LOGIN TO YOUR ASSIST DASHBOARD BY USING YOUR EMAIL AND TRACKING ID TO SEE THE ACTUAL RESPONSE FROM THE CENTRAL ADMINISTRATOR

9

If you wish to see the full response from the CA, you will need to login to your ASSIST dashboard using your email and tracking ID as indicated in Step 7(a) and (b) above.

The full view of your dashboard can be seen below. As you can see, another action has been added to your 'History' indicated that the CA has **"Accepted"** your complaint.

ASIAN NATIC	AST ASSAND	olutions for Investments	s, Services and Tra	de				
WELCOME TO ASSIST	WHAT IS	ASSIST? MY CO	MPLAINT LI	DGOUT	PROCESS	FAQ	CONTACT	DISCLAIME
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History		200 X						
Date Actio	n	Action By	Comments					
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31/10/2018 11:55:41	Now	ASEAN-based Enterprise						
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ASEAN ENTERP	RISE	AN Tobacco Trade Associatio						COMPLAINT
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ASEAN ENTERP ASEAN Enterprise Name Company Size Phone	RISE ASE +12 905503901 www.aseantobacco.d	AN Tobacco Trade Associatio	Addres City ZIP Coo	de	City A 90210	Road No. 78 Ca		COMPLAINT
ASEAN ENTERP ASEAN Enterprise Name Company Size Phone Website	RISE ASE +12 905503901 www.aseantobacco.d	AN Tobacco Trade Associatio	Addres City ZIP Coo	de /	City A 90210 AMS-X	Road No. 78 Ci	ty A Country X	COMPLAINT
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ASSIST ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

FAO

ountry of Legal Registration	n AMS-X	Business Sector	Goods
egistration Number	131313	Type of Problem Encountered	Goods / Decreed Customs valuations
ompany Registration Proof	Annex_1- Simulated_Entity_Registration_of_ASEAN	Destination Country _Tobacco_Trade_Association18.pdf	AMS-Y
ype of Business	Retailer		
escription	concerning a number of AMS-Y's fiscal an valuation practices, excise tax, health tax, these measures in a partial and unreasona ASEAN, mutatis mutandis, the World Trad coutoms valuation as required and fails to method with no basis in the Agreement in	d customs measures affacting cigarettes exported VAT regime, retail icensing requirements and imp bible manner and hereshy violates. Arkice 57 effice a Organization (VTO) Agreement on Customs Val conform to the sequence of valuation methods me addition, AMS ⁺ valual license acheme, which re consistent with Arkicle 6 of the ATIGA, incorporati	X. We would like to file an ASSIST complaint against AMS-Y from AMS-X to AMS-Y Such measures include AMS-Y contoms ord guarantees imposed upon digaretist importers. AMS-Y administers ASEAN Trada in Goads Agraement (ATIGA), which incorporates into luation. AMS-Y does not use transaction value as the primary basis for indiated by the Article 57 of the ATIGA. rather it uses a valuation quietes that lobocic analyce cigarette retailers hold separate licenses to right of the GATT 1994, because it provides less favourable
	Anney 2. Simulated Fiscal Customs Mea	isures Dual License Scheme of AMS-Y21.pdf	

Click on the magnifying glass icon in the comments column. The full response from the CA will appear, as can be seen below:

Dear Mr Stephen Bogus,

Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your trade association's registration document which proves that you are an entity registered in AMS-X and you have also provided us with a copy of the AMS-Y fiscal and customs measures that are in violation of Article 57 of ATIGA, mutatis mutanda, the WTO Agreement on Customs Valuation as well as a detailed explanation of the AMS-Y dual license scheme on domestic and imported cigarettes sale, which is inconsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994

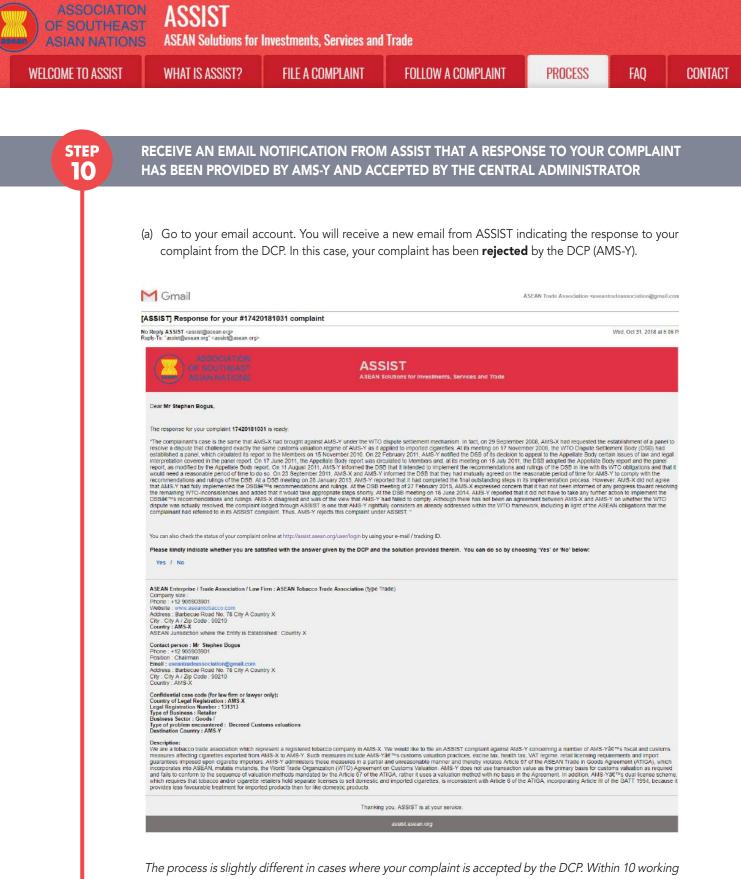
Thus, the Central Administrator finds that the nature of your complaint falls within the scope of ASSIST and that you have fulfilled all the necessary requirements to file a complaint under ASSIST.

We will forward your complaint to AMS-Y (Destination Contact Point). The Destination Contact Point will review your complaint and consult with the relevant national authorities, and will revert with a response within 10 working days on whether it has accepted or rejected your complaint.

You may monitor the progress on the handling of the complaint by login to your ASSIST Dashboard by using your Email/Tracking ID.

As informed in Step 8, once the complaint has been accepted by the CA, the complaint will be sent to the Destination Contact Point (DCP) in AMS-Y where you are facing trade problems. The DCP in AMS-Y will be given 10 working days to review your complaint and either accept or reject it. This is intended to give time for the DCP to examine the details of the complaint, and consult as necessary with any relevant national authorities. Once the DCP responds, an email will be sent to you from ASSIST informing you whether your complaint has been accepted or rejected by the DCP in AMS-Y.

Regularly check your email account within the 10 working days after the response from the CA that your complaint is accepted. You will eventually receive a new email from ASSIST.



I he process is slightly different in cases where your complaint is accepted by the DCP. Within 10 working days after the response from the CA that your complaint is accepted, you will receive an email informing that your complaint has been accepted by the DCP in AMS-Y and that the DCP will coordinate with the competent national authorities or the Responsible Authorities (RAs) to analyse your complaint in detail.

Once the RAs complete their efforts, the DCP should review the solution and provide it to the CA within the 40 working days from the date of acceptance by the DCP. Thus, to meet this deadline, a time limit should be assigned by the DCP for the RAs to find a solution. It is the responsibility of the DCP to notify the CA of any change relating to the timeframe between it and national authorities.



WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

PROCESS

The CA may extend the deadline for up to 20 working days upon request of the DCP. The system will automatically notify when the deadlines are approaching (i.e., typically, 10 calendar days before the lapse). If the DCP misses its deadline to submit a solution to the CA, the online system will notify the CA to follow-up with the DCP.

You will then receive a second email notification from ASSIST that a solution is proposed by the DCP/ AMS-Y and accepted by the CA.

However, in cases such as this one, where a complaint is **"Rejected"** by the DCP, you may not receive an email from ASSIST within the 10 working days deadline. The rejection and reason for rejection by the DCP will only be sent to the CA through ASSIST within the 10 working days. The CA will then review it for language and sufficiency of information within 5 working days from the receipt by the CA of a rejection email by the DCP.

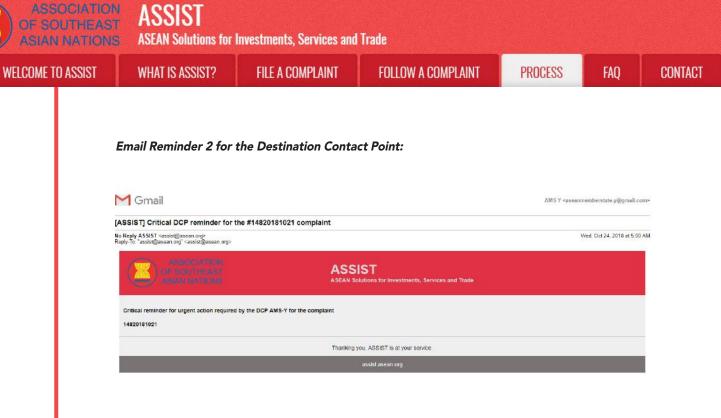
If the CA accepts the reason of rejection, a response which has been reviewed and approved by the CA is sent to your email, such as the one above. If the CA is dissatisfied with the stated reasons for the rejection by the DCP, the ASSIST system allows the CA to request the DCP to rectify the rejection. However, this option by the CA has no binding value on the DCP, and if no response within 5 working days, the online system will automatically circulate the rejection to the complainant.

If no action has been taken in the meantime by the DCP, the DCP will receive the automatic reminder below via email from the ASSIST online system within 7 calendar days after the complaint has been accepted by the CA. As indicated above, the DCP must decide to accept or reject the complaint within 10 working days from when the CA has accepted the complaint.

Email Reminder 1 for the Destination Contact Point:

M Gmail		AMS Y <aseanmemberstate.y@gmail.com></aseanmemberstate.y@gmail.com>
[ASSIST] Complaint #17020181030 reminder for DCP		
No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>		Wed, Oct 31, 2018 at 6:00 AM
ASSOCIATION of SOLFHEAST AMANING TONS	ASSIST ASEAN Solutions for Investments, Services and Trade	
Action is required by the DCP AMS-Y for the complaint: 17020181030		
	Thanking you, ASSIST is at your service.	
	assist asean org	

If you do not receive an email from ASSIST on the response by the DCP within the required timeframe (10 working days) after the complaint has been accepted by the CA, then this means that the DCP has an overdue action. The DCP will receive another automatic reminder via email (14 calendar days after the complaint is lodged) that an action is urgently required by the DCP for the complaint.



(b) Login to your ASSIST dashboard using your email and tracking ID as indicated in Step 7(a) and (b) above. The full view of your dashboard can be seen below. As you can see, another action has been added to your 'History' indicating that a solution for your complaint has been proposed. The complete ASSIST solution/response from the DCP, which has been accepted by the CA, is also provided in the first paragraph of your dashboard.

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WELCOME TO A	122121 MH	IAT IS ASSIST? MY C	OMPLAINT LOGOUT	PROCESS	FAQ	CONTACT	DISCLAIME
Tracking I	D #1742(0181031 / AM	S-Y				
ASSIST Solution							
15 July 2011, the DSB ad implement the recomment informed the DSB that the AMS-Y reported that it has rulings. At the DSB meet would take appropriate at	fopted the Appellate B idations and rulings of ay had mutually agree id completed the final ing of 27 February 201 taps shortly. At the DS	ody report and the panel report, a tribe DSB in line with its WTO obly d on the reasonable period of time outstanding steps in its implement 13, AMS-X expressed concern tha B meeting on 18 June 2014, AMS	d in the panel report. On 17 June 2 a modified by the Appellate Body re pallons and that it would need a rea for AMS-Y to comply with the reco ation process. However, AMS-X dit ation process. However, AMS-X dit t it had not been informed of any pr -Y reported that it did not have to ta	port. On 11 August 2011 sonable period of time to mmandations and rulings I not agree that AMS-Y h ogress toward resolving t ke any further action to in	AMS-Y Informe do so. On 23 S s of the DSB. At ad fully impleme he remaining W mplement the D	ed the DSB that it Inter eptember 2011, AMS- a DSB meeting on 26 ented the DSB's recon TO-inconsistencies ar SB's recommendation	nded to -X and AMS-Y I January 2013. Inmendations and nd added that it
resolved, the complaint ic complainant had referred Attachment	odged through ASSIS1		there has not been an agreement iders as already addressed within t mplaint under ASSIST.				
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ASSIST ASEAN Solutions for Investments, Services and Trade **FILE A COMPLAINT** FOLLOW A COMPLAINT WELCOME TO ASSIST WHAT IS ASSIST? PROCESS FAO CONTACT CONTACT PERSON First Name Stephen Address Barbecue Road No. 78 City A Country X Last Name Bogus City City A Phone +12 905903901 ZIP Code 90210 Position Chairman AMS-X Country ion@gmail.com (Confirmed) Email aseantrade COMPLAINT DESCRIPTION Country of Legal Registration AMS-X Business Sector Goods Type of Problem Registration Number 131313 Goods / De ed Customs valua Encountered Company Registration Proof Annex 1-**Destination Country** AMS-Y Simulated Entity Registration of ASEAN Tobacco Trade Association18.pdf Type of Business Retailer We are a tobacco trade association which represent a registered tobacco company in AMS-X. We would like to file an ASSIST complaint against AMS-Y Description concerning a number of AMS-Y's flacal and customs measures affecting cigarettes exported from AMS-X to AMS-Y. Such measures include AMS-Y's cust valuation practices, excise tax, health tax, VAT regime, retail licensing requirements and import guarantees imposed upon clgarette importers. AMS-Y administers able manner and thereby violates Article 57 of the ASEAN Trade in Goods Agreement (ATIGA), which incorpo asures in a partial and unreaso ASEAN, mutatis mutandis, the World Trade Organization (WTD) Agreement on Customs Valuation. AMS-Y does not use transaction value as the primary basis for customs valuation as required and fails to conform to the sequence of valuation methods mandated by the Article 57 of the ATTIGA, rather it uses a valuation method with no basis in the Agreement. In addition, AMS-Y's dual license scheme, which requires that tobacco and/or cloarette retailers hold separate licenses to ported cigarettes, is in nsistent with Article 6 of the ATIGA, incorporating Article III of the GATT 1994, because it provides less fa treatment for imported products than for like domestic products. Attachment Annex 2-Simulated Fiscal Customs Measures Dual License Scheme of AMS-Y21.pdf Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisinge raja - Jakarta 12110 - Indonesia ASSIST - Supported by ARISE - [Disclaimer]

Below is the response from the DCP:

"The complainant's case is the same that AMS-X had brought against AMS-Y under the WTO dispute settlement mechanism. In fact, on 29 September 2008, AMS-X had requested the establishment of a panel to resolve a dispute that challenged exactly the same customs valuation regime of AMS-Y as it applied to imported cigarettes. At its meeting on 17 November 2008, the WTO Dispute Settlement Body (DSB) had established a panel, which circulated its report to the Members on 15 November 2010. On 22 February 2011, AMS-Y notified the DSB of its decision to appeal to the Appellate Body certain issues of law and legal interpretation covered in the panel report. On 17 June 2011, the Appellate Body report was circulated to Members and, at its meeting on 15 July 2011, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report. On 11 August 2011, AMS-Y informed the DSB that it intended to implement the recommendations and rulings of the DSB in line with its WTO obligations and that it would need a reasonable period of time to do so. On 23 September 2011, AMS-X and AMS-Y informed the DSB that they had mutually agreed on the reasonable period of time for AMS-Y to comply with the recommendations and rulings of the DSB. At a DSB meeting on 28 January 2013, AMS-Y reported that it had completed the final outstanding steps in its implementation process.

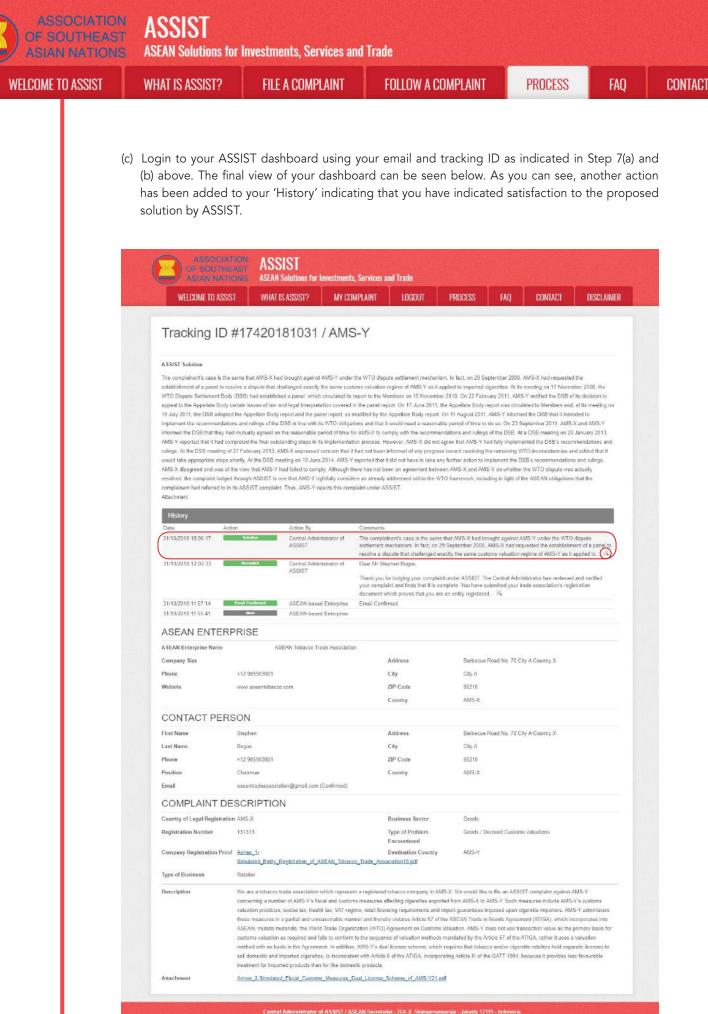
However, AMS-X did not agree that AMS-Y had fully implemented the DSB's recommendations and rulings. At the DSB meeting of 27 February 2013, AMS-X expressed concern that it had not been informed of any progress toward resolving the remaining WTO-inconsistencies and added that it would take appropriate steps shortly. At the DSB meeting on 18 June 2014, AMS-Y reported that it did not have to take any further action to implement the DSB's recommendations and rulings. AMS-X disagreed and was of the view that AMS-Y had failed to comply.

Although there has not been an agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved, the complaint lodged through ASSIST is one that AMS-Y rightfully considers as already addressed within the WTO framework, including in light of the ASEAN obligations that the complainant had referred to in its ASSIST complaint. Thus, AMS-Y rejects this complaint under ASSIST."

ASSOCIATION OF SOUTHEAS ASIAN NATION	st hooioi	Investments, Services and	l Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTAC
	satisfied or not with by choosing 'Yes' or	n the answer given by th r 'No' in the field provid	0 (a) above, you are request ie DCP and the solution pro ed. the DCP and the solution provided therein. Y	wided therein. Y	íou can do s	60
	(Yes), No	oses "Yes".				
STEP 11			OSED SOLUTION/RESPC			
		ASSIST ASSAN Solutions for Investments, S	ervices and Trade			
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			rm not a robot			
			N Secretariat - 70A JI. Sisingamangaraja - Jakarta 12110 - In Supported by <u>ARISE - [Disclaimer]</u>	lonesia		

(a) Fill-in the Satisfaction Survey. In this case, the ASEAN Trade Association is satisfied with the solution/ response provided by ASSIST and thus indicates accordingly.

IE TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ
1.					
	ASSOCIATIC OF SOUTHEAS ASIAN NATION WELCOME TO ASSIST	ASSIST	and a second second second second	IQ CONTACT	DISCLAIMER
	Satisfaction si Please comment your response fo Your answer Comments	r our feedback Satisfied with the so We are satisfie there has not b rescived. Thus,	ution I with the reason of rejection of our complaint by the na agreement between AMS X and AMS Y on wheth we will follow-up with our government regarding t de complied with its WT obligations.	205-Y. As mentioned by 2055 r the LND dispute was actua his watter, specifically on	Y, lly
			not to pursue any other course of action regardin (Im not a robot	g our complaint.	
		1	SUBMIT YOUR FEEDBACK		
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1	First Acknowledgemen	t Email from ASSIST			
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r P	Comail ASSIST [#17020181030] Thank you o Refly ASSIST - Resist@ascen org? eply-To "assis@ascen org" - casis@ascen org? eply-To "assis@ascen org" - casis@ascen org? Dear Mr Stephen Bogus,	of81031, your feedback on whether you are s	IIST		
r P	Comail Comparing Control Contr	of81031, your feedback on whether you are s	IIST iolutions for Investments, Services and Trade		
L' N R	Comail ASSIST [#17020181030] Thank you o Refy ASSIST - costist@uscan org: refy-To - audit@uscan org: - costist@uscan org: - costist@uscan org: - costist@uscan org: - costist@uscan org: - costist@uscan org: - costist@uscan org: - costist@uscan org: - costist@uscan org: - costist@uscan	of81031, your feedback on whether you are s	SIST Notations for Investments, Services and Trade atisfied with the answer given by the DCP and the prop assist asean.org		
	Consil Consil Consil Constraint C	1 for answer ASS ASEAN 1 0181031, your feedback on whether you are s ise to the proposed solution. Imment Email from ASSI ent on the Satisfaction S	SIST Notations for Investments, Services and Trade atisfied with the answer given by the DCP and the prop assist asean.org	osed solution is: "Yes" d email below, a	wed Oct 31.2018 at 8.52
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WELCOME TO ASSIST

WHAT IS ASSIST?

PROCESS

FAO

(d) If you would like to see the comment that you have provided in the Satisfaction Survey, click on the magnifying glass icon and the below screen will appear.

We are satisfied with the reason of rejection of our complaint by AMS-Y. As mentioned by AMS-Y, there has not been an agreement between AMS-X and AMS-Y on whether the WTO dispute was actually resolved. Thus, we will follow-up with our government regarding this matter, specifically on whether AMS-X had complied with its WTO obligations.

We have decided not to pursue any other course of action regarding our complaint.

In cases where no solution is found through ASSIST or if the DCP finds sufficient basis that its RAs have complied with the relevant ASEAN commitments and that the complaint lacks merits, this finding and the basis for such finding is promptly conveyed to the CA, which informs the complainant accordingly. The complainant may, if so desired and through its Home Contact Point and ASEAN Member State of registration, refer the case to the ASEAN Compliance Body (ACB),the ASEAN Enhanced Dispute Settlement Mechanism (EDSM), pursue national litigation or alternative dispute resolution mechanisms (i.e. mediation, conciliation or arbitration) within national ASEAN jurisdictions.

ASSIST will consider this procedure as one where the complaint was rejected and a solution has not been provided.

Please note that the timeframe for solving cross-border problems brought under ASSIST shall be no more than 40 working days or 2 calendar months (unless an extension of maximum 20 working days has been accorded) from the date in which the complaint is lodged.

ASSOCIATION ASSIST OF SOUTHEAST ASIAN NATIONS ASEAN Solutions for Investments, Services and Trade WELCOME TO ASSIST WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT PROCESS FAQ CONTACT



Complaint Filed by an ASEAN Registered Lawyer or Law Firm on Behalf of its Client, an ASEAN Enterprise, Accepted by Central Administrator and Solution Proposed by Destination Contact Point and Accepted by ASEAN Enterprise.

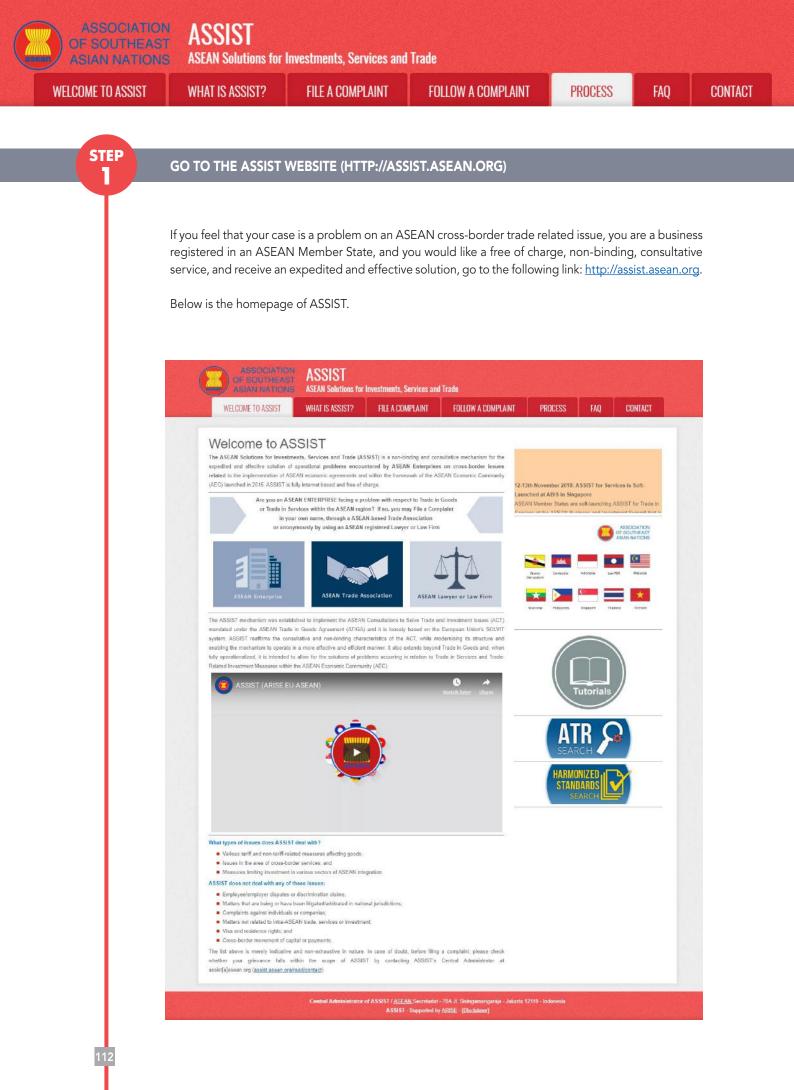
Brief Description of Case: This scenario is that of a complaint that is accepted by ASSIST's Central Administrator (CA) as having been validly lodged by an ASEAN Registered Lawyer/Law Firm (ASEAN Lawyer) on behalf of its client, the ASEAN Enterprise (AE), and also accepted by the Destination Country as an issue for which it is willing to engage with the ASEAN Lawyer through ASSIST, interact with the domestic Relevant National Authorities and provide a solution to the ASEAN Lawyer through ASSIST. In the case at stake, the Home Country is not actively involved, but all other possible steps in the ASSIST procedure, including the initial request by the CA for additional information from the ASEAN Lawyer, are simulated for purposes of reviewing a full-fledged ASSIST proceeding.

The complaint is in relation to the new excise duty imposed by the Destination Country on palm oil and

food products containing palm oil under its Ministry of Health's Regulation of 2015, Chapter 1000, Section 100. The measure adopted by the Destination Country introduced taxes on foods that are high in sugar and saturated fat, as part of a strategy for addressing the rising problem of obesity in the Destination Country. The ASEAN Lawyer claims that the Destination Country's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats. The ASEAN Lawyer claims, in its ASSIST complaint, that the measure adopted and applied by the Destination Country is contrary to Article 6 of the ASEAN Trade in Goods Agreement (ATIGA) (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in the Destination Country (i.e., food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat).

List of Actors and Abbreviations:

- Complainant = ASEAN Lawyer or Law Firm
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)
- Relevant National Authorities = Relevant Authorities (RAs)



ASSIST ASEAN Solutions for Investments, Services and Trade WELCOME TO ASSIST **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO CONTACT WHAT IS ASSIST? **STEP** SELECT THE 'FILE A COMPLAINT' TAB (ASEAN LAWYER OR LAW FIRM) 2 (a) If you are an ASEAN registered lawyer or law firm filing a complaint on behalf of your client (i.e. the ASEAN Enterprise having the trade problem) and duly licensed to practice law in the ASEAN Member State where your client is based or against which the complaint is filed, click on the 'ASEAN Lawyer or Law Firm' icon on the 'File a Complaint' tab. ASSIST **ASEAN Solutions for Investments, Services and Trade** WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT WELCOME TO ASSIST PROCESS CONTACT File a Complaint Please click on the icon of choice below and fill-in the required form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an ^ are mandatory fields. Please note that, if you require anonymity, your complaint may be submitted by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business faderation, or registered lawyer or law firm. In this case, the representative entity shall use its business registration number from the ASEAN jurisdiction where it is incorporated. ASEAN Trade Association NON-ANONYMOUS ANONYMOUS Your complaint will be processed by the Central Adminis rator of ASSIST within 10 working days maximum from the date of submit on. In order to file a valid complaint, you shall verify you submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you do not receive any such communication, please verify your email and resubmit the complaint The Central Administrator of ASSIST may request that you resubmit your complaint if any of the information is incomplete or incorrect. Once your complaint has been accepted by the Centra Administrator of ASSIST. the Destination Contact Point will be asked to respond. If the complaint is accepted by the Destination Contact Point, you will be notified of the response and, ultimately, of the proposed solution (if any). Complaints are usually addressed and a solution proposed within 40 to 60 working days maximum from the date of acceptance of the complaint by the Destina Contact Point. les apply to complaints filed by ASEAN-based registered lawyers or law times. In particular, shead of submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN Enterprise based in one the of the 10 ASEAN Member States, an ASEAN-based lawyer or law firm (i.e., a lawyer or law firm duly licensed to practice law in the ASEAN Member State where the client is based or against which the complaint is filed) must contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is filed. In order to do so, please download the necessary form and submit it to the ASEAN Secretariat as specified on the form itself angaraja - Jakarta 12110 - Indonesi ASSIST - Supported by ARISE - [Disclaimer]

(b) When you click on the 'ASEAN Lawyer or Law Firm' icon, the following page will appear.

OF SOUTHEAST ASIAN NATIONS	ASSIST ASEAN Solutions for	Investments, Services and	d Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Complaint to be	ASEAN registered lawyer In such cases, the lawyer Bied, must first centact the anonymous completed is to In order to do so, please the form itself.	s or law firms may file an anony or law firm, duly licensed to prac ASEAN Secretariat and provide leing filed. download the necessary form	nous case on behalf of one of their cle tice law in the ASEAN Member State of the required data on its professional in the required data on the professional in and submit it by email to the	ents (), e., the ASEAN E where the client is basis registration and on the ASEAN Secretariat at	interprise having ed or against wit client on whose clientsingasean	ich the complaint is bohalf the .org as specified o
ations the last stars below as a star			al Case Code (CCC) by email to the la			
please fill-in the form below so as to pro- mandatory fields. If no law firm exists,	안 많은 것 같은 것			North Contraction and Contraction of the	elos marked wi	in an 'are
			ed email that you will receive from A			

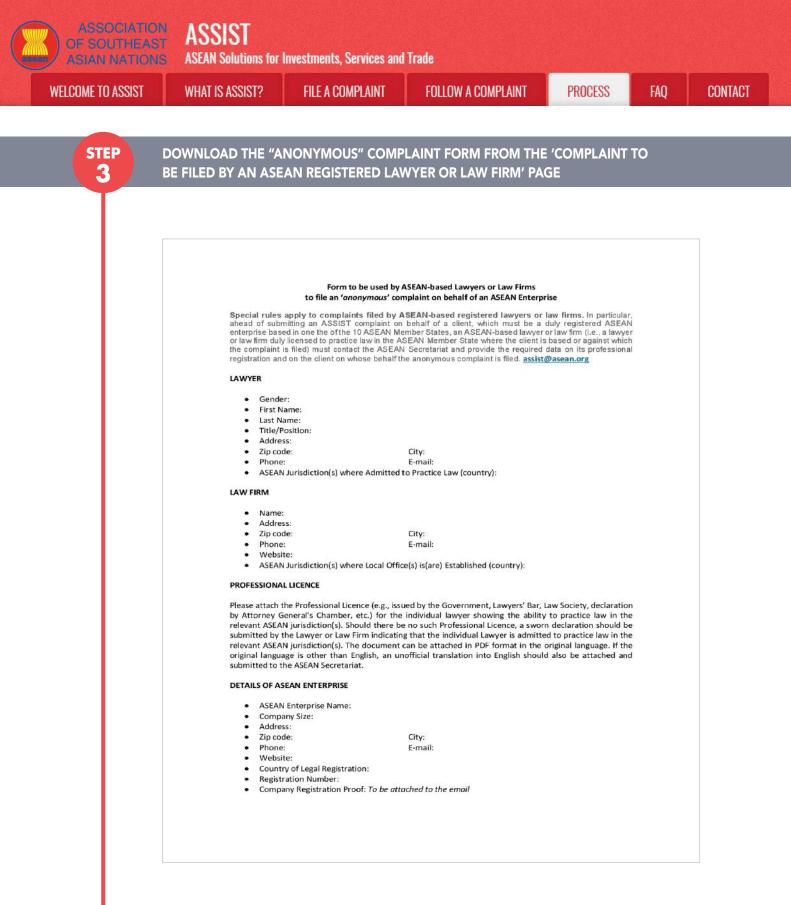


ASSOCIATION ASSIST

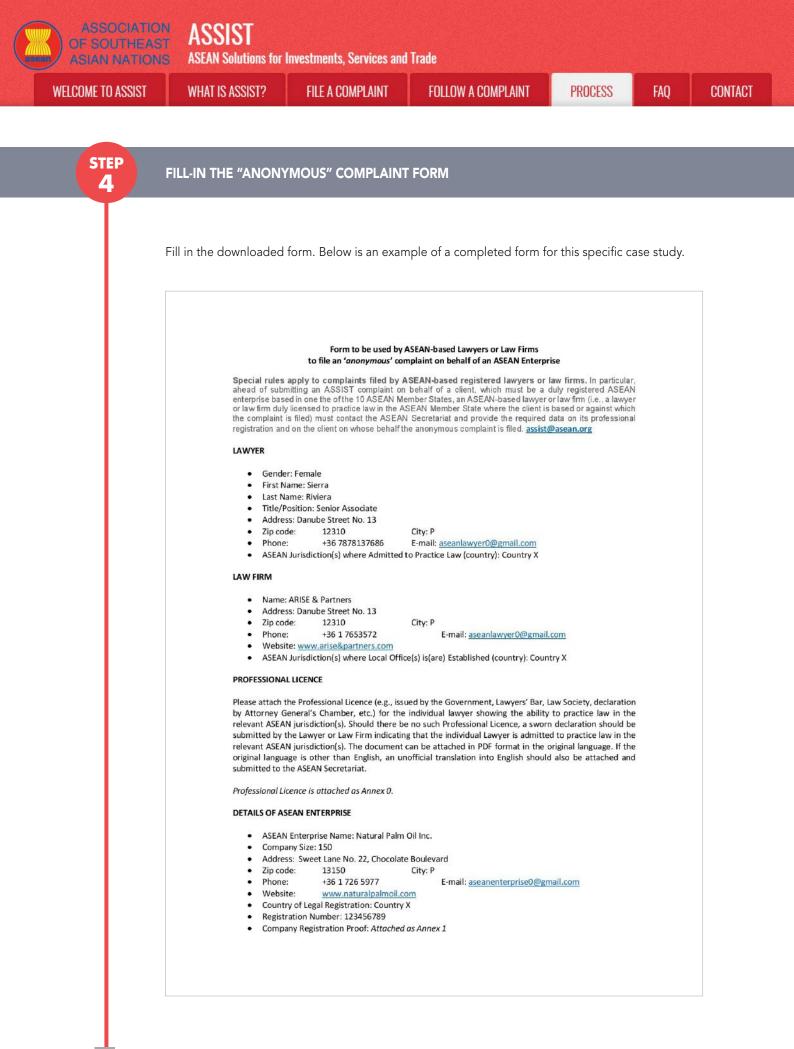
COME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	
	LAW FIRM					
	Law Firm Name					
	* Phone					
	Website					
	* Address					
				þ.		
	* City	380 characters remaining	(300 maximum) ZIP Code			
	* Country		*			
	* ASEAN Jurisdiction(s) where Established	Local Office(s) is(are)				
		v				
	LAWYER					
	* Gender * First Name	O Mr O Mrs	O Ms * Last Name			
	* Phone		Läst Näme			
	* Position					
	* Email					
	Address					
		380 characters remaining	(300 mesimam)			
	City		ZIP Code			
	ASEAN Jurisdiction(s) where	Admitted to Practice Law	•			
	COMPLAINT DES	CRIPTION				
	* Confidential Case Code	0				
	* Country of Legal Registration		*			
	* Legal Registration Number	0				
	* Registration Proof	Choose File No 1	ile chosen			
	* Type of Business * Business Sector	Goods	•]		*	
	- Services Sector Description	Goods				
	* Type of Problem Encountered		05UT85		Ψ.]	
	* Destination Country	ð	*			
	* Description	0 0				
		5800 characters remainin	g (5000 maximum)		. A.	
	Attachment	Choose File No f	ile chosen + Attachment			
	🗐 I have read and accept the A					
	I hereby submit this complain I hereby submit thereby submit this complain I hereby submit th	nt to the Central Administrator of ASSIST and I ac	cept its transmission to the relevant authorities of the AS	EAN Member States Involved		
		[] l'm no	t a robot			
			Private - Terra			
		s	UBMIT YOUR COMPLAINT			
		_				

(c) As an ASEAN registered lawyer or law firm, you need to file the complaint in your own name and/ or your law firm's name as the identity of your client is kept anonymous. In order to do so, you must follow the instructions in the above page. First, you must download the necessary form to fill-in and submit to the ASEAN Secretariat, as specified on the form itself.

When you click on the 'round orange' icon in the above page, the following form will be downloaded on your computer.



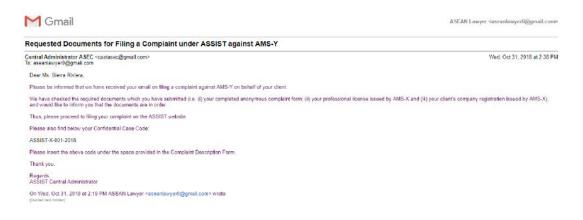
Fill-in the above form and submit it by email to the ASEAN Secretariat at <u>assist@asean.org</u>, as specified on the form itself. Please also submit the following required data along with the form: (i) your professional registration/licence document (if original language is not English, then an unofficial translation into English should also be attached) and (ii) the company registration document of the client (an ASEAN Enterprise) on whose behalf the anonymous complaint is filed.



WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTAC
STEP	SEND THE COMPLET	ED FORM TO THE AS	SIST CENTRAL ADMINIS	STRATOR/ASE	AN	
5	SECRETARIAT BY EM	AIL				
	As specified in the form,	send the completed for	m to the ASEAN Secretariat	t/ASSIST Central	Administrate	or
	at <u>assist@asean.org</u> , alo	ng with the other requi	red documents as indicated	d in Step 3 abov	ve. Below is a	n
	example of an email ser	nt from the ASEAN Law	yer to the ASEAN Secretaria	at for this specifi	ic case study.	
	M Gmail			ASEAN Lawyer	<aseanlawyer0@gmail.com< th=""><td>ς».</td></aseanlawyer0@gmail.com<>	ς».
	Requested Documents for Filing a C	Complaint under ASSIST against AM	S-Y			
	ASEAN Lowyer <aseanlawyer0@gmail.com> To: caatasec@gmail.com</aseanlawyer0@gmail.com>				Wed, Oct 31, 2018 at 2:19 P	1.1
	Dear ASEAN Secretariat,	First is consistent in AMC-V Law willing to use to in	form you that I would like to file a complaint through the ASSI	ST underline on balanti of my climat N	Istual Palm Oil Jac. a	
	company based in AMS-X. My client would like to fi	ile a complaint against AMS-Y	e necessary form and provide you with the required data, so t			
	You will then provide me with the Confidential Case	e Code (CCC) to insert in the actual complaint on the A	emeetsaary form and provide you with the required date, so a ASSIST website. emment AMS-X and my client's company registration docume		and on denan of my cheric.	
	I look forward to hearing from you soon.	onu as were a my prossional realise issued of Oov	aurunani wato yi ano ny thani a company taglatranan accume	aut		
	E at a start of the start of th					
	Best regards, Ms. Sierra Riviera Senior Associate					
	Senior Associate ARISE & Partners					
	Senior Associate ARISE & Partners 3 attachments					
	Senior Associate ARISE & Partners 3 attachments Formul-ASSIST-ARISE&Partners.pdf 161K 161K Sanex 1. Simulated Company Registration of 50K	of Natural Palm Oil, Incpdf				
	Senior Associate ARISE & Partners 3 attachments 515 Form-L-ASSIST-ARISE&Partners.pdf 1515	of Natural Palm Oil, Incpdf f Ms Sierra Rivierapdf				
	Senior Associate ARISE & Partners 3 attachments Formul-ASSIST-ARISE&Partners.pdf 161K 161K Sanex 1. Simulated Company Registration of 50K	of Natural Paim Oil, Incpdf I Ms Sierra Riviera.pdf	,			

(a) The ASEAN Secretariat/CA will reply to your email to inform you of whether the documents that you have submitted meet the requirements and are complete or not. In the example below, the ASEAN Lawyer has submitted all the necessary documents.

The ASEAN Secretariat/CA will also provide you with a Confidential Case Code to insert in the actual complaint form on the ASSIST website.





ASSIST ASEAN Solutions for Investments, Services and Trade



WHAT IS ASSIST?

FILE A COMPLAINT FOLLO

PROCESS

CONTACT

(b) Once the ASEAN Secretariat has provided you with the Confidential Case Code (CCC) and informed you that you may proceed in filing the actual complaint, go to the ASSIST webpage again and select the 'File a Complaint' Tab (ASEAN Lawyer or Law Firm). The blank complaint form in Step 2 (b) will appear again. In this case, your CCC is ASSIST-X-001-2018.

STEP 7

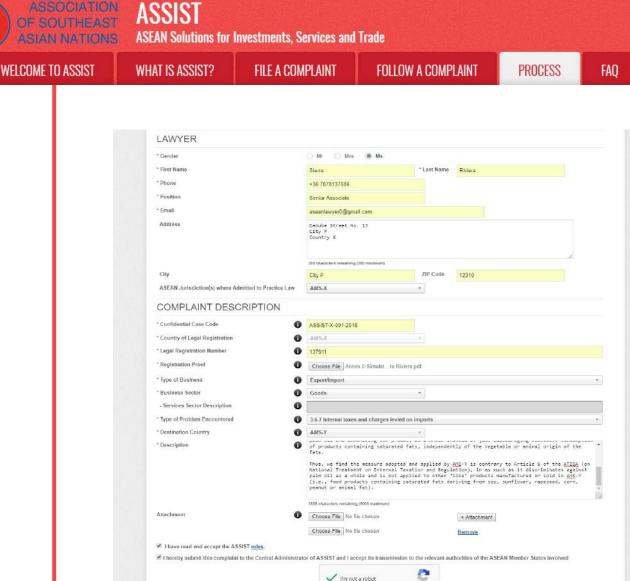
FILL-IN THE 'COMPLAINT TO BE FILED BY AN ASEAN REGISTERED LAWYER OR LAW FIRM' FORM

Fill-in the blank form in Step 2(b) so as to provide ASSIST with enough information on the trade problem that your client is experiencing. Fields marked with an asterisk (*) are mandatory fields. If you are not sure on what to fill-in for a field, the • buttons are available for detailed instructions on what to fill-in for each field. Please click on the • buttons to make sure that you fill-in the correct information in the form. If no law firm exists, individual lawyers can insert their personal details twice (i.e., in the fields for Law Firm and Lawyer).

It is extremely important that you properly fill-in the 'Description' field. The CA will need to verify that the description given in the complaint is sufficient to clearly identify the problem in the context of the specific subject agreement(s). Thus, please carefully layout your complaint with legal arguments and factual evidence to help the CA in deciding whether to approve your complaint.

Below is an example of a completed form for this specific case study.

Contraction of the local division of the loc					1	A REAL PROPERTY AND INCOME.
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAIN	T PROCESS	FAQ	CONTACT
-						
Complaint to be		•				
		i or law firms may file an anonym or law firm, duly licensed to pract				
	filed, must first contact the	ASEAN Secretariat and provide			-	
	anonymous complaint is b					
Sectore Se	In order to do so, please the form itself.	download the necessary form	and submit it by email to	o the ASEAN Secretariat at	assist@asean	Lorg as specified on
ASEAN Lawyer or Law Firm						
	Once the ASEAN Secretar	lat has provided the Confidential	Case Code (CCC) by email to t	the lawyer or law firm, the ac	tual complaint o	can be filled. To do so
please fill in the form below so as to gravi	hi dounde diw T2122A ab	formation on the trade problem e	metienced by the ASEAN Enter	mrise being regresented Fig	Ids marked wi	th an X are
					elds marked wi	th an [×] are
mandatory fields. If no law firm exists, in	dividual lawyers can insert	their personal details twice (i.e.,	in the fields for Law Firm and La	awyer)		
please fill-in the form below so as to provi mandatory fields. If no law firm exists, in In order to file a valid complaint, you sl your spamijunk boxes).	dividual lawyers can insert	their personal details twice (i.e.,	in the fields for Law Firm and La	awyer)		
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mandatory fields. If no law firm exists, in in order to file a valid complaint, you sl your spamijunk boxes).	dividual lawyers can insert	their personal details twice (i.e.,	in the fields for Law Firm and La	awyer)		
mandatory fields. If no law firm exists, in in order to file a valid complaint, you sl your spamijunk boxes). LAW FIRM 'Law Firm Name	dividual lawyars can insert hall verify your submitssic	their personal details twice (i.e.,	in the fields for Law Firm and La	awyer)		
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nandatory fields. If no law firm oxists, in n order to file a valid complaint, you si rour spamijumk boxes). LAW FIRM 'Law Firm Name Phone Website	clvidual lavyors can Insert hall verify your submission A • • • •	their personal details twice (i.e., on by replying to the automate RISE & Partners 36 1 7653572 www.aise&partners.com anube Street No. 13 ity P	in the fields for Law Firm and La	awyer)		
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As an example of a clear and concise description of the complaint, below is the description for this specific case study:

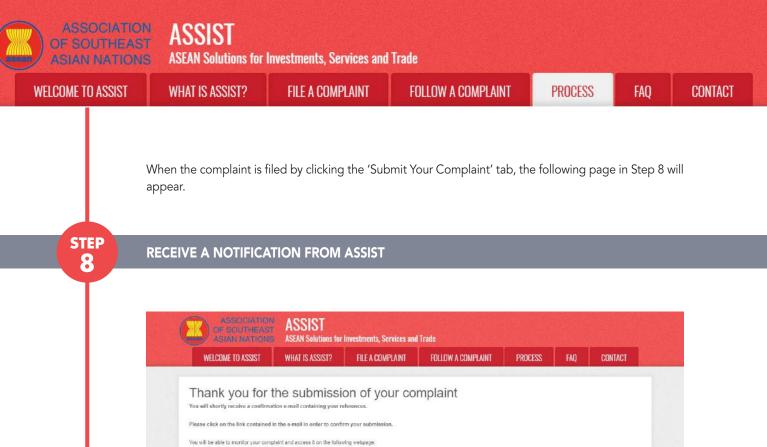
SUBMIT YOUR COMPLAIN

"We are a registered law firm in AMS-X filing a complaint under ASSIST on behalf of our client, a duly registered palm oil company in AMS-X. The complaint is in relation to the new excise duty imposed by AMS-Y (the Destination Contact Point or DCP) on palm oil and food products containing palm oil under its Ministry of Health's Food Regulation Chapter 1000, Section 100 of 2015. The measure adopted by AMS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AMS-Y.

We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against palm oil and demonizing the product as a whole instead of just discouraging excessive consumption of products containing saturated fats, independently of the vegetable or animal origin of the fats.

Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other *'like'* products manufactured or sold in AMS-Y (*i.e.*, food products containing saturated fats deriving from soy, sunflower, rapeseed, corn, peanut or animal fat)."

CONTACT



The above notification indicates that you should click on the link provided in your email account to confirm

a - Jakarta 12110 - In

ASSIST / <u>ASEAN</u> Secretarial - 70A JL Sisingan ASSIST - Supported by ARISE - [Disclair

CONFIRM YOUR COMPLAINT FROM YOUR EMAIL ACCOUNT

(a) Go to the email account that you have provided in the complaint form. You will receive an email from ASSIST requesting you to confirm your complaint by clicking on the link provided or by copy-pasting the link onto the Internet browser. This is also required by ASSIST to confirm that the email address which you have provided is valid. Your complaint number is also provided in this email. In this case, your complaint number is **18120181102**.

Below is the email which you will receive from ASSIST.

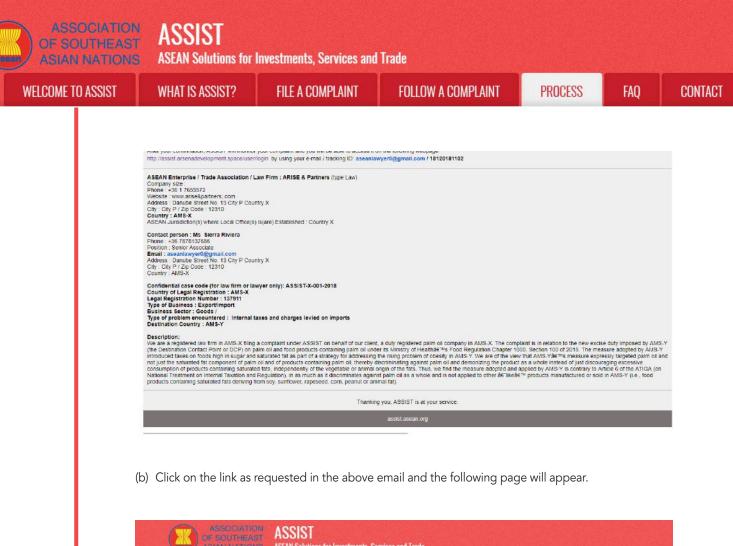
http://essiet.asean.org/user/login by using your e-mail / tracking ID

your complaint with ASSIST.

STEP

Q

SSIST] Thanks to confirm your complaint #18	120181102 submission	
Reply ASSIST <assist@asean.org> ply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>		Fri. Nov 2, 2018 at 12:18
ASSOCIATION GF SCUTISASI ASIAN NATIONS	ASSIST ASEAN Solutions for investments, Services and Trade	
Dear Ms Sierra Riviera,		
Thank you for having filed a complaint on ASSIST, the system	of ASEAN Solutions for Investments, Services and Trade.	
Please confirm your complaint 18120181102 on the followin http://assist.asean.org/user/confirm_email	g link (or by copy-pasting the following link onto your internet browser):	
After your confirmation, ASSIST will monitor your complaint an http://assist.asean.org/user/login_by using your e-mail / track		



Email/compla Thank you for having confirmed	int confirmatio	on valid			
Your complaint will now be revis	ved by the Central Administrator (of ASSIST and you shall be notif	ied within maximum 10 working days	of whether it is	
 Accepted and submitte Incomplete and returns 	d to the Destination Country; or				
	d to you for revision, or de of the scope of ASSIST or not	being a valid complaint.			
A reason shall be provided to yo	u in writing in case of outcomes 2	or 3) above.			

The above notification will inform you that your complaint will be reviewed by the CA and that you will be notified by email within maximum 10 working days of whether it is:

- 1) Accepted and submitted to the Destination Country; or
- 2) Incomplete and returned to you for revision; or
- 3) Rejected, if falling outside of the scope of ASSIST or not being a valid complaint.

Go to your email account.

SOCIATION ASSIST

ASEAN Solutions for Investments, Services and Trade

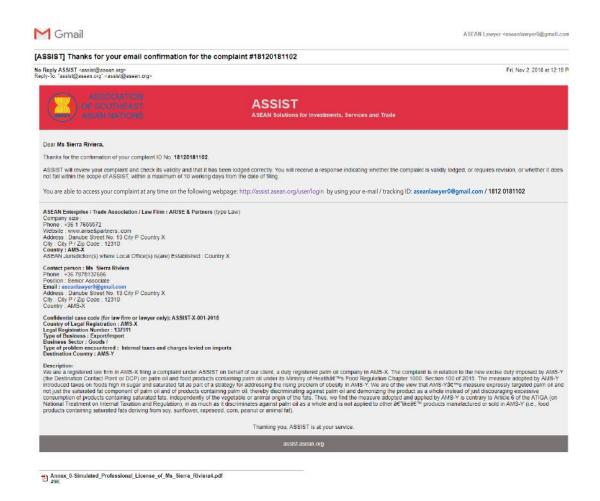
WELCOME TO ASSIST

FAO

STEP

RECEIVE AN EMAIL FROM ASSIST THAT YOUR EMAIL ADDRESS AND COMPLAINT IS VALID

Go to your email account and you will see a new email from ASSIST. This email indicates that you have confirmed your complaint, that the CA will check its validity, and that it has been filed within ASSIST. ASSIST will revert with a response indicating whether the complaint is accepted, incomplete or rejected within 10 working days.



As indicated in the above email, you are now able to monitor the progress by clicking on the indicated link which will be directed to the 'Follow a Complaint' tab on the menu bar on the ASSIST Website.



MONITOR THE PROGRESS OF YOUR COMPLAINT

(a) Go to the following link: <u>http://assist.asean.org/user/login</u> or go to the 'Follow a Complaint' tab on the menu bar on the ASSIST Website. The below page will appear.

LCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	C
	ASSOCIATI OF SOUTHEA ASIAN NATIO WELCOME TO ASSIST	ST ASSIST		cess faq cont	IACT	
	Follow a Com	nplaint	me of filing your complaint to enter the ASSIST dashboard and			
	Email Entail		Tracking ID Tracking ID			
			LOGIN N. Secretariat - 70A Jl. Skiengamangaraja - Jakarta 12110 - Indo	nesia		
		- (£K£A	Supported by ARISE - [Disclaimer]			
	-		our complaint number) in the @gmail.com and the Tracki r		-	is
	ASSOCIATE OF SOLITIEA ASIAN NATIO	ST ASSIST	ervices and Trade			
	WELCOME TO ASSIST	WHAT IS ASSIST? FILE A COM	PLAINT FOLLOW A COMPLAINT PROC	CESS FAQ CONT	IACT	
	Please log in using your email ad	idress and the tracking ID that you were given at the fi	me of filing your complaint to enter the ASSIST dashboard and	check on the progress of your proceed	áng.	
	Email seesnlawyer0@gmail.com		Tracking ID			
			and the second se			
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	assenlawyer@@gmail.com	ASSIST -	LOGIN N. Socratarlat - 70A. Jl. Sizingamangaraja - Jakarta 12110 - Indo		gress of you	ur
	Once you login, you v complaint.	will see your ASSIST d	LOGIN N. Socratariat - 70A. J. Sistingamangaraja - Jakarta 12110 - Indo Supported by <u>ADISE - [Disclaime</u>]	nonitor the proc	gress of you	ur
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	Complaint. (c) View of your ASSIS	will see your ASSIST d T Dashboard once you AST ASSIST ASEAN Solutions for Investments,	LOGIN N_Goordaniat 70A.J. Sciengemangeraje - Jakarts 12119 - Indo Souponted by ACIES - (Disclaring) ashboard where you can r have successfully logged-i Services and Trade PLAINT LOGOUT PROCESS F	nonitor the prog	gress of you	ur



WELCOME TO ASSIST

ASSIST

ASEAN Solutions for Investments, Services and Trade

WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT PROCESS FAQ CONTACT

ASEAN ENTERP	RISE		
ASEAN Enterprise Name	ARISE & Partners		
Company Size		Address	Danube Street No. 13 City P Country X
hone	+36 1 7653672	City	City P
Nebsite	www.arlse&partnerscom	ZIP Code	12310
		Country	AMS-X
CONTACT PERS	SON		
First Name	Sierra	Address	Danube Street No. 13 City P Country X
.ast Name	Riviera	City	City P
Phone	+36 7878137686	ZIP Code	12310
Position	Seniar Associate	Country	AMS-X
Email	aseanlawyer0@gmail.com (Confirmed)		
COMPLAINT DE	SCRIPTION		
Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	137911	Type of Problem Encountered	Goods / Internal taxes and charges levied on imports
Company Registration Proof		Destination Country	AMS-Y
	Simulated_Professional_License_of_Ms_Sierra_Riviera4.pdf		
Type of Business	Export/import		
Description	relation to the new excise duty imposed by AMS-Y (the Destina Health's Food Regulation Chapter 1000, Section 100 of 2015. T a strategy for addressing the rising problem of obesity in AMS- fat component of palm oil and of products containing palm oil, di discouraging excessive consumption of products containing and adopted and applied by AMS-Y is contrary to Article 5 of the AT	tion Contact Point or DCP) or The measure adopted by AMS f. We are of the view that AM hereby discriminating against wrated fats, independently of TGA (on National Treatment of	et, a duly registered palm of company in AMS X. The complaint is in palm of land food products containing palm of under its Ministry of S-Y introduced taxes on foods high in sugar and saturated fait as part of S-Y introduced taxes on foods high in sugar and saturated fait as part of S-Y introduced taxes on foods high in sugar and saturated fait as part of palm oil and demonizing the product as a whole instead of just the vegetable or antimal origin of the faits. Thus, we find the measure in Internal Taxation and Regulation), in as much as it discriminates AMS-Y (i.e., food products containing saturated faits deriving from sey.
Attachment			

ted by ARISE - [Disclaimer]

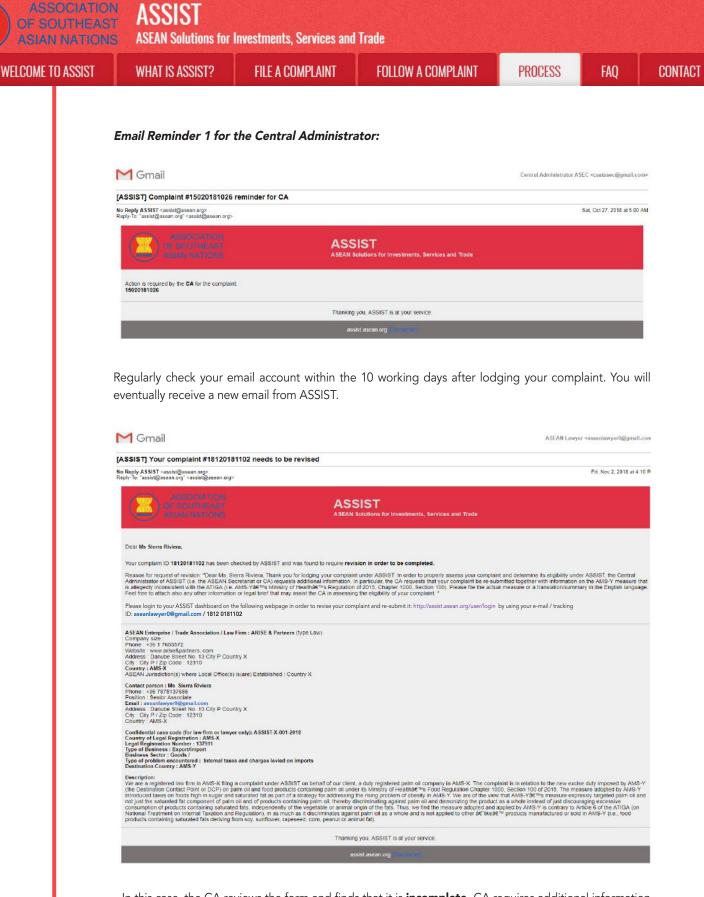
As you can see in your dashboard, the actions taken for your complaint are clearly indicated in your dashboard and this list will be regularly updated after each action is taken. Your completed complaint form which you have submitted is also accessible on your dashboard.

STEP 12

CENTRAL ADMINISTRATOR REVIEWS YOUR COMPLAINT AND SENDS A RESPONSE TO YOUR EMAIL (ACCEPT, INCOMPLETE, OR REJECT)

Once the CA has completed reviewing your complaint and decided on whether to accept/incomplete/ reject, an email will be sent to you typically within 10 working days since you lodged your complaint.

If no action has been taken in the meantime by the CA, the CA will receive the below automatic reminder via email from the ASSIST online system within 7 calendar days after the complaint is lodged. As indicated above, the CA must decide to accept, declare incomplete and request revision, or reject the complaint within 10 working days.



In this case, the CA reviews the form and finds that it is **incomplete.** CA requires additional information from you as you have only submitted your Professional Licence document. Thus, CA sends an email response to you requesting you to re-submit the complaint by attaching AMS-Y's regulation or measure that is at issue along with a legal brief detailing out your allegations and the arguments that you believe should be taken into consideration for purposes of accepting the complaint and possibly providing a solution.

As indicated in the above email, in order to revise your complaint and re-submit it, you will need to login to your ASSIST dashboard.

ASSOCIATIO OF SOUTHEAS ASIAN NATION	T ASSIST	Investments, Services an	d Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
	complaint is lodged), th automatic reminder via the CA for the complain	hen this means that th email (14 calendar days It. The CA will receive t		. The CA will re	eceive anoth	er
	Email Reminder 2 for a	the Central Administi	ator:			
	M Gmail			Central Administrator A	SEC «caatasec@gmail.co	1)>
	[ASSIST] Complaint #15020181026 No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>	reminder for CA			Sat, Oct 27, 2018 at 5:00 /	AM
	ASSOCIATION OF SOCIATION ASSOCIATION		SIST Solutions for Investments, Services and Trade			
	Action is required by the CA for the complaint 15020181026	t				
		Thankir	ig you, ASSIST is at your service.			
		a	ssist asean org. no earlinn			
STEP 13		RESPONSE FROM 1	Y USING YOUR EMAIL AN THE CENTRAL ADMINISTR NT			
	your email and track The full view of your	ting ID as indicated in s	e CA, you will need to login to Step 11(a) and (b) above. en below. As you can see, an indicated your complaint as '	other action ha		
	ASSOCIATIO OF SOUTHEAS ASIAN NATION WELCOME TO ASSIST	ASSIST	second interest in second lines	NO CONTACT	DISCLAIMER	
		Number #1812018				
	ASEAN Lawyer or Law Fit	ASEAN registered lawyers or law firms ma in such cases, the lawyer or law firm, duly filed, must first contact the ASEAN Secreta anonymous complaint is being filed. In order to do so, please download the in the form itself.	y file an anonymous case on behalf of one of their clients (i.e., th iconsed to practice law in the ASEAN Member State where the c riat and provide the required data on its professional registration secessary form and submit it by email to the ASEAN Se	dient is based or against which the and on the client on whose behalf t	complaint is the	
	mandatory fields. If no law firm e	to provide ASSIST with enough information on the xists, individual lawyers can insert their personal d	the Confidential Case Code (CCC) by email to the lawyer or law trade problem experienced by the ASEAN Enterprise being repri- stalls twice (i.e., in the fields for Law Firm and Lawyer).	esented. Fields marked with an * a	are	
	your spam/junk boxes).	, You anim reny your aunitiasion of renying (o no automated eman max you min receive nom Robort and	nity utter automation (preuse ent		
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	VETTION VOLTONIE	ASSIST	Thank you for lodging your complaint under ASSIST. In ord determine its eligibility under ASSIST, the Central Administ or CA) requests additional information In particular, the CA requests that your complaint be re-sub	rator of ASSIST (i.e. the ASEAN somitted together with information	Secretariat on the	
124	02/11/2018 12:19:35	ASEAN-based Enterprise	AMS Y measure that is allegedly inconsistent with the ATIG Regulation	6A (I.e. AMS-Y's Ministry of Health	hrs	



ASEAN Solutions for Investments, Services and Trade



WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

FAQ

127

LAW FIRM					
* Law Firm Name	ARISE & Partners				
* Phone	+36 1 7653572				
Website	www.arise&partners.com				
* Address	Danube Street No. 13				
	City P Country X				
4 Class	259 characters remaining (300 maximum)				
* City	City P ZIP Code 12310				
* Country * ASEAN Jurisdiction(s) where Local Office(s) is(a	AMS-X *				
Established	Country X				
LAWYER					
	0 H 0 H 0 H				
* Gender * First Name	Mr Mrs Ms Sierra *Last Name Ebylera				
* Phone	Sierra * Last Name Riviera				
* Position	+36 /8/813/900 Senior Associate				
* Email	aseanlawyer0@gmail.com				
Address	Danube Street No. 13				
Address	City P Country X				
	259 oharacters remaining (360 maximum)				
City	City P ZIP Code 12310				
ASEAN Jurisdiction(s) where Admitted to Practic	AMS-X *				
COMPLAINT DESCRIPTION	1				
* Confidential Case Code	ASSIST-X-001-2018				
* Country of Legal Registration	AMS-X *				
* Legal Registration Number	137911				
* Registration Proof	Choose File No file chosen				
	Annex 0-Simulated Professional License of Ms_Sierra_Riviera4.pdf				
* Type of Business	Export/import v				
* Business Sector	Goods v				
- Services Sector Description	0				
* Type of Problem Encountered	3.6.7 Internal taxes and charges levied on imports				
* Destination Country * Description	AMS-Y ·				
Description	We are a registered law firm in AVS-X filing a complaint under ASSIST on behalf of our client, a duly registered pain oil company in AVS-X. The complaint is in relation to the new excise duty imposed by MS-Y (the Destination Contact Point or DCP) on paim oil and food products contining paim oil under its Hinistry of Health's food Regulation (hapter 1000, Section 100 of 2015. The measure adopted by AVS-Y introduced taxes on foods high in sugar and saturated fat as part of a strategy for addressing the rising problem of obesity in AVS-Y.				
	We are of the view that AMS-Y's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against 386 outproters remaining (800 maxmum)				
Attachment	Choose File Annex 2-Simulated Regulation of AMS-Y.pdf + Attachment				
	Choose File Annex 3-Simulated LeRISE & Partners pdf Remove				
I have read and accept the ASSIST rules.					
	dministrator of ASSIST and I accept its transmission to the relevant authorities of the ASEAN Member States involved				
	I'm not a robot				
	SUBMIT YOUR COMPLAINT				

(b) Click on the 'magnifying glass' icon in the 'comments' column. The full response from the CA will appear, as can be seen below:



ASEAN Solutions for Investments, Services and Trade

asean	ASIA	NP	IATIO
WE	LCOME	TO /	ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

(x

Dear Ms. Sierra Riviera,

Thank you for lodging your complaint under ASSIST. In order to properly assess your complaint and determine its eligibility under ASSIST, the Central Administrator of ASSIST (i.e. the ASEAN Secretariat or CA) requests additional information.

In particular, the CA requests that your complaint be re-submitted together with information on the AMS-Y measure that is allegedly inconsistent with the ATIGA (i.e. AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100).

Please file the actual measure or a translation/summary in the English language. Feel free to attach also any other information or legal brief that may assist the CA in assessing the eligibility of your complaint.

(c) Attach the additional documents requested by the CA and re-submit your complaint through your dashboard, i.e. AMS-Y's regulation or measure at issue and the legal brief.

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WELCOME TO A	422121 V	HAT IS ASSIST?	MY COMPLAINT	LOGOUT	PROCESS	FAQ	CONTACT	DISCLAIM
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iviy Comp		mber #1812						
	In file	EAN registered lawyers or such cases, the lawyer or la id, must first contact the AS onymous complaint is being	aw firm, duly licensed to EAN Secretariat and p	practice law in the ASE	AN Member State wh	ere the client is	based or against whic	ch the complaint is
-1		order to do so, please do	wnload the necessary	form and submit	it by email to the AS	EAN Secretari	at at assist@asean.c	org as specified o
ASEAN Lawyer o	the second secon	e form itself.						
	0	ice the ASEAN Secretariat	has provided the Confi	iential Case Code (CCC) by ormal to the laws	or or law firm ti	e actual complaint ca	n he filed. To do s
please fill-in the form be		ASSIST with enough inform						
mandatory fields. If no	law firm oviete indiv	idual lawyers can insert the	ir paraopal dataila tuio	in the fields for La	w Firm and Lawyer)			
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In order to file a valid o your spam/junk boxes History Date	omplaint, you shal	l verify your submission l Action By	by replying to the aut	omated email that you t	16.1	SIST shortly af	ter submission (plea	se check also
In order to file a valid o your spam/junk boxes History	complaint, you shal j.	l verify your submission l	by replying to the aut Comme strator of Dear Ms	omated email that you o nts . Sierra Riviera,	will receive from AS:			
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ASEAN Solutions for Investments, Services and Trade

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WELCOME TO ASSIST	

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

We are of the view that AMS-V's measure expressly targeted palm oil and not just the saturated fat component of palm oil and of products containing palm oil, thereby discriminating against

aja - Jakarta 12110 - Indonesia

Choose File Annex 2-Simulated Regulation of AMS-Ypdf + Attachment Choose File Annex 3-Simulated Le., RISE & Partners pdf Remo

reCAPTCHA Printy - Terms

I hereby submit this complaint to the Central Administrator of ASSIST and I accept its transmission to the relevant authorities of the ASEAN Member States involved

SUBMIT YOUR COMPLAINT

I'm not a robot

FAQ

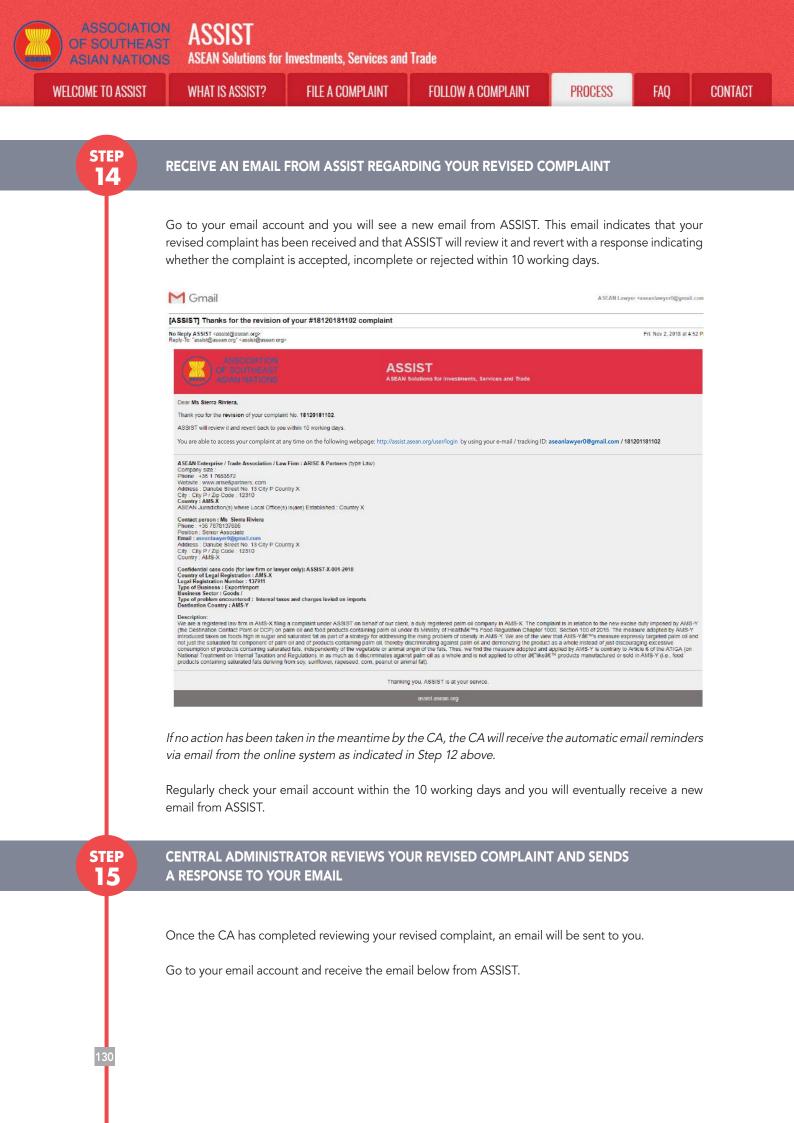
* Address	Danube Street No. 13 City P Country X			
	259 characters remaining (300 maximum)			li.
* City	City P	ZIP Code	12310	
* Country	AMS-X			
* ASEAN Jurisdiction(s) where Local Office(s) is(are) Established	Country X			
LAWYER				
* Gender	🔿 Mr 🔿 Mrs 🛞 Ms			
* First Name	Sierra	* Last Name	Riviera	
* Phone	+36 7878137686			
* Position	Senior Associate			
* Email	aseanlawyer0@gmail.com			
Address	Danube Street No. 13 City P Country X			
	259 characters remaining (300 maximum)			,îe
City	City P	ZIP Code	12310	
ASEAN Jurisdiction(s) where Admitted to Practice Law	AMS-X	*		
COMPLAINT DESCRIPTION				
* Confidential Case Code	ASSIST-X-001-2018			
* Country of Legal Registration	AMS-X	1. W. 1.		
* Legal Registration Number 🚯	137911			
* Registration Proof	Choose File No file chosen	nal License of Ms Sierra	Divieral odf	
* Type of Business	Export/import	nor cicente or majorern		
* Business Sector	Goods	×		
- Services Sector Description				
* Type of Problem Encountered	3.6.7 Internal taxes and charges	levied on imports		
* Destination Country	AMS-Y	*		
* Description	We are a registered law fir duly registered palm oil co imposed by AMS-Y (the Desti	mpany in AMS-X. The co	<pre>mplaint is in relation r DCP) on palm oil and</pre>	to the new excise of food products contained

(d) Receive a notification from ASSIST on the submission of your revised complaint.

0

I have read and accept the ASSIST rules.

Company of the second		Construction down	A CONTRACTOR OF A	11 Sameran		an or a second	1
WELCOME TO ASSIST	WHAT IS ASSIST?	MY COMPLAINT	LOGOUT	PROCESS	FAQ	CONTACT	DISCLAIME
Thank you for t	ha submissi	on of your o	omplaint				
ou will shortly receive a confirmat		-	Jinplaint				
lease click on the link contained in	n the e-mail in order to confir	m your submission.					
ou will be able to monitor your compl	aint and access it on the follow	ing webpage:					
ttp://assist.asean.org/user/login							
y using your e-mail / tracking ID.							





ASSOCIATION ASSIST

ASIAN NATION: WELCOME TO ASSIST	WHAT IS ASSIST?	Investments, Services and FILE A COMPLAINT	Trade Follow A Complaint	PROCESS	FAQ	CONTA
	M Gmail			A SEAN Lowye	r <aseanlawyer0@gmail.< td=""><td>com</td></aseanlawyer0@gmail.<>	com
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			SIST Solutions for Investments, Services and Trade			
	Dear Ms Sierra Riviera,					
		ime on the following webpage: http://assist.asean.o	org/user/login by using your e-mail / tracking ID.	have to you with a request for more in	formation within 10 worker	1
	days from today. You will be promptly notified of the response by		non your company and cano accept h, or oper h, or refer	and a for the receipton of these is		.9
	ASEAN Enterprise / Trade Association / Law Company size : Phone : +36 1 7653572	Firm : ARISE & Partners (type Law)				
	Website : www.arise&partners.com Address : Danube Street No. 13 City P Cour City : City P / Zip Code : 12310 Country : AMS-X ASEAN Jurisdiction(s) where Local Office(s					
	Contact person : Ms Sierra Riviera Phone : +36 7878137686 Position : Senior Associate					
	Email: aseanlawyer0@gmail.com Address: Danube Street No. 13 City P Cou City: City P / Zip Code: 12310 Country: AMS-X	ntry X				
	Confidential case code (for law firm or lawy Country of Legal Registration : AMS-X Legal Registration Number : 137911 Type of Business : Export/import	er only): ASSIST-X-001-2018				
	Business Sector : Goods / Type of problem encountered : Internal taxe Destination Country : AMS-Y Description:	es and charges levied on imports				
	The complaint is in relation to the new excis Chapter 1000. Section 100 of 2015. The me the view that AMS-Yမs measure express product as a whole instead of just discourag applied by AMS-Y is contrary to Article 6 of	assure adopted by AMS-Y introduced taxes on fox sly targeted paim oil and not just the saturated fat ing excessive consumption of products containing the ATIGA (on National Treatment on internal Tax	ct Point or DCP) on palm oil and food products containing ds high in sugar and saturated fat as part of a strategy for component of paim oil and of products containing paim o saturated fats, independently of the vegetable or animal ation and Regulation), in as much as it discriminates aga prom soy sunflower, rapeseed, corn, peanut or animal fit	r addressing the rising problem of it, thereby discriminating against pa origin of the fats. Thus, we find the inst palm oil as a whole and is not a	obesity in AMS-Y. We are alm oil and demonizing the measure adopted and	e of ne
		Thankin	g you, ASSIST is at your service.			
			assist asean org			
	that your complaint wil (ASSIST Focal Point) in directed and a resoluti complaint and either a	I now be sent to the De n AMS-Y where you ar ion is sought. The DCP ccept, reject or revert o the DCP to examine th	nplaint has been accepted stination Contact Point, wh re facing trade problems a in AMS-Y will be given 10 back to you with a request ne details of the complaint,	ich is the govern and where your working days to for more inform	ment agend complaint p review yo nation. This	cy is ur is
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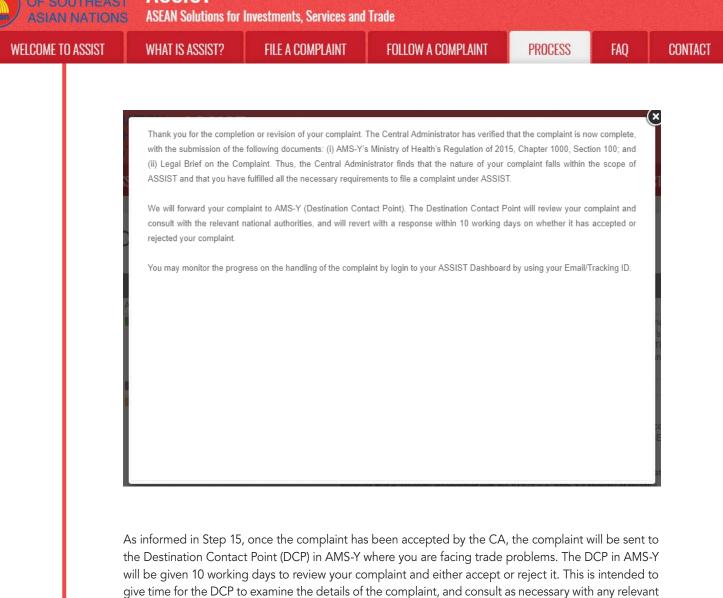
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COME TO ASSIST WH	AT IS ASSIST? ASSOCIAT OF SOUTHE ASIAN NATION WELCOME TO ASSIS Tracking ID ; History Date Action Date Action	ION ASS AST ASEAN S INIS ASEAN S WHAT IS #181201	Solutions for Investment: SASSIST? MY CO	s, Services and IMPLAINT		PLAINT ROCESS FAC	PROCESS	FAQ
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	02/11/2018 18:31 54	Accepted	Action by	Comments				
			Central Administrator of ASSIST	complaint is nou Regulation of 20 Administrator fir	v complete, with the subr 015, Chapter 1000, Secti nds that the nature of you	mission of the following d on 100; and (il) Legal Bri	entral Administrator has verified i ocuments: (i) AMS-Y's Ministry of of on the Complaint. Thus, the Ce e scope of ASSIST and that you SSEST	F Health's entral
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	ASEAN Enterprise Name	ARI	SE & Partners					
	Company Size Phone	+36 1 7653572		Ad	dress	Danube Street No. 1 City P	3 City P Country X	
	Website	www.arise&partners	com		Code	12310		
					untry	AMS-X		
	CONTACT PERS	SON						
	First Name	Siarra		Ad	dress	Danube Street No. 1	3 City P Country X	
	Last Name	Riviera		City	r	City P		
	Phone	+35 7878137686		ZIP	Code	12310		
100	Position	Senior Associate		Col	untry	AMS-X		
	Email	aseanlawyer0രുന്നു	ail.com (Confirmed)					
	COMPLAINT DE	SCRIPTION	1					
	Country of Legal Registration	AMS-X		Bu	siness Sector	Goods		
	Registration Number	137911			e of Problem countered	Goods / Internal taxe	as and charges levied on imports	
	Company Registration Proof		onal License of Ms Sierra R	Der	stination Country	AMS-Y		
1000	Type of Business	Export/Import	Inal_Doanse_or_ws_owna_H	AMBER A LEU				
	Description	We are a registered	law firm in AMS-X filing a corr	nplaint under ASSIS	T on behalf of our client	a duly registered palm o	I company in AMS-X. The compl	laint is in
		relation to the new e Health's Food Regul a strategy for addres fat component of pal discouraging excess adopted and applied against palm oil as a	xxise duty imposed by AMS-Y lation Chapter 1000, Section 1 ssing the rising problem of obe Im all and of products containi inve consumption of products of I by AMS-Y is contrary to Artic	Y (the Destination C 100 of 2015. The m esity in AMS-Y, We ing paim oil, thereby containing saturated de 6 of the ATIGA (ontact Point or DCP) on easurs adopted by AMS- are of the view that AMS y discriminating against p d fats, independently of ti on National Treatment or	palm oil and food produc Y introduced taxes on fo -Y's measure expressly to tealm oil and demonizing to he vegetable or animal or a Internal Taxation and Rio	Is containing paim oil under its M ods high in sugar and saturated fi argeted palm oil and not just the he product as a whole instead of right of the fats. Thus, we find the squiation), in as much as it discrit a containing saturated fats derivit	linistry of at as part of saturated just measure minates
	Attachment	Annex_2-Simulated	Regulation of AMS-Y1 off Legal Brief-ARISE Partners	1 odf				
		and the second light	and the second s					

Click on the 'magnifying glass' icon in the 'Comments' column. The full response from the CA will appear, as can be seen below:

STEP

ASSIST



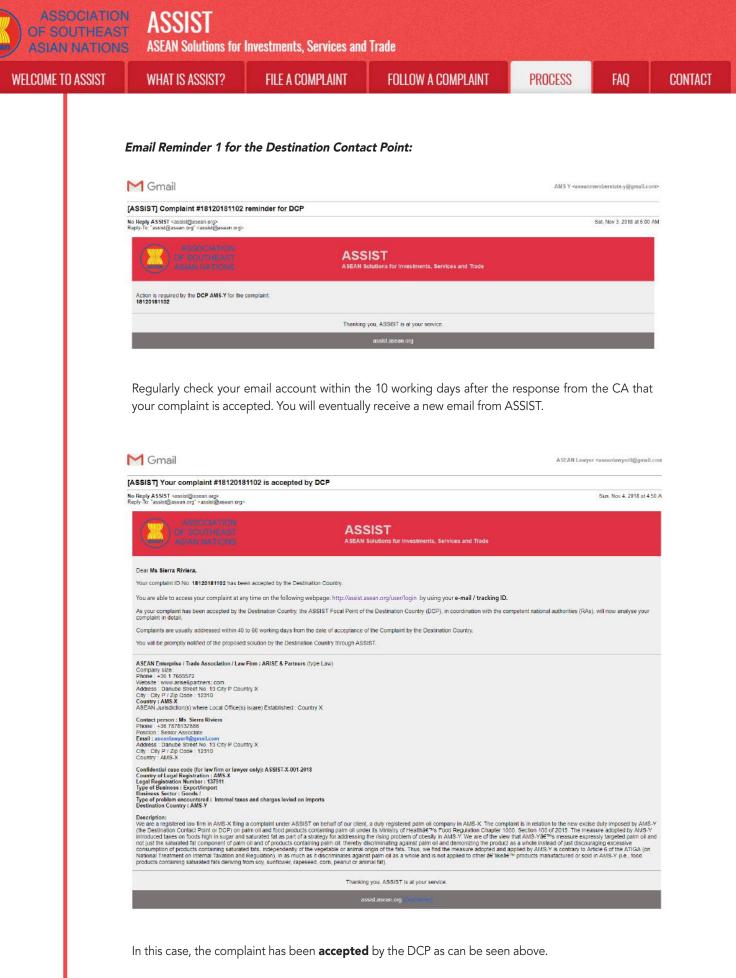
national authorities. Once the DCP responds, an email will be sent to you from ASSIST informing you whether your complaint has been accepted or rejected by the DCP in AMS-Y.

Regularly check your email account within the 10 working days after the response from the CA that your complaint is accepted. You will eventually receive a new email from ASSIST.

RECEIVE AN EMAIL NOTIFICATION FROM ASSIST ON WHETHER YOUR COMPLAINT IS ACCEPTED OR REJECTED BY THE DESTINATION CONTACT POINT IN AMS-Y

Within 10 working days after the response from the CA that your complaint is accepted, you will receive an email below informing that your complaint has been accepted or rejected by the DCP in AMS-Y.

If no action has been taken in the meantime by the DCP, the DCP will receive the automatic reminder below via email from the ASSIST online system within 7 calendar days after the complaint has been accepted by the CA. As indicated above, the DCP must decide to accept or reject the complaint within 10 working days from when the CA has accepted the complaint.



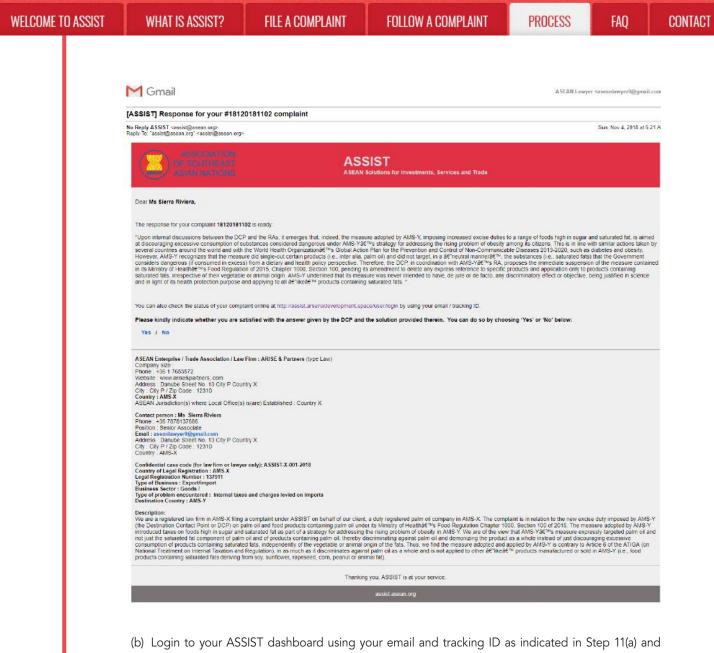
If you do not receive an email from ASSIST on the response by the DCP within the required timeframe (10 working days) after the complaint has been accepted by the CA, then this means that the DCP has an overdue action. The DCP will receive another automatic reminder via email (14 calendar days after the complaint is lodged) that an action is urgently required by the DCP for the complaint.



(a) Go to your email account. You will receive a new email from ASSIST indicating the response to your complaint from the DCP.



ASEAN Solutions for Investments, Services and Trade



(b) Login to your ASSIST dashboard using your email and tracking ID as indicated in Step 11(a) and (b) above. The full view of your dashboard can be seen below. As you can see, another action has been added to your 'History' indicating that a solution for your complaint has been proposed. The complete solution from the DCP, which has been accepted by the CA, is also provided in the first paragraph of your dashboard.





WELCOM

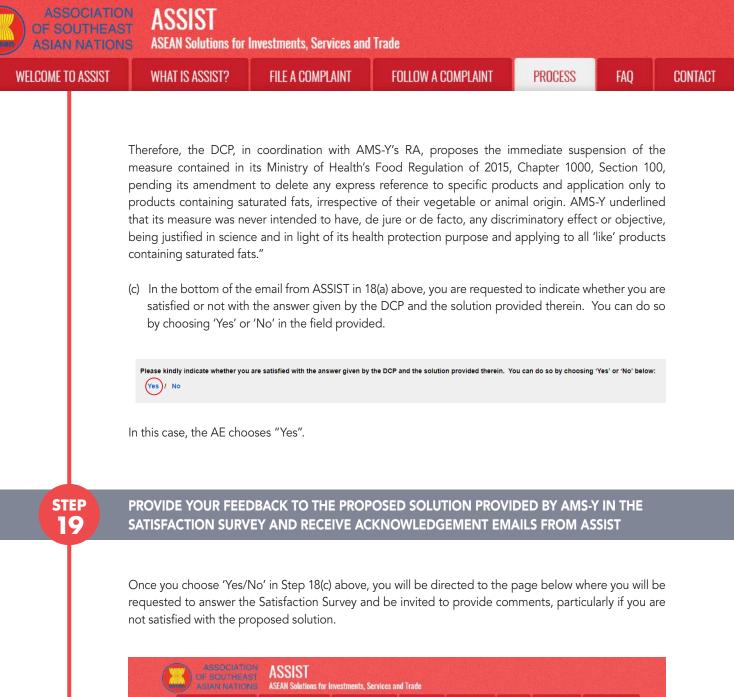
ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A CON	IPLAINT	PROCESS	FAC
	History					
	Date Actio	en Action By	Comments			
	04/11/2018 05:21:40	Securities Contrait Administrator of ASSIST	Upon internal discussions between the AMS-Y, imposing increased excise dutil discouraging excessive consumption of addressing the rising problem of obesity countries around the world and with the	as to a range of foods high substances considered d y among its citizens. This i	i in sugar and saturated fat, is aim angerous under AMS-Y's strategy is in line with similar actions taken	ed at for
	02/11/2018 18:31:54	Avveyable Central Administrator of ASSIST	Thank you for the completion or revision complaint is now complete, with the sub Regulation of 2015. Chapter 1000, Sect Administrator finds that the nature of yo fulfilled all the necessary requirements i	n of your complaint. The C omission of the following d tion 100; and (ii) Legal Bri- ur complaint fails within th	entral Administrator has verified th ocuments. (I) AMS-Y's Ministry of of on the Complaint. Thus, the Cer is scope of ASSIST and that you h	Health's ntral
	02/11/2018 16:52:15	Revised ASEAN-based Enterprise	consector and the measurements of	to the a comparts brider so	adar in	
	02/11/2018 16 10 12	Central Administrator of ASSIST	Dear Ms. Sierra Riviera,			
		Adold1	Thank you for lodging your complaint un determine its eligibility under ASSIST, th requests additional information			
			In particular, the CA requests that your measure that is allegedly inconsistent w			
	02/11/2018 12-19-35	ASEAN-based Enterprise	Email Confirmed	nar nie Arros (ca. Aleo i	a minitely of result a responser.	
	02/11/2018 12:18:02	ASEAN-based Enterprise				
	ASEAN ENTERP	PRISE				
	ASEAN Enterprise Name	ARISE & Partners				
	Company Size		Address	Danube Street No. 1	3 City P Country X	
	Phone	+36 1 7653572	City	City P		
	Website	www.arisa&partners.com	ZIP Code	12310		
			Country	AMS-X		
	CONTACT PERS	SON				
	First Name	Sierra	Address	Danube Street No. 1	13 City P Country X	
	Last Name	Riviera.	City	City P		
	Phone	+36 7878137686	ZIP Code	12310		
	Position	Senior Associate	Country	AMS-X		
	Email	aseanlawyer0@gmail.com (Confirmed)				
	COMPLAINT DE	SCRIPTION				
	Country of Legal Registration	n AMS-X	Business Sector	Goods		
	Registration Number	137911	Type of Problem	Goods / Internal taxe	es and charges levied on imports	
			Encountered	ALIE 12		
	Company Registration Proof	Annex_0- Simulated_Professional_License_of_Ms_Sierra_R	Destination Country Wera4.pdf	AMS-Y		
	Type of Business	Expart/import				
	Description	We are a registered law firm in AMS-X filing a com relation to the new excise duty imposed by AMS-Y Health's Food Regulation Chapter 1000, Section 1 a strategy for addressing the rising problem of obe fac component op pland it and of products contain discouraging excessive consumption of products and adapted and applied by AMS-Y to entrury to Artic against palm oil as a whole and is not applied to a sundhover, rappesed, com, peand or animal fail).	(the Destination Contact Point or DCP) or 00 of 2015. The measure adopted by AMS ally in AMS-Y. We are of the view that AMS ag palm oil, theraby discriminating against onlining saturated fats, independently of 6 6 of the ATIGA (on National Treatment of	n paim oil and food produc 3-Y introduced taxes on fo 5-Y's measure expressly t paim oil and demonizing t the vegetable or animal or m internal Taxation and Ro	Its containing pain oil under its Mir ods high in sugar and saturated fa argeled palm oil and not just the s he product as a whole instead of ji tigin of the fats. Thus, we find the r egulation), in as much as it discrim	t as part of aturated ust measure ilinates
	Attachment	Annex_2-Simulated_Regulation_of_ANIS-Y1.pdf				
		Annex 3-Simulated Legal Brief-ARISE Partners	Lođi			

Below is the proposed solution from the DCP:

"Upon internal discussions between the DCP and the RAs, it emerges that, indeed, the measure adopted by AMS-Y, imposing increased excise duties to a range of foods high in sugar and saturated fat, is aimed at discouraging excessive consumption of substances considered dangerous under AMS-Y's strategy for addressing the rising problem of obesity among its citizens. This is in line with similar actions taken by several countries around the world and with the World Health Organization's Global Action Plan for the Prevention and Control of Non-Communicable Diseases 2013-2020, such as diabetes and obesity.

However, AMS-Y recognizes that the measure did single-out certain products (i.e., inter alia, palm oil) and did not target, in a 'neutral manner', the substances (i.e., saturated fats) that the Government considers dangerous (if consumed in excess) from a dietary and health policy perspective.

CONTACT

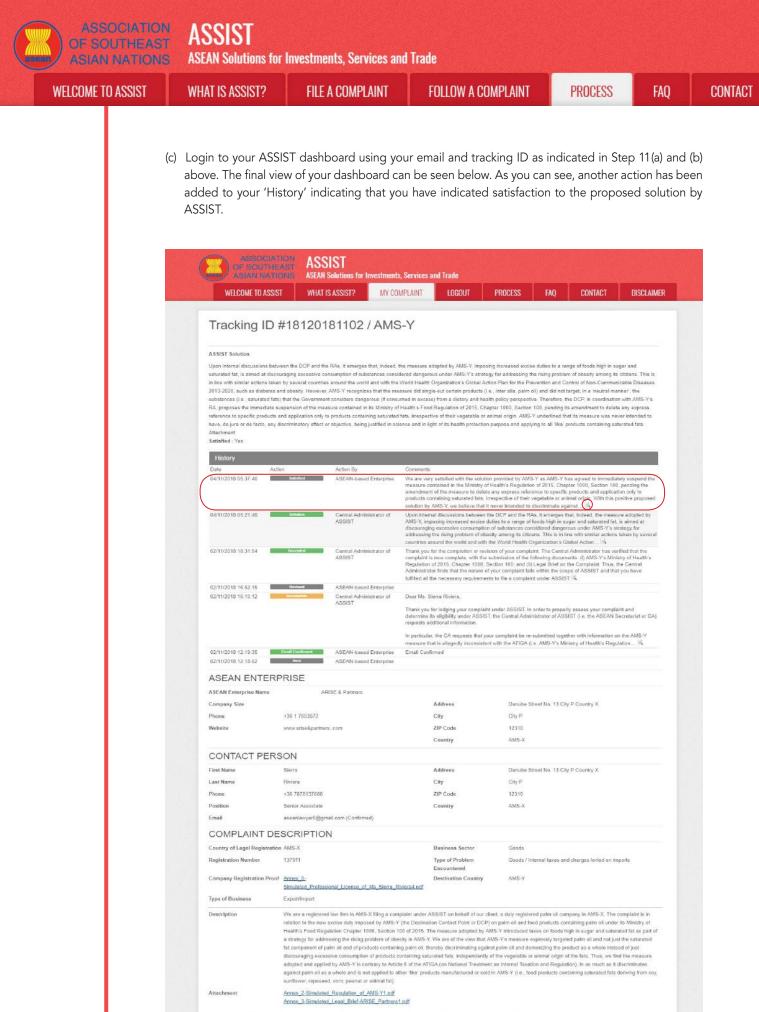


WELCOME TO ASSIST	WHAT IS ASSIST?	MY COMPLAINT	LOGOUT	PROCESS	FAQ	CONTACT	DISCLAIMER	and the second
Satisfaction sur Please comment your response for ou Your answer Comments	r feedback	afied with the solution	robot YDUR FEEDBACK	meGorcia. Inga-tees				
	Central Administrator of	ASSIST / <u>ASEAN</u> Secretan ASSIST - Supported			110 - Indonesia			

(a) Fill-in the Satisfaction Survey. In this case, the ASEAN Law Firm/Lawyer is satisfied with the solution provided by ASSIST and thus indicates accordingly.

IE TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ
	ASSOCIATIC	N LOOIDT			
	OF SOUTHEAS	ST ASSIST	Services and Trade		
	WELCOME TO ASSIST	WHAT IS ASSIST? MY COMI	PLAINT LOGOUT PROCESS I	FAQ CONTACT	DISCLAIMER
	Satisfaction s	UIVAV			
	Please comment your response to				
	Your answer Commants	Satisfied with the so		5-Y has agreed to immediately	
		suspend the mea 100, pending th application and arigin. With th	isfied with the solution provided by AMS-Y as AMS sume contained in the Ministry of Health's Regula e amendment of the measure to delete any express y to products containing saturated fats, irrespec is positive proposed solution by AMS-Y, we believe alort and wold as a whole to the solution by AMS-Y.	ation of 2015, Chapter 1000, reference to specific productive of their vegetable or o we that it never intended to	Section cts and animal
		discriminate ag	ainst palm oil as a whole.		
		~	I'm not a robot		
			SUBMIT YOUR FEEDBACK		
			SUBMIT YOUR FEEDBACK		
	emails from ASSIST,	count. You will receive c which acknowledge rea	AM Secretation - 76A JI. Selegemengerage - Jakarta 12110 - In Supported by ARSE - IRischemen one or two (if you have filled- ceipt of your response to the	in the Satisfactio	
	emails from ASSIST,	count. You will receive c which acknowledge re onses will also be sent t	AM Secretatist - 70A J. Sidegenangaraja - Jakarta 12110 - In - Supported by <u>ARISE - IDischimer</u> i une or two (if you have filled-	in the Satisfactio	
	emails from ASSIST, A copy of your respo	count. You will receive c which acknowledge re onses will also be sent t	AM Secretation - 76A JI. Selegemengerage - Jakarta 12110 - In Supported by ARSE - IRischemen one or two (if you have filled- ceipt of your response to the	in the Satisfactic e proposed solu	
	emails from ASSIST, A copy of your respo First Acknowledgeme Gmail [ASSIST][#18120181102] Thank you	count. You will receive c which acknowledge re- onses will also be sent t Int Email from ASSIST	AM Secretation - 76A JI. Selegemengerage - Jakarta 12110 - In Supported by ARSE - IRischemen one or two (if you have filled- ceipt of your response to the	in the Satisfactic e proposed solu	tion by AMS-Y
	emails from ASSIST, A copy of your respo First Acknowledgeme M Gmail	count. You will receive c which acknowledge re- onses will also be sent t Int Email from ASSIST	AM Secretation - 76A JI. Selegemengerage - Jakarta 12110 - In Supported by ARSE - IRischemen one or two (if you have filled- ceipt of your response to the	in the Satisfactic e proposed solu	tion by AMS-Y
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	emails from ASSIST, A copy of your respo First Acknowledgeme M Gmail [ASSIST][#18120181102] Thank you No Reply ASSIST coolid@seen.org? Repl-To: "assid@seen.org?	count. You will receive of which acknowledge re- onses will also be sent t Int Email from ASSIST	At Secretation - 76A 11. Selegemenogeney - Jakarta 12110 - In Supported by ARSE - IDischerent one or two (if you have filled- ceipt of your response to the to the DCP and the HCP.	in the Satisfactic e proposed solu	tion by AMS-Y
	emails from ASSIST, A copy of your respo First Acknowledgeme Comment Gamail (Assist][#18120181102] Thank you No Reply ASSIST cardiol@seen org? Reply-To: "assid@seen org? Reply-To: "assid@seen org? Comment Comment Assist I replaced assist I replaced Comment Assist I replaced Com	count. You will receive of which acknowledge re- onses will also be sent t Int Email from ASSIST I for answer I for answer	At Secretation - 76A 11. Selegemenogeney - Jakarta 12110 - In Supported by ARSE - IDischerent one or two (if you have filled- ceipt of your response to the to the DCP and the HCP.	in the Satisfactic e proposed solu ASEAN Lawyer	tion by AMS-Y
	emails from ASSIST, A copy of your respo First Acknowledgeme Commission General Reply To State Commission Reply To State Commission Reply To State Commission Reply To State Commission Com	count. You will receive of which acknowledge re- onses will also be sent t Int Email from ASSIST I for answer I for answer	At Secretation - 76A 11 Storgenungerage - Jakarta 12110 - In Supported by ARSE - IRischenerd one or two (if you have filled- ceipt of your response to the to the DCP and the HCP.	in the Satisfactic e proposed solu ASEAN Lawyer	tion by AMS-Y
	emails from ASSIST, A copy of your respo First Acknowledgeme Comment Gamail (Assist][#18120181102] Thank you No Reply ASSIST cardiol@seen org? Reply-To: "assid@seen org? Reply-To: "assid@seen org? Comment Comment Assist I replaced assist I replaced Comment Assist I replaced Com	count. You will receive of which acknowledge re- onses will also be sent t Int Email from ASSIST I for answer I for answer	At Secretable - 76A 11 Selegemengerge - Jakarta 12119 - In Supported by ARSE - IDecland one or two (if you have filled- ceipt of your response to the to the DCP and the HCP.	in the Satisfactic e proposed solu ASEAN Lawyer	tion by AMS-Y
	emails from ASSIST, A copy of your respo First Acknowledgeme Comment Gamail (Assist][#18120181102] Thank you No Reply ASSIST cardiol@seen org? Reply-To: "assid@seen org? Reply-To: "assid@seen org? Comment Comment Assist I replaced assist I replaced Comment Assist I replaced Com	Count. You will receive of which acknowledge re- onses will also be sent to ant Email from ASSIST of or answer I for answer I for answer	At Secondaria - 76A 11 Stelegomangerage - Jakarta 12119 - In Supported by ABSE - IDiscience on e or two (if you have filled- ceipt of your response to the to the DCP and the HCP.	in the Satisfactic e proposed solu ASEAN Lawyer	tion by AMS-Y
	emails from ASSIST, A copy of your responses First Acknowledgeme Comment	Losses count. You will receive of which acknowledge re- onses will also be sent to ant Email from ASSIST I for answer Loter answer Loter 10, your feedback on whether you are an rate to the proposed solution.	At Secretable - 70A JI. Selegemengerge - Jakarta 12119 - In Supported by ARSE - IDEclarated one or two (if you have filled- ceipt of your response to the to the DCP and the HCP. SIST Solutions for Investments, Services and Trade attafred with the answer given by the DCP and the pro- assist_ascan org	in the Satisfactic e proposed solur ASEAN Lawyer	tion by AMS-Y
	emails from ASSIST, A copy of your responses First Acknowledgeme Case of a constant of the second and the second Case of the second acknowledge Case of the second acknowledge If you provided a constant of the second acknowledge	Count. You will receive of which acknowledge re- onses will also be sent to Int Email from ASSIST I for answer Control of the proposed solution. Control of the Satisfact Inment on the Satisfact	At Secondaria - 76A 11 Stelegomangerage - Jakarta 12119 - In Supported by ABSE - IDiscience on e or two (if you have filled- ceipt of your response to the to the DCP and the HCP.	in the Satisfaction e proposed solution ASEAN Lowyer posed solution Is: "Yes"	tion by AMS-Y *assanlawyer®@ymail.com Sun, Nev 4, 2018 at 5:35 AM

Reply ASSIST <assist@asean.org> iy-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>	Sun, Nov 4, 2018 at 5.37
ASSOCIATION OF SOLUTION AND ASIAN NATIONS	ASSIST ASEAN Solutions for investments, Services and Trade
Dear Ms Sierra Riviera,	
	ur feedback on whether you are satisfied with the answer given by the DCP and the proposed solution is: "Yes"
With reference to your complaint ID No. 18120181102, yo We are very satisfied with the solution provided by AMS-5	as AMS-Y has agreed to immediately suspend the measure contained in the Ninistry of Health's Regulation of 2015. Chapter 1000, Section 100, pending rence to specific products and application only to products containing saturated fats, mespective of their vegetable or animal origin. With this positive



Central Administrator of ASSIST / ASEAM Secretariat - 70A JI. Stsingamangaraja - Jakarta 12110 - Indonesia ASSIST - Supported by ARSE - IDeclament



WELCOME TO ASSIST

ASSIST ASEAN Solutions for Investments, Services and Trade

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

FAO

(d) If you would like to see the comment that you have provided in the Satisfaction Survey, click on the 'magnifying glass' icon and the below screen will appear.

We are very satisfied with the solution provided by AMS-Y as AMS-Y has agreed to immediately suspend the measure contained in the Ministry of Health's Regulation of 2015, Chapter 1000, Section 100, pending the amendment of the measure to delete any express reference to specific products and application only to products containing saturated fats, irrespective of their vegetable or animal origin. With this positive proposed solution by AMS-Y, we believe that it never intended to discriminate against palm oil as a whole.

On notification that a solution proposed to an AE has been accepted as satisfactory by the ASEAN Law Firm/Lawyer, the DCP should pass notice of the acceptance on to the RA(s), to ensure that any administrative arrangements necessary to implement the solution are in place as soon as possible.

ASSIST will consider this procedure as one where the complaint was accepted and a solution was provided by the DCP and accepted by the ASEAN Lawyer/Law Firm.

Please note that the timeframe for solving cross-border problems brought under ASSIST shall be no more than 40 working days or 2 calendar months (unless an extension of maximum 20 working days has been accorded) from the date when the complaint has been accepted by the DCP (i.e. the ASEAN Member State against which the complaint was filed).



Complaint Filed by an ASEAN Enterprise, Accepted by Central Administrator and Destination Contact Point and Solution Proposed by Destination Contact Point and Accepted by the ASEAN Enterprise.

Brief Description of Case: This scenario is that of a mock case that is structured to reflect Mode 1 (or the so-called Cross Border Supply) of international trade in services, which is defined in the ASEAN Framework Agreement on Services (AFAS) and the General Agreement on Trade in Services (GATS), mutatis mutanda, as the supply of a service from the territory of one country into the territory of another country or, in other words, in all commercial instances where the service moves across the border. This scenario is that of a complaint that is accepted by ASSIST's Central Administrator as having been validly lodged by the Complainant (i.e., being complete and falling within ASSIST's scope) and also accepted by the Destination Country as an issue for which the particular ASEAN Member State is willing to engage with the Complainant through ASSIST, interact with the domestic relevant authorities and provide a solution to the Complainant through ASSIST.

The complaint is in relation to a new shipping law issued by the Destination Country, namely the Ministry of Trade Law No. 13 Year 2018, imposing that certain commodities can only be transported for import or export by national maritime transport companies. The four commodities (i.e., iron, aluminium, rubber and cotton), are among the commodities listed in this new shipping law. This new law would certainly result in a financial loss for the Complainant's business and prevent it from providing its maritime shipping services between the Home Country and the Destination Country. The Complainant is very worried and believes that this legislative development is contrary to free trade, to the spirit of the ASEAN Economic Community (AEC) and, possibly, against the specific commitments and obligation of the Destination Country under the relevant ASEAN economic agreements (e.g., the ASEAN Framework Agreement on Services, or AFAS).

List of Actors and Abbreviations:

- Complainant = ASEAN Enterprise (AE)
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)
- Relevant National Authorities = Relevant Authorities (RAs)



GO TO THE ASSIST WEBSITE (HTTP://ASSIST.ASEAN.ORG)

If you feel that your case is a problem on an ASEAN cross-border trade related issue, you are a business registered in an ASEAN Member State, and you would like a free of charge, non-binding, consultative service, and receive an expedited and effective solution, go to the following link: http://assist.asean.org.

143



ASSIST **ASEAN Solutions for Investments, Services and Trade** WELCOME TO ASSIST **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO CONTACT WHAT IS ASSIST? ASSIST **ASEAN Solutions for Investments, Services and Trade** WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT WELCOME TO ASSIST PROCESS FAO CONTACT File a Complaint Please click on the loon of choice below and fill-in the required form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an * are mandatory fields. Please note that, if you require anonymity, your complaint may be submitted by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm. In this case, the representative entity shall use its business registration number from the ASEAN jurisdiction where it is incorporated. ASEAN Trade Associatio ASEAN Lawyer or Law NON-ANONYMOUS ANONYMOUS **ANONYMOUS** Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automa ed email that you will receive from ASSIST shortly after submission. If you do not receive any such comm ase verify your e complaint. The Central Administrator of ASSIST may request that you resubmit your complaint if any of the information is incomplete or incorrect. Once your complaint has been accepted by the Central Administrator of ASSIST, the Destination Contact Point will be asked to respond. If the complaint is accepted by the Destination Contact Point, you will be notified of the response and, ultimately, of the proposed solution (if any). Complaints are usually addressed and a solution proposed within 40 to 60 working days maximum from the date of acceptance of the complaint by the Destination Contact Point Special rules apply to complaints filed by ASEAN-based registered lawyers or law firms. In particular, ahead of subnitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN Enterprise based in one the of the 10 ASEAN Member States, an ASEAN-based lawyer or law firm (i.e., a lawyer or law firm duly loensed to practice law in the ASEAN Member State where the clent is based or against which the complaint is filed) must contact the ASEAN Secretariat and provide the required data on its professional registration and on the client on whose behalf the anonymous complaint is filed. In order to do so, please download the necessary form and submit it to the ASEAN Secretariat as specified on the form itself. Contral Administrator of ASSIST / ASEAN Secretariat - 70A JI: Skingamangaraja - Jakarta 12110 - Indonesia ASSIST - Supported by <u>ARSSE - (Disclaimer)</u> When you click on the "ASEAN Enterprise" icon, the following page will appear.

OF SOUTHEAST		Investments, Services and	Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Complaint to b	e Filed by ar	ASEAN Ente	erprise			
ASEAN Enterprise	with an " are mandator Please note that, if you r representative entity of y forms are available unde	y Tields. equire anonymity, your complain iour choice, such as a chamber o Ir the respective <u>leons</u> .	with enough information on the tra- should be submitted instead by an A f commerce, business council, busine submission by replying to the auto	SEAN-based trade ass ass faderation, or regist	oclation, or by ared lawyer or	any other law firm. Dedicated
ASEAN ENTERPRI						
ASEAN Enterprise Name						
Company Size		5	•			
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CONTACT PERSON	4					
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		The Church Church				
Gender			* Last Name			
Gender First Name			* Last Name			
Gender First Name Phone Position			* Last Name			

ELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CON
	Address					
	City Country	300 sharedows remaining (23P Code			
	COMPLAINT DESC * Country of Legal Registration * Registration Number					
	* Company Registration Proof * Type of Business * Business Sector	Choose File No 1	ie Chosen		*	
	Services Sector Description Type of Problem Encountered Destination Country	0 1 Tariff-related mea	ures			
	* Description	Ø				
	Attachment	5000 oturaters remaining Choose File No f]		
	 I have read and accept the ASS I hereby submit this complaint to 		s transmission to the relevant authorities of the ASEAN Mem	ber States involved		
		1m no	a robot			

Fill-in the above form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an asterisk (*) are mandatory fields. If you are not sure on what to fill-in for a field, the **1** buttons are available for detailed instructions on what to fill-in for each field. Please click on the **1** buttons to make sure that you fill-in the correct information in the form.

It is extremely important that you properly fill-in the "Description" field. The CA will need to verify that the description given in the complaint is sufficient to clearly identify the problem in the context of the specific subject agreement(s). Thus, please carefully layout your complaint with legal arguments and factual evidence to help the CA in deciding whether to approve your complaint.

FILL-IN THE COMPLAINT FORM

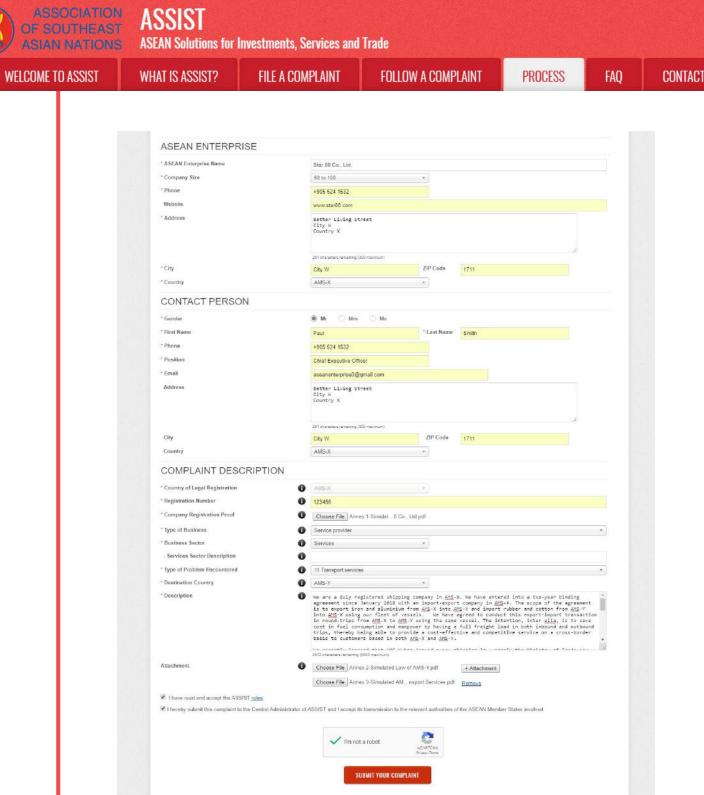
STEP

3

Below is an example of a completed form for this specific case study.

ASIAN NATIONS		Investments, Services and	Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Complaint to be	e Filed by an	ASEAN Ente	erorise			
o ompiante to be	· · · · · · · · · · · · · · · · · · ·		siprico			
		elow so as to provide ASSIST	with enough information on the tra	de problem that you a	are experiencia	ng. Fields marked
	Please fill-in the form b with an * are mandator Please note that, if you r	ielow so as to provide ASSIST y fields. equire anonymity, your complaint	with enough information on the tra- should be submitted instead by an Al	SEAN-based trade ass	ociation, or by a	any other
	Please fill-in the form b with an * are mandator Please note that, if you r	ielow so as to provide ASSIST y fields. equire anorymity, your complaint our choice, such as a chamber o	with enough information on the tra-	SEAN-based trade ass	ociation, or by a	any other

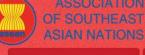




Central Administrator of ASSIST / <u>ASEAN</u> Secretariat-70A JL Sisingamanganaja - Jakarta 12110 - Indone ASSIST - Supported by ARISE - (Disclaimes)

As an example of a clear and concise description of the complaint, below is the AE's description of his complaint in this case study:

"We are a duly registered shipping company in AMS-X. We have entered into a two-year binding agreement since January 2018 with an import-export company in AMS-X. The scope of the agreement is to export iron and aluminium from AMS-X into AMS-Y and import rubber and cotton from AMS-Y into AMS-X using our fleet of vessels. We have agreed to conduct this export-import transaction in round-trips from AMS-X to AMS-Y using the same vessel. The intention, inter alia, is to save cost in fuel consumption and manpower by having a full freight load in both inbound and outbound trips, thereby



STEP

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WELCOME TO ASSIST WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

being able to provide a cost-effective and competitive service on a cross-border basis to customers based in both AMS-X and AMS-Y.

We recently learned that AMS-Y has issued a new shipping law, namely the Ministry of Trade Law No. 13 Year 2018, imposing that certain commodities can only be transported for import or export by national maritime transport companies. The four commodities, i.e. iron, aluminium, rubber and cotton, are among the commodities listed in this new shipping law. This new law would certainly result in a financial loss for our business and prevent us from providing its maritime shipping services between AMS-X and AMS-Y. We are very worried that this legislative development is contrary to free trade, to the spirit of the ASEAN Economic Community (AEC) and, possibly, against the specific commitments and obligation of AMS-Y under the relevant ASEAN economic agreements (e.g., the ASEAN Framework Agreement on Services, or AFAS).

We are of the view that this new law is a clear measure of protectionism and is incompatible with free trade principles and customary law regarding international maritime services, which will seriously impact AMS-X's shipping companies that are offering cross-border maritime transport services in relation to the commodities affected by this law. Furthermore, this new measure by AMS-Y is a clear violation of the commitments made by AMS-Y to the World Trade Organization and is a clear violation of the Schedule of Specific Commitments of AMS-Y under AFAS, where AMS-Y have committed to allow foreign shipping companies that are offering cross-border freight transport services within ASEAN to operate within its waters without any limitations to market access and national treatment. Thus, we would like to request for AMS-Y to revoke or amend this new law accordingly."

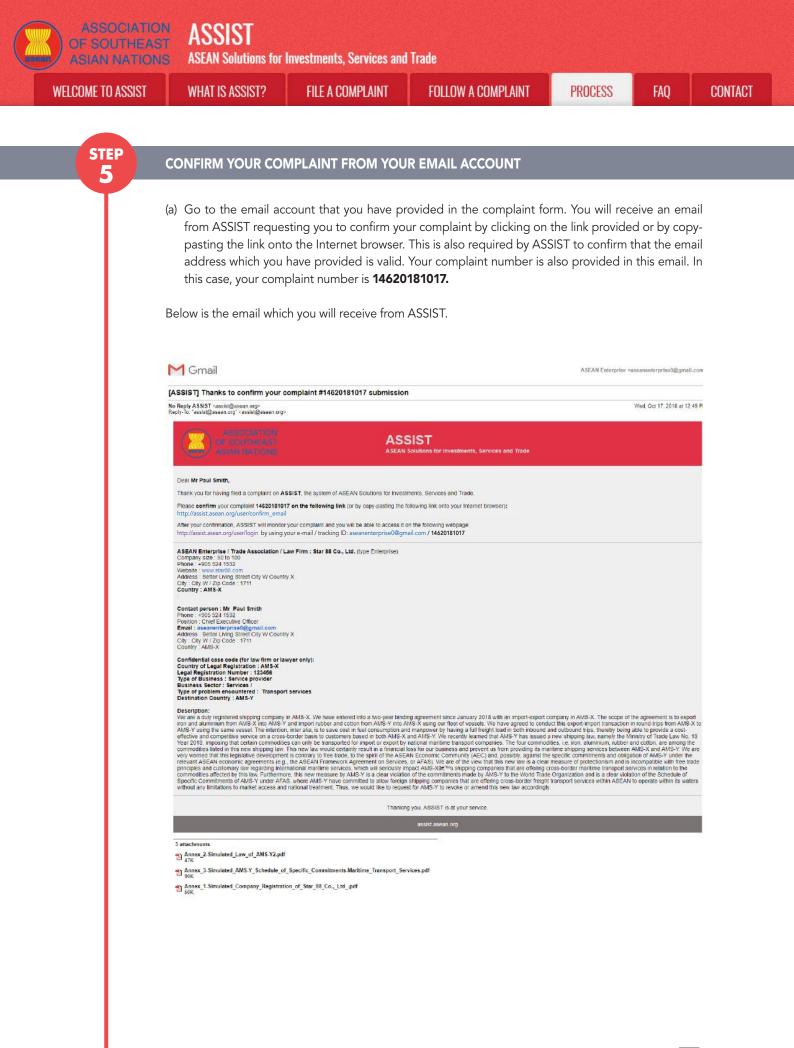
When the complaint is filed by clicking "Submit Your Complaint", the following page in Step 4 will appear.

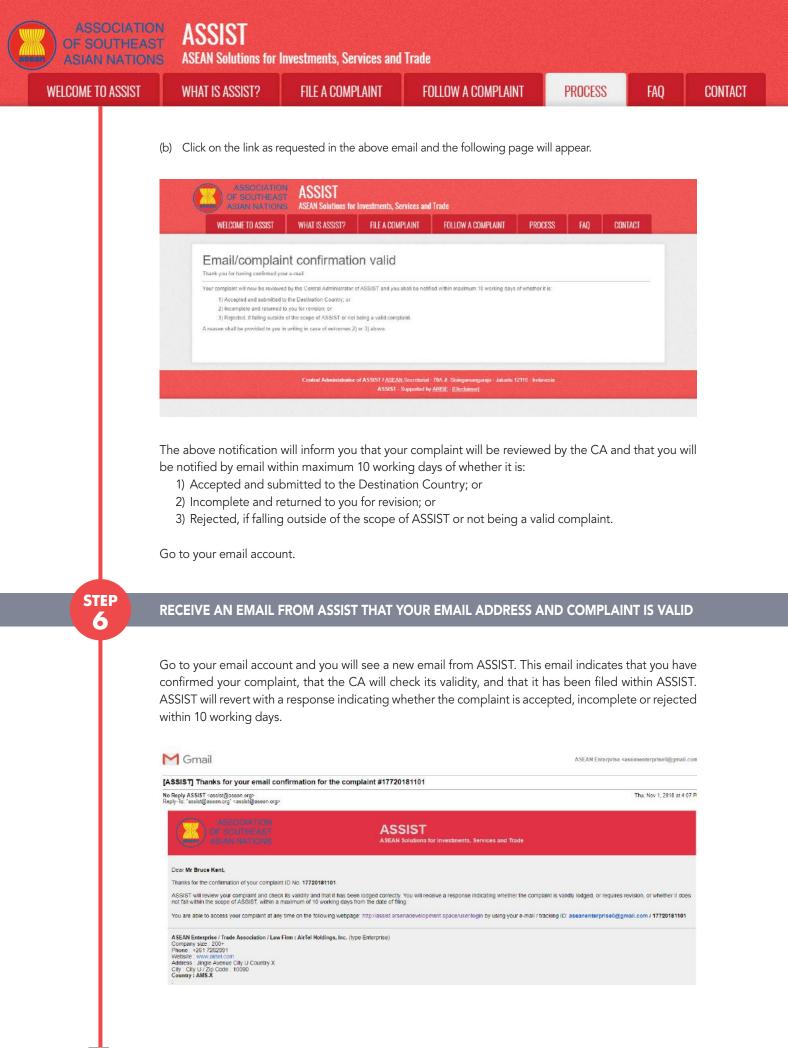
RECEIVE A NOTIFICATION FROM ASSIST

Once you file a complaint on the ASSIST website, the below page will appear, informing you that a confirmation email will be sent to the email address which you have provided in your complaint form.

WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
hank you for	the submissi	on of vour co	molaint			
ou will shortly receive a confirm						
fease click on the link contained	d in the e-mail in order to conf	m your submission				
ou will be able to monitor your con	mplaint and access it on the toto	wing weopage				
<u>ttp://assist.asean.org/user/login</u>						
y using your e-mail / tracking ID.						

The above notification indicates that you should click on the link provided in your email account to confirm your complaint with ASSIST.





ASSIST ASEAN Solutions for Investments, Services and Trade WELCOME TO ASSIST **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO CONTACT WHAT IS ASSIST? Contact person : Mr Bruce Kent Phone : +261 8159265399 Position : President Email : aseanenterprise0@gmail. cmail: aseanenterprise0@gmail.com Address : Jingle Avenue City U Country X City : City U / Zip Code : 10090 Country : AMS-X Contidential case code (for law firm or lawyer only): Country of Legal Registration : AMS-X Legal Registration Number : 123456 Type of Business : Service provider Business Secto : Services / Telecommunication Type of problem encountered : Communication Services Destination Country : AMS-Y Description: We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y 60% of the total shares issued by AirTel Co., Ltd. is owned We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y 60% of the total shares issued by AirTel Co., Ltd. is no longer valid. In faci, In August 2018, AMS-Y had mended the Telecommunications losienses Authority in September 2016 on the argument that the telecommunications license possesed by AirTel Co., Ltd. Sen olonger valid. In faci, In August 2018, AMS-Y had mended the Telecommunications Eurgence Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a provides services to the equired in the regulacing the period and the period and the period with an etwork that provides services to the applicating there services a segments of the public. A type C telecom license is for an operator with a network that services to the applicating the analysis of the period and the service of the period and the period method the period and there quarters of the applicating there was not given any notification by AMS-Y on this new development. It has also compiled with the requirement for foreign companies with a majority of foreign shareholders, which is obtaining a Foreign Business License from the hints of Commerc. The revicing of AirTel Co., Ltd & deff is license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific committee of AirS-Y and the televent and against foreign investors in the telecommunications sector and a violation of the specific commitment for defined companies with a majority of foreign pa Thanking you, ASSIST is at your service 4 attachments Annex_2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf Annex_3-Simulated_Law_of_AMS-Y1.pdf Annex_4-Simulated_Amendment_Law_of_AMS-Y1.pdf A PROVIDE A CONTRACT OF ANTI-LINE AND A CARD

As indicated in the above email, you are now able to monitor the progress by clicking on the indicated link which will be directed to the "Follow a Complaint" tab on the menu bar on the ASSIST Website.

MONITOR THE PROGRESS OF YOUR COMPLAINT

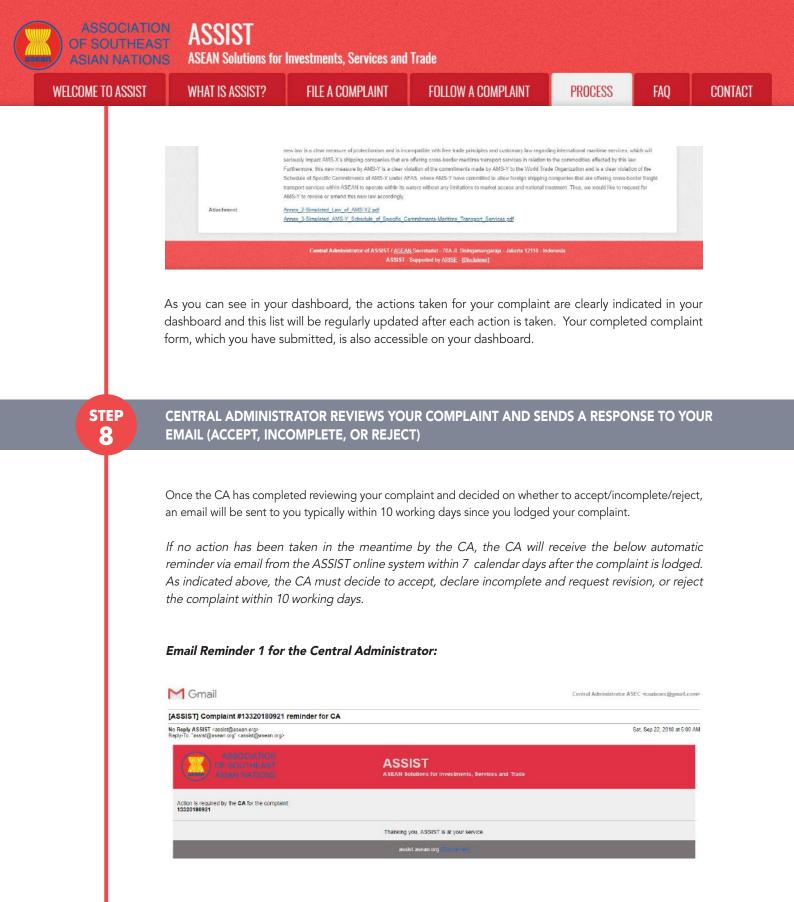
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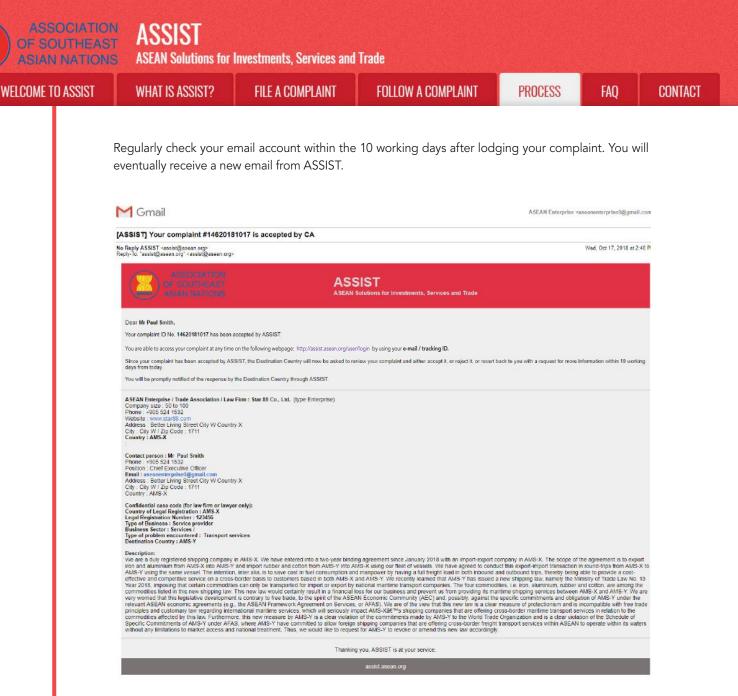
(a) Go to the following link: http://assist.asean.org/user/login or go to the "Follow a Complaint" tab on the menu bar on the ASSIST Website. The below page will appear.

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		were given at the time of filing yo	ur complaint to enter the ASSIST dash	board and check on t	he progress of y	our proceeding.
Email		Tr	acking ID			
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		(
		LOGIN				

(b) Enter your email address and tracking ID (your complaint number) in the required fields to login. In this case, the **Email Address** is aseanenterprise0@gmail.com and the Tracking ID is **14620181017**.

ME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A CON	IPLAINT	PROCESS	FAQ
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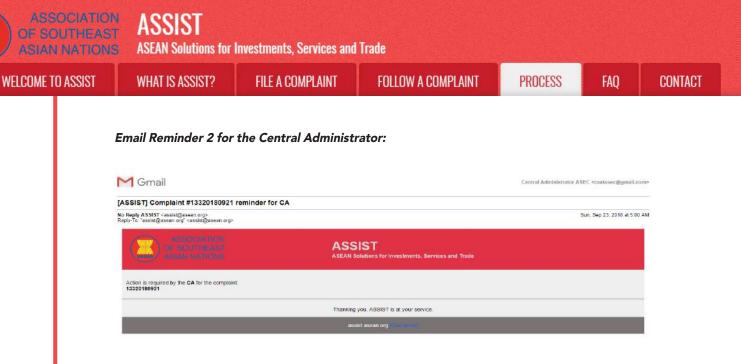




In this case, the above email shows that your complaint has been **accepted** by the CA. The email also informs you that your complaint will now be sent to the Destination Contact Point, which is the government agency (ASSIST Focal Point) in AMS-Y where you are facing trade problems and where your complaint is directed and a resolution is sought. The DCP in AMS-Y will be given 10 working days to review your complaint and either accept, reject or revert back to you with a request for more information. This is intended to give time to the DCP to examine the details of the complaint, and consult as necessary with any relevant national authorities.

The Home Contact Point, which is the government agency (ASSIST Focal Point) in AMS-X (your home country) has also been notified that your complaint is lodged.

If you do not receive an email from ASSIST within the required timeframe (10 working days since the complaint is lodged), then this means that the CA has an overdue action. The CA will receive another automatic reminder via email (14 calendar days after the complaint is lodged) that an action is required by the CA for the complaint. The CA will receive the email below:



STEP 9

LOGIN TO YOUR ASSIST DASHBOARD BY USING YOUR EMAIL AND TRACKING ID TO SEE THE ACTUAL RESPONSE FROM THE CENTRAL ADMINISTRATOR

If you wish to see the full response from the CA, you will need to login to your ASSIST dashboard using your email and tracking ID as indicated in Step 7(a) and (b) above.

The full view of your dashboard can be seen below. As you can see, another action has been added to your 'History' indicated that the CA has "Accepted" your complaint.

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17/10/2018 13:09:04			al Confirmed				
17/10/2018 12:49:41	ASEAN-ba	ised Enterprise					
ASEAN ENTER	Ster 88 Co., Ltd.						
Company Size	50 to 100		Address	Better Livi	ing Street City V	/ Country X	
Phone	+905 524 1532		City	City W			
Website	www.star68.com		ZIP Code	1711			
			Country	AMS-X			
CONTACT PER	SON						
First Name	Paul		Address	Better Livi	ing Street City V	/ Country X	
Last Name	Smith		City	City W			
Phone	+905 524 1532		ZIP Code	1711			
Position	Chief Executive Officer		Country	AMS-X			
	aseanenterprise0@gmail.com (C	onfirmed)					
Email							
Email COMPLAINT DE	SCRIPTION						
			Business Sector	Services			

ASSIST

ASEAN Solutions for Investments, Services and Trade



FILE A COMPLAINT



WHAT IS ASSIST?

FOLLOW A COMPLAINT

FAO

X

Description	We are a duly registered shipping company in AMS-X. We have entered into a two-year binding agreement since January 2018 with an import-export company in
	AMS-X. The scope of the agreement is to export iron and aluminium from AMS-X into AMS-Y and import rubber and cotton from AMS-Y into AMS-X using our fleet
	of vessels. We have agreed to conduct this export-import transaction in round-trips from AMS-X to AMS-Y using the same vessel. The intention, inter alla, is to
	save cost in fuel consumption and manpower by having a full freight load in both inbound and outbound trips, thereby being able to provide a cost-effective and
	competitive service on a cross-border basis to customers based in both AMS-X and AMS-Y. We recently learned that AMS-Y has issued a new shipping law,
	namely the Ministry of Trade Law No. 13 Year 2010, Imposing that certain commodities can only be transported for Import or export by national maritime transport
	companies. The four commodities, i.e. iron, aluminium, rubber and cotton, are among the commodities listed in this new shipping law. This new law would certainly
	result in a financial loss for our business and prevent us from providing its maritime shipping services between AMS-X and AMS-Y. We are very worried that this
	legislative development is contrary to free trade, to the spirit of the ASEAN Economic Community (AEC) and, possibly, against the specific commitments and
	obligation of AMS-Y under the relevant ASEAN economic agreements (e.g., the ASEAN Framework Agreement on Services, or AFAS). We are of the view that this
	new law is a clear measure of protectionism and is incompatible with free trade principles and customary law regarding international maritime services, which will
	seriously impact AMS-X's shipping companies that are offering cross-border maritime transport services in relation to the commodities affected by this law.
	Furthermore, this new measure by AMS-Y is a clear violation of the commitments made by AMS-Y to the World Trade Organization and is a clear violation of the
	Schedule of Specific Commitments of AMS-Y under AFAS, where AMS-Y have committed to allow foreign shipping companies that are offering cross-border freigh
	transport services within ASEAN to operate within its waters without any limitations to market access and national treatment. Thus, we would like to request for
	AMS-Y to revoke or amend this new law accordingly.
Attachmont	Annex 2-Simulated_Law_of_AMS-Y2.pdf
	Annex 3-Simulated AMS-Y Schedule of Specific Commitments-Maritime Transport Services.pdf

Click on the magnifying glass icon in the comments column. The full response from the CA will appear, as can be seen below:

Dear Mr Paul Smith

Thank you for lodging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete. You have submitted your company registration document which proves that you are a business registered in AMS-X and you have also provided us with a copy of the Ministry of Trade Law No. 13 Year 2018 that is allegedly in violation of the Schedule of Specific Commitments of AMS-Y under AFAS. In addition, you have also submitted a copy of the concerned commitments of AMS-Y under AFAS. Thus, the Central Administrator finds that the nature of your complaint falls within the scope of ASSIST and that you have fulfilled all the necessary requirements to file a complaint under ASSIST.

We will forward your complaint to AMS-Y (Destination Contact Point). The Destination Contact Point will review your complaint and consult with the relevant national authorities, and will revert with a response within 10 working days on whether it has accepted or rejected your complaint.

You may monitor the progress on the handling of the complaint by login to your ASSIST Dashboard by using your Email/Tracking ID.

As informed in Step 8, once the complaint has been accepted by the CA, the complaint will be sent to the Destination Contact Point (DCP) in AMS-Y where you are facing trade problems. The DCP in AMS-Y will be given 10 working days to review your complaint and either accept or reject it. This is intended to give time for the DCP to examine the details of the complaint, and consult as necessary with any relevant national authorities. Once the DCP responds, an email will be sent to you from ASSIST informing you whether your complaint has been accepted or rejected by the DCP in AMS-Y.

WELCOME TO ASSIST

STEP 10

RECEIVE AN EMAIL NOTIFICATION FROM ASSIST ON WHETHER YOUR COMPLAINT IS ACCEPTED OR REJECTED BY THE DESTINATION CONTACT POINT IN AMS-Y

Within 10 working days after the response from the CA that your complaint is accepted, you will receive an email below informing that your complaint has been accepted or rejected by the DCP in AMS-Y.

If no action has been taken in the meantime by the DCP, the DCP will receive the automatic reminder below via email from the ASSIST online system within 7 calendar days after the complaint has been accepted by the CA. As indicated above, the DCP must decide to accept or reject the complaint within 10 working days from when the CA has accepted the complaint.

Email Reminder 1 for the Destination Contact Point:

M Gmail		AMS Y <aseanmemberstate.y@gmail.com></aseanmemberstate.y@gmail.com>
[ASSIST] Complaint #14620181017 reminder for D	CP	
No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>		Thu, Oct 18, 2018 at 5:00 AM
ASSOCIATION OF GOLITHEAST ASIMI NATIONS	ASSIST ASEAN Solutions for Investments, Services and Trade	
Action is required by the DCP AMS-Y for the complaint. 14620181017		
	Thanking you, ASSIST is at your service	
	assist asean org	

Regularly check your email account within the 10 working days after the response from the CA that your complaint is accepted. You will eventually receive a new email from ASSIST.

ASSIST] Your complaint #14620181017 is a	accepted by DCP
o Reply ASSIST ≺assist@asean.org> aply-To: "assist@asean.org" ≺assist@asean.org>	Thu, Oct 18, 2018 at 12:07
	ASSIST ASEAN Solutions for Investments, Services and Trade
Dear Mr Paul Smith,	
Your complaint ID No. 14620181017 has been accepted	by the Destination Country.
You are able to access your complaint at any time on the	e following webpage: http://assist.asean.org/user/login by using your e-mail / tracking ID.
As your complaint has been accepted by the Destination complaint in detail.	Country, the ASSIST Focal Point of the Destination Country (DCP), in coordination with the competent national authorities (RAs), will now analyse your
Complaints are usually addressed within 40 to 60 working	g days from the date of acceptance of the Complaint by the Deslination Country.
You will be promptly notified of the proposed solution by	the Destination Country through ASSIST.
ASEAN Enterprise / Trade Association / Law Firm : Star Company size : 50 to 100 Phone : +905 524 1532 Website : www.star68.com Address : Better Living Street City W Country X City : City W / 2/p Code : 1711 Country : AMS-X	18 Co., Ltd. (type Enterprise)
Contact person : Mr. Paul Smith Phone : -905 524 1532 Postion : Chief Executive Officer Email : assementprise@gmail.com Address : Better Living Street City W Country X City : City W / Zip Code : 1711	

OF SOUTHEAS ASIAN NATION	ส หองเงา	Investments, Services and	l Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
	Confidential case code (for law firm or lawy Country of Legal Registration : AMS X	er only):				
	Legal Registration Number: 123456 Type of Business: Service provider Business Sector: Services / Type of problem encountered : Transport s Destination Country : AMS-Y Description:					
	iron and aluminium from AMS-X into AMS- AMS-Y using the same vessel. The intention effective and competitive service on a cross Year 2013, imposing that certain commotifi commodities listed in this new shipping law very worried that this legislative developme relevant ASEAN economic agreements (e. principles and customary taw regarding inter- commodities affected by this law. Furtherm Specific Commitments of AMS-Y under AF.	Y and import rubber and cotton from AIKS-Y into A in , Inter alia, is to save cost in the consumption as >border basis to customers based in both AIKS-X is can only be transported for import or export by This new law would certainly result in a financial in its contrary to free trade, to the spirit of the ASE _, the ASEAN Framework Agreement on Service rmational martime services, which will servicus ji ore; this new measure by AIKS-Y is a clear violati AS, where AIKS-Y have committed to allow foreign.	Ing agreement since January 2018 with an import-export of MiS-X using our fleet of vessels. We have agreed to cond of manpower by having a full freight load in both inbound a and AMIS-Y we recently learned that AMS-Y has issued national maritime transport companies. The four commod loss for our business and prevent us from providing its ma AM Economic Community (AEC) and, possibly, against the ζ or AFAS). We are of the view that this new law is a clear mpact AMS-Xâ€ [™] s shipping companies that are offering co and the commitments made by AMS-Y to the Viorid Trade is hipping companies that are offering ross-bounder freight st for AMS-Y to revoke or amend this new law accordingly.	Lt this export-import transaction in new shipping law, namely the M files, i.e. iron, aluminium, rubber a time shipping services between e specific commitments and oblig measure of protectionism and is coss-border maritime transport see Organization and is a clear viola	in round-trips from AMS-X able to provide a cost- linistry of Trade Law No. 1 and cotton, are among the AMS-X and AMS-Y. We a ation of AMS-Y under the incompatible with free trad ervices in relation to the stion of the Schedule of	3 enre de
	_		ig you, ASSIST is at your service.			
		а	ssist.asean.org (Disclaimer)			
	In this case, the compl	aint has been accepted	by the DCP as can be seen	above.		
	,		the response by the DCP w	1		
			n accepted by the CA, ther			
			her automatic reminder via ently required by the DCP fo			er
	Email Reminder 2 for Gmail [ASSIST] Complaint #14620181017	reminder for DCP	act Point:	∆MSY≺aseeni	imemberstate.y@gmail.cor	112
	No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org?< td=""><td></td><td></td><td></td><td>Thu, Oct 18, 2018 at 5:00 /</td><td>4JM</td></assist@asean.org?<></assist@asean.org>				Thu, Oct 18, 2018 at 5:00 /	4JM
	ASSOCIATION OF SALE TRANSPORT	ASS	SIST solutions for investments, Services and Trade			
	Action is required by the DCP AMS.Y for the 14620181017					
		Thanking	i you, ASSIST is at your service. assist.asean.org			
	input. Once the RAs c CA within the 40 worki the DCP for the RAs to	omplete their efforts, t ng day deadline. Thus,	tter is forwarded to the Res he DCP should review the s to meet this deadline, a tim responsibility of the DCP to onal authorities.	solution and pro e limit should b	ovide it to th e assigned b	ne Dy
	automatically notify w	hen the deadlines are ses its deadline to subm) working days upon reques approaching (i.e., typically, nit a solution to the CA, the	10 calendar da	iys before th	ne
		ur complaint. You will ev	20 working days after you ventually receive a new ema			

158

FILE A COMPLAINT

WHAT IS ASSIST?

WELCOME TO ASSIST

FOLLOW A COMPLAINT

terprise@@gmail.com

Thu Oct 18 2018 at 12:38 P

RECEIVE AN EMAIL NOTIFICATION FROM ASSIST THAT A SOLUTION IS PROPOSED BY AMS-Y **STEP** AND ACCEPTED BY THE CENTRAL ADMINISTRATOR 11 After the DCP (AMS-Y) receives a proposed solution from their RA(s) and considers that the proposal addresses the issue raised in the complaint, the DCP will provide that proposed solution to the CA. The CA will: (i) review the solution in the context of the original complaint; (ii) register the solution and send it to the AE by email; and (iii) copy the solution to the Home Contact Point/HCP in AMS-X (your home country). (a) Go to your email account. You will receive a new email from ASSIST indicating the response to your complaint from the DCP. M Gmail ASEAN Enterprise <ase [ASSIST] Response for your #14620181017 complaint No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org> ASSIST stments. Services and Trade Dear Mr Paul Smith. The response for your complaint 14620181017 is ready "Upon internal discussions between the DCP and the RAs, AMS-Y decides to postpone the application of the new regulation requiring exporters and importers of certain commodilies, including ron, aluminium, citolica and rubber, to use only AMS-Yat[®]*s domestic vessels (i.e., vessels belonging to mariline shipping companies based in AMS-Y, as there has also been criticism and disagreements from local exporters that this new regulation will possibly affect export volumes and state revenues, as it will discourage or alerate foreign investors, as many buyers of the restricted commodilies are now pending finalization of their contrads. However, AMS-Y state[®] shipping industry to increase domestic shipping capacity as many buyers of the restricted original AMS-Y were trade principles. AMS-Y addied that it did not infeed for the regulation to be send to a protection the restricted approxemation and the involution of the restricted origin investors, as many buyers of the restricted commodilies are now pending finalization of their ubber industry more than 950x4 eVerse shipping industry to increase domestic shipping capacity as mere than 950x of all shipping in AMS-Y waters is fandiced by foreign vessels. Thus, for example, in the same year, which is a major difference. AMS-Y added that the key goal of the regulation is that domestic shipping services companies start to benefit more significantly from the isling amount of sea trade in AMS-Y waters. Currently, most of the contracts and volumes of sea trade are dominated by foreign sessels. Thus, for example, in the service science is a state in AMS-Y water is start to benefit more significantly from the isling amount of sea trade in AMS-Y waters. Currently, most of the contracts and volumes of sea trade are dominated by foreign sheeps excience companies. However, AMS-Y agrees that it requires a more gradual process rather than a sudden break; thus the decision to postpone indefinitely (atmough not to revoke) the application of the new a." You can also check the status of your complaint online at http://assist.asean.org/user/login by using your e-mail / tracking ID. Please kindly indicate whether you are satisfied with the answer given by the DCP and the solution provided therein. You can do so by choosing 'Yes' or 'No' below: Yes / No ASEAN Enterprise / Trade Association / Law Firm : Star 88 Co., Ltd. (type Enterprise) Company star: 50 to 100 Phone : 4905 224 1532 Website : www.star68.com Address : Better Living Street City W Country X City: City W / 2/p Code : 1711 Country : AUS X Contact person : Mr. Paul Smith Phone : +906 524 1532 Position : Chief Executive Officer Email : assemblarprise0@gmail.com Address : Better Living Street City W Country X City : City W/ Lipg Cote : 1711 Country : AMS-X Confidential case code (for law firm or lawyer only): Country of Legal Registration : AMS-X Legal Registration Number : 123456 Type of Business : Service provider Business Secto: Services / Type of problem encountor d: Transport services Destination Country : AMS-Y Description: We are a summinum from AUSX, the AUSX, We have entered into a two year binding agreement since January 2018 with an import export company in AUSX. The scope of the agreement is to export We are a summinum from AUSX, and AUSX, and AUSX, and AUSX and AUSX as and author of vessels. We have agreed to conduct the exponumport transaction in reundships from AUSX and AUSX vising the same vessal. The Interview is the export of the approximation and managever by having a full trendship theory have agreed to conduct the exponent is to export endships and an another the interview is the interview of in their consumption and managever by having a full trendship theory in tool tool tool and an another the provide a cost endships and competitive service on a cross-border basis to customers based in both AUSX and AUSX-Y will receive learned that AUSX. This issued a new shipping law, namely the Ministry of Trade Law No. 13 were 2018, imposing that certain commodities can only be transported for import or export by another and export by the interview or companies. The four commodities, and a NUSX and AUSY We are 2018, imposing that certain commodities are not have the vestor of the ASEAN Exponent learned that AUSX has issued a new shipping law, namely the Ministry of Trade Law No. 13 were 2018, imposing that certain commodities and only be transported for import or export by another as and prevent us from providing its maritime shipping services between AUSX and AUSY. Y were were worked that this legislative development is contrary to free thank, to be sport of the ASEAN Exponence. Community (ACC) and possibly, agains the spectratic commitment and obligation of AUSX and AUSY-Y We are relevant ASEAN economic agreements (e.g., the ASEAN Framework Agreement on Services, or AFAS). We are of the view that this new is a clear worked on the incompatible with the trade commodities affected by this law. Furthermore, this new measure by AMSY to be World Trade Organization and is a clear violation of the Schedue of Thanking you, ASSIST is at your service

COME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COM	MPLAINT	PROCESS	FAQ	CO
	(b) above. The full been added to yo	SIST dashboard using y view of your dashboard ur 'History' indicating th from the DCP, which h dashboard.	d can be seen belo nat a solution for yo	ow. As you car our complaint	n see, anoth has been pr	ner action has roposed. The	S Ə
	ASSOCIA OF SOUTHE ASIAN NA TH	AST ASSIS I ONIS ASEAN Solutions for Investments					
	WELCOME TO ASSIS	T WHAT IS ASSIST? MY CO	MPLAINT LOGOUT	PROCESS FAQ	CONTACT	DISCLAIMER	
	Tracking ID	#14620181017 / AMS	3-Y				
	trada principles. AMS-Y under Y waters is handled by foreign 50 million tons in 2017, while f services companies start to be	Seturizes Central Administrator of ASSIST Atopidal Central Administrator of	age AMS-Y's shipping industry to increas ore than 90% of export shipments are con ear, which is a major difference. AMS-Y a trade in AMS-Y waters. Currently, most o	e domestic shipping capacity as ducted by foreign vessels. Den didded that the key goal of the re- if the contracts and volumes of a us the decision to postpone inde the decision to postpone inde DCP and the RAs, AMS-V deci- importers of certain commedia	more than \$0% of all shipp eatic shipping capacity was guidation is that downsatic all ownsative and downsatic all sea trade are dominated by finitely (although not to res does to postpone the applica- tes, including iron, aluminium	ping in AMS- extimated at hipping r/settign voke) the extra of the m, cotton	
	17/10/2018 13:09:04 17/10/2018 12:49:41	ASSIST Email Conference ASEAN-based Enterprise New ASEAN-based Enterprise	Thank you for lodging your complaint u your complaint and finds that it is comp proves that you are a business register Email Confirmed	plete. You have submitted your o			
	ASEAN ENTER	PRISE					
	ASEAN Enterprise Name Company Size	Star 88 Co., Ltd. 50 to 100	Address	Better Living Street City	N Country X		
	Phone	+905 524 1532	City	City W			
	Website	www.star88.com	ZIP Code Country	1711 AMS-X			
	CONTACT PERS	SON					
	First Nome	Paul	Address	Better Living Street City V	V Country X		
	Last Name	Smith	City	City W			
	Phone Position	+905 524 1532 Chief Executive Officer	ZIP Code Country	1711 AMS-X			
	Email	aseanenterprise0@gmail.com (Confirmed)	17 18 EUROPER [®] 177	1000-000-000-00			
	COMPLAINT DE	SCRIPTION					
	Country of Legal Registratio	n AMS-X	Business Sector	Services			
	Registration Number	123456	Type of Problem Encountered	Services / Transport serv	ices		
	Company Registration Proof		Destination Country	AMS-Y			
	Type of Business	Simulated_Company_Registration_of_Star_88_Cr Service provider	التاتان والتليي الم				
	Description	We are a duly registered shipping company in AM AM3-X. The scope of the agreement is to export in of vascels: We have agreed to conduct this caport asive cost in bud computingion and manpover by the competitive service on a cross-border basis to cus namely the Ministry of Trade Law No. 13 Year 201 companies. The four commodifier, I a iron, akimin result in a financial loss for our business and preve legislative development is contrary to free trade, to objection of MAS-Y under the relevant ASEAN or new law is a clear measure of protectionism and is seriously import AMS-Y shipping companies that Furthermore, this new measure by AMS-Y is a clear Schedule of Specific Commitments of AMS-Y under Schedule of Specific Commitments of AMS-Y under MAS-Y to revoke or amend this new law according	on and auhinhum from AMS-X teb. AMS- Import transaction in round-olips from AM wings a full reight load in both inhound an othera so that the source of the source of the source of the source of the source of the source of the in rubber and cotton, are among the co- rat us from providing its maritime shipping- time spits of the ASEAN Forse and incompatible with free Inde principles are are defring cost-order maritime transpit ru violation of the cammitments made by / r AFAS, where AMS-Y have committed the transpit American Strain Strain Strain Strain to water without any limitations to market	Y and import rubber and cotton 15.X to AMS.Y using the same v do outbound tips, threely being We recently learned that AMS- only be transported for import o symmodities filted in this new shi g services between AMS-X and J unitity (AEC) and, possibly, agail imwords Agreement on Services and customery law regarding inte- port services in relation to the co AMS-Y to the World Trade Orga a allow foreign shipping compar	from AMS-Y Into AMS-X un escela. The intention, Into: - able to provide a cost-offer Y has issued a new shippin r export by national mainin r export by national mainin r export by national maining programs. There is a source of AMS-Y. We are very worrise st the specific commitmee st provide a source of the so	sing our fleet alla, is to toby and ng law. In the support out destahly di that this tob and view that this s, which will law. atom of the border freight.	
	Attachment	Annex 2-Simulated Lew of AMS-Y2 odf	Commitments-Maritime Transport Ser	vices.pdf			
		Annex_3-Simulated_AmS-r_Schedule_or_Speciny					



ASSIST ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

PROCESS

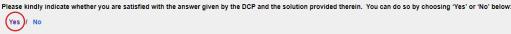
Below is the proposed solution from the DCP:

"Upon internal discussions between the DCP and the RAs, AMS-Y decides to postpone the application of the new regulation requiring exporters and importers of certain commodities, including iron, aluminium, cotton and rubber, to use only AMS-Y's domestic vessels (i.e., vessels belonging to maritime shipping companies based in AMS-Y), as there has also been criticism and disagreements from local exporters that this new regulation will possibly affect export volumes and State revenues, as it will discourage or alienate foreign investors, as many buyers of the restricted commodities are now pending finalization of their contracts.

However, AMS-Y stated that it did not intend for the regulation to be seen as a protectionist measure against foreign vessels and in violation of free trade principles. AMS-Y underlined that its measure was initially intended to encourage AMS-Y's shipping industry to increase domestic shipping capacity as more than 90% of all shipping in AMS-Y waters is handled by foreign vessels. Thus, for example, in the rubber industry more than 90% of export shipments are conducted by foreign vessels. Domestic shipping capacity was estimated at 50 million tons in 2017, while foreign vessels shipped 800 million tons in the same year, which is a major difference.

AMS-Y added that the key goal of the regulation is that domestic shipping services companies start to benefit more significantly from the rising amount of sea trade in AMS-Y waters. Currently, most of the contracts and volumes of sea trade are dominated by foreign shipping service companies. However, AMS-Y agrees that it requires a more gradual process rather than a sudden break, thus the decision to postpone indefinitely (although not to revoke) the application of the new law."

(c) In the bottom of the email from ASSIST in 11(a) above, you are requested to indicate whether you are satisfied or not with the answer given by the DCP and the solution provided therein. You can do so by choosing 'Yes' or 'No' in the field provided.



STEP

12

In this case, the AE chooses "Yes".

PROVIDE YOUR FEEDBACK TO THE PROPOSED SOLUTION PROVIDED BY AMS-Y IN THE SAT-ISFACTION SURVEY AND RECEIVE ACKNOWLEDGEMENT EMAILS FROM ASSIST

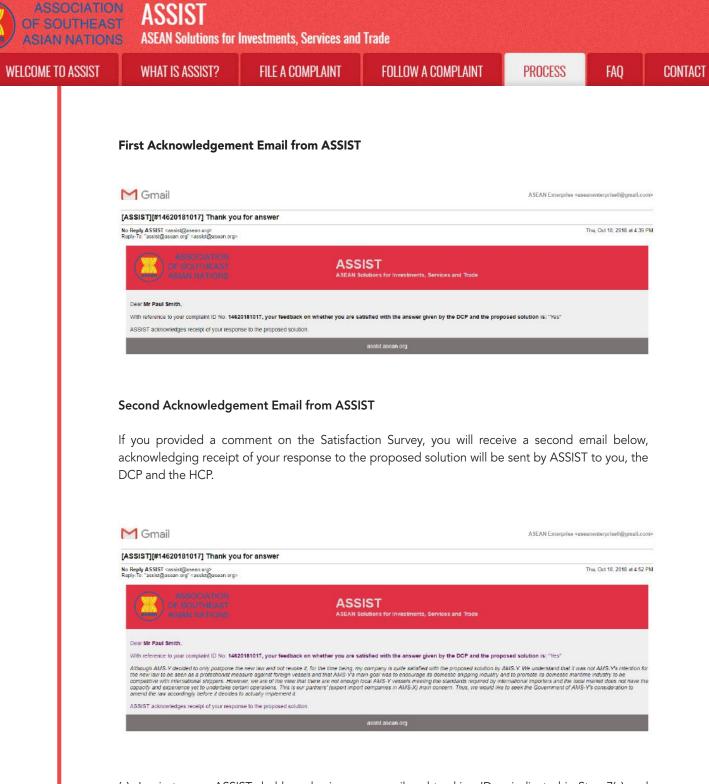
Once you choose 'Yes/No' in Step 11 (c) above, you will be directed to the page below where you will be requested to answer the Satisfaction Survey and be invited to provide comments, particularly if you are not satisfied with the proposed solution.

ME TO ASSIST	WHAT IS ASSIST?	FILE A COMPL/	AINT FO	LLOW A COMPLAINT	PR	OCESS	FAQ
		ASSIST					
	ASIAN NATIONE WELCOME TO ASSIST		vestments, Services and FILE A COMPLAINT	Trade Follow a complaint	PROCESS	FAO C	CONTACT
	Please comment your response for o Your answer Comments		fied with the solution				
			Im not a ro	bot eccorrita			

(a) Fill-in the Satisfaction Survey. In this case, the AE is satisfied with the solution provided by ASSIST and thus indicates accordingly.

WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Satisfaction su	rvev					
Please comment your response for o						
Your answer		fisfied with the solution				
	a a v i u u c	<u>HS</u> .Y's intention for the m and that <u>AHS</u> .Y's main goal omestic maritime industry iow that there are not one nternational importers and indertake certain operation oncern. Thus, we would lik	with the proposed solution by we law to be seen as a protor wes to encourage its domestic to be competitive with inter- up local MarKet does not he the local market does not he s. This is our partners' (see a to seek the Government of p	tionist measure ag shipping industry ational shippers. ng the standards r ve the capacity ar ort import compand	painst foreig r and to prom However, we required by ad experience les in AMS-X)	n vascels ote its are of the yet to main +
		🗸 I'm not a ro	ibot CAPTCHA Prise-Terra			
		SUBMIT YO	UR FEEDBACK			

(b) Go to your email account. You will receive one or two (if you have filled-in the Satisfaction Survey) new emails from ASSIST, which acknowledge receipt of your response to the proposed solution by AMS-Y. A copy of your responses will also be sent to the DCP and the HCP.



(c) Login to your ASSIST dashboard using your email and tracking ID as indicated in Step 7(a) and (b) above. The final view of your dashboard can be seen below. As you can see, another action has been added to your 'History' indicating that you have indicated satisfaction to the proposed solution by ASSIST.

COME TO ACCIET	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A CON		PROCESS	FAO	CONT
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	Tracking ID	#14620181017 / AM	S-Y				
	Tracking ID	#1402010101777AM	5-1				
	ASSIST Solution	ween the DCP and the RAs, AMS-Y decides to post	and the application of the party considering	namilelan averation and in	nation of cartain commodition	including loss	
		to use only AMS-Y's domestic vessels (i.e., vessels					
		new regulation will possibly affect export volumes an if their contracts. However, AMS-Y stated that it did i					
		rined that its measure was initially intended to encou					
	Y waters is handled by foreign	vessels. Thus, for example, in the rubber industry r	nore than 90%of export shipments are con	ducted by foreign vessels	Domastic shipping capacity wa	as estimated at	
		foreign vessels shipped 800 million tons in the seme enefit more significantly from the rising amount of se			동생님이 전 것이 같은 것이 집에 가지 않는 것을 수 있다.		
	shipping service companies. h	fowever, AMS-Y agrees that it requires a more grad					
	application of the new law. Attachment						
	Satisfied Yes						
	Linters						
	History Data Act	ter Antes D	Comments				
	18/10/2018 16:52:00	tion Action By ASEAN-based Enterprise	Atthough AMS-Y decided to only postp	one the new law and not	revoke it, for the time being, my	company is	
			quite satisfied with the proposed soluti-	on by AMS-Y. We underst	and that it was not AMS-Y's inte	ention for the	
	18/10/2018 12:38:29	Solution Central Administrator of	new law to be seen as a protectionist r Upon internal discussions between the			ication of the	
	1010201912.0020	ASSIST	new regulation requiring exporters and	l importers of certain comr	nodities, including iron, alumini	lum, cotton	
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		ASSIST		inder ASSIST The Control			
					Administrator has reviewed an	nd verified	
			your complaint and finds that it is comp	plete. You have submitted			
	17/10/2010 42:00:04	Final Conference ACCAM Association	your complaint and finds that it is comp proves that you are a business register	plete. You have submitted	your company registration docu		
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	17/10/2018 12:49:41 ASEAN ENTERN ASEAN Enterprise Name Company Size Phone Website CONTACT PER: First Name Last Name Phone	ASEAN-baced Enterprise PRISE Star 88 Co., Ltd. 50 to 100 +905 524 1532 www.star08 com Paul Smith +905 524 1532	your completing and finds that it is comp proves that you are a bushess register Email Confirmed Address City ZiP Code Country Address City ZiP Code	Better Living Street City W 1711 Better Living Street City W 1711 Better Living Street City W 1711	your company registration doc.		
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	17/10/2018 12 49 41 ASEAN ENTERNI ASEAN Enterprise Name Company Size Phone Website CONTACT PERN First Name Last Name Phone Position Email COMPLAINT DE Country of Legal Registration Registration Number Company Registration Proo Type of Business Description	ASEAN-based Enterprise PRISE Star 88 Co., Ltd. 50 to 100 +005 524 1532 www.star88 com Paul Smith +905 524 1532 Chief Executive Officer assananterprise@@gmail.com (Confirmed) ESCRIPTION an AMS-X 123456 Annox_1 Smulatad_Company_Registration_of_Star_88_CG Service provider We are a duly registered shipping company in AI AMS-X. The scope of the agreement is to export of vessels.We have agreed to conduct the agree save cost in fuel consumption and manpower by compatible service on a cross-bodier basis to co namely the Ministry of Trade Law ho 13 Year 20 companies. The four commodities, Ls. iron, alum result in a financial loss for car business and pre lipsiabid development is contravy to fine trade, obligation of AMS-Y under the relevant ASEAN is fuely in a carbox-bodier basis to co amenive this. MAS-X shipping company to fine trade, obligation of AMS-Y under the relevant ASEAN is fuely in a financial loss for car business and pre lipsiabid development is contravy to fine trade, obligation of AMS-Y under the relevant ASEAN is Furthermore, this new measure by AMS-Y is a cl	your completion and finds that it is comp proved that you are a business register Email Confirmed Address City ZiP Code Country Address City ZiP Code Country Business Sector Type of Problem Encountered Destination Country Address City ZiP Code Country Encountered Destination Country aLidedd Business Sector Type of Problem Encountered Destination Country aLidedd Bis phil of the ASEAN Fin a commit agreements (e.g., the ASEAN Fin a incompatible with free trade principes and at an offering cross-border maritime shipping of the sphil of the ASEAN Fin a incompatible with free trade principes and at are offering cross-border maritime trades is incompatible with free trade principes and at are offering cross-border maritime trades and is the applied of the ASEAN Fin a incompatible with free trade principes and at are offering cross-border maritime trades by the rAFAS, where AMS=Y have committed to its waters without any limitations to marked giv.	Better Living Street red in AMS-X and you [Better Living Street City W 1711 AMS-X Better Living Street City W 1711 AMS-X Better Living Street City W 1711 AMS-X Services Services / Transpor AMS-Y ding agreement since Jam Y and Import rubber and Services / Transpor AMS-Y ding agreement since Jam Y and Import rubber and Services / Transpor AMS-Y ding agreement since Jam Y and Import rubber and Services / Transpor AMS-Y ding agreement since Jam Y and Import rubber and Services / Transpor AMS-Y ding agreement since Jam Y and Import rubber and the Services / Transport ding agreement and the since AMS-Y to the Wold Trade a latow foreign shipping co at access and national train	your company registration dock City W Country X City W Country X	t company in using cur fleet effective and oing law; ine transport woodd centarily ied that this ants and e:ve that this is law platfor will be law.	

WELCOME TO ASSIST

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

FAO

(d) If you would like to see the comment that you have provided in the Satisfaction Survey, click on the magnifying glass icon and the below screen will appear.

Although AMS-Y decided to only postpone the new law and not revoke it, for the time being, my company is quite satisfied with the proposed solution by AMS-Y. We understand that it was not AMS-Y's intention for the new law to be seen as a protectionist measure against foreign vessels and that AMS-Y's main goal was to encourage its domestic shipping industry and to promote its domestic maritime industry to be competitive with international shippers. However, we are of the view that there are not enough local AMS-Y vessels meeting the standards required by international importers and the local market does not have the capacity and experience yet to undertake certain operations. This is our partners' (export import companies in AMS-X) main concern. Thus, we would like to seek the Government of AMS-Y's consideration to amend the law accordingly before it decides to actually implement it.

On notification that a solution proposed to an AE has been accepted as satisfactory by the AE, the DCP should pass notice of the acceptance on to the RA(s), to ensure that any administrative arrangements necessary to implement the solution are in place as soon as possible.

ASSIST will consider this procedure as one where the complaint was accepted and a solution was provided by the DCP and accepted by the AE.

Please note that the timeframe for solving cross-border problems brought under ASSIST shall be no more than 40 working days or 2 calendar months (unless an extension of maximum 20 working days has been accorded) from the date when the complaint has been accepted by the DCP (i.e. the ASEAN Member State against which the complaint was filed).

ASSIST ASEAN Solutions for Investments, Services and Trade



WELCOME TO ASSIST

FILE A COMPLAINT WHAT IS ASSIST?

PROCESS

FAO



Complaint Filed by an ASEAN Enterprise (Parent Company of its Subsidiary Company), Accepted by Central Administrator and Rejected by Destination Contact Point.

Brief Description of Case: This scenario is that of a mock case that falls under Mode 3 (Commercial Presence) of services trade, which is defined in the ASEAN Framework Agreement on Services (AFAS) and the General Agreement on Trade in Services (GATS), mutatis mutanda, as the supply of a service supplier of one country, through commercial presence in the territory of any other country. This scenario is that of a complaint that is accepted by ASSIST's Central Administrator (CA) as having been validly lodged by the AE, which is the parent company in another ASEAN Member State of its subsidiary company, where the ASEAN Member State against which the complaint is filed is located and that is actually the one with the problem or complaint, but being rejected by the Destination Country because the latter finds that the allegations by the AE lack merit as the Destination Country has complied with the relevant ASEAN commitments.

The complaint is in relation to the revocation of the license of the subsidiary company and the amendment of the Telecommunications Business License Act by the Destination Country, which AE claims is a discrimination against foreign investors and in clear violation of the Schedule of Specific ASEAN Commitments of the Destination Country under the AFAS where the Destination Country has committed to allow commercial presence of a foreign company, in other words the legal right for foreign operators, legally registered in another ASEAN Member State, to provide the service through commercial establishment, without any limitations to market access and national treatment.

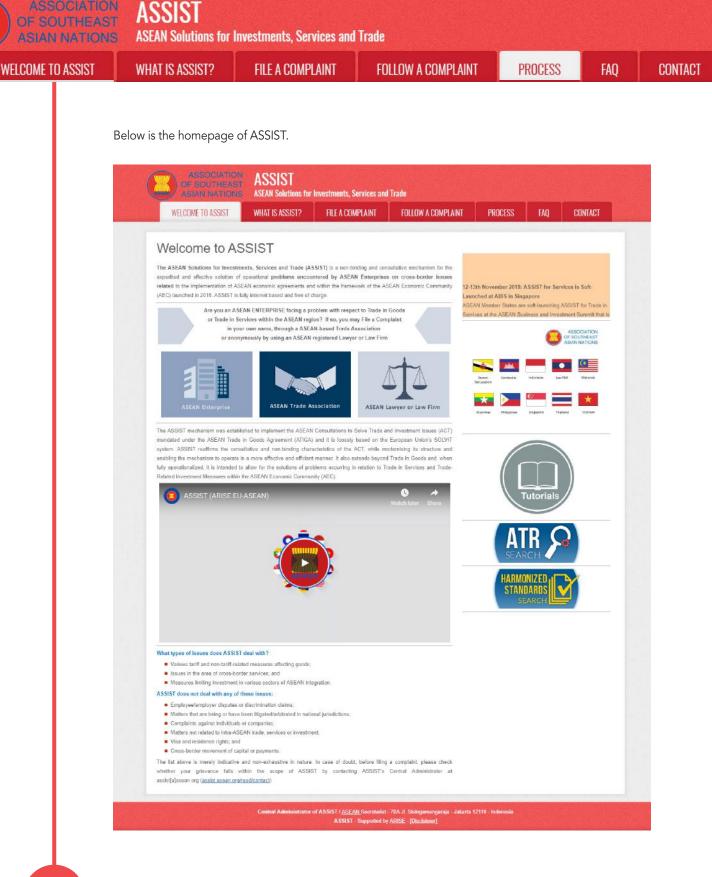
List of Actors and Abbreviations:

- Complainant = ASEAN Enterprise (AE)
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)
- Relevant National Authorities = Relevant Authorities (RAs)



GO TO THE ASSIST WEBSITE (HTTP://ASSIST.ASEAN.ORG)

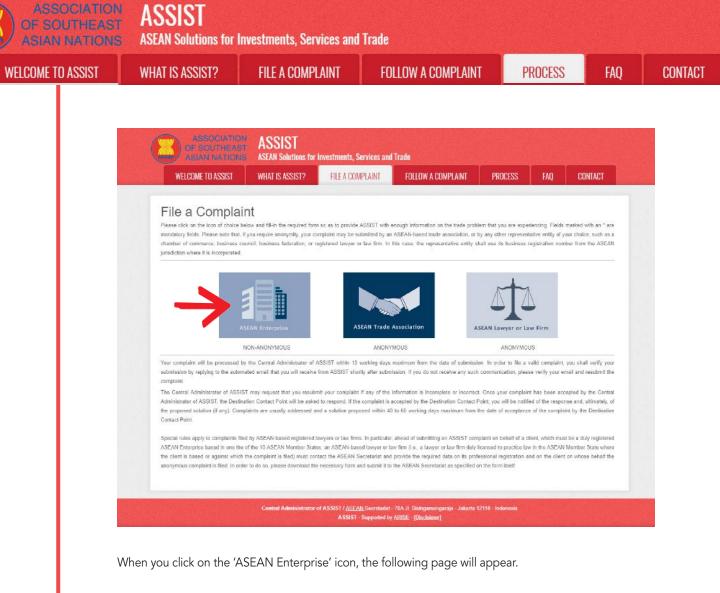
If you feel that your case is a problem on an ASEAN cross-border trade related issue, you are a business registered in an ASEAN Member State, and you would like a free of charge, non-binding, consultative service, and receive an expedited and effective solution, go to the following link: http://assist.asean.org.





SELECT THE 'FILE A COMPLAINT' TAB (ASEAN ENTERPRISE ICON)

If you are filing a complaint under your own company (non-anonymous complaint) and you are not represented by an ASEAN-based trade association, or by any other representative entity of your choice, such as a chamber of commerce, business council, business federation, or registered lawyer or law firm, click on the 'ASEAN Enterprise' icon on the File a Complaint tab.



ASSOCIATION OF SOUTHEAST ASIAN NATIONS	ASSIST ASEAN Solutions for	Investments, Services and	Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Complaint to be	Please fill.in the form to with an * are mandator Plaase note that, if you r representative entity of y forms are available unde In order to file a valid of	ielow so as to provide ASSIST y fields. squirs anonymity, your complain your choice, such as a chamber o r ihe respective <u>icons</u> .	erprise with enough information on the tra should be submitted instead by an A commerce, business council, busine submission by replying to the auto	SEAN-based trade ass ess federation, or regist	ociation, or by ered lawyer or	any other law firm, Dedicated
ASEAN ENTERPRIS	3E					
* ASEAN Enterprise Name						
* Company Size	6		*			
* Phone						
Vebsite						
* City * Country	33	10 charadars ramaining (800 maximum)	ZIP Code			
CONTACT PERSON	I					
7 Gender		Mr 🔘 Mrs 🔘 Ms				
* First Name			* Last Name			
* Phone						

ASSIST ASEAN Solutions for Investments, Services and Trade WELCOME TO ASSIST **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAQ WHAT IS ASSIST? City ZIP Code Country . . COMPLAINT DESCRIPTION * Country of Legal Registration 0 0 * Registration Number * Company Registration Proof Choose File No file chosen * Type of Business 0 * Business Sector 0 Goods - Services Sector Description 0 * Type of Problem Encountered 0 1 Tariff-related measures * Destination Country 0

0

Choose File No file chosen

Thereby submit this complaint to the Central Administrator of ASSIST and Laccept its transmission to the relevant authorities of the ASEAN Member States involved
 Tim not a robot

CONTACT

Central Administrator of ASSIST / <u>ASEAN</u> Secretariat -70A JL Sisingamangaraja - Jakarta 12110 - Inde ASSIST - Supported by <u>ARSE</u> - [Disclaimer]

SUBMIT YOUR COMPLAIN

+ Attachment

Fill-in the above form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an asterisk (*) are mandatory fields. If you are not sure on what to fill-in for a field, the ① buttons are available for detailed instructions on what to fill-in for each field. Please click on the ① buttons to make sure that you fill-in the correct information in the form.

It is extremely important that you properly fill-in the 'Description' field. The CA will need to verify that the description given in the complaint is sufficient to clearly identify the problem in the context of the specific subject agreement(s). Thus, please carefully layout your complaint with legal arguments and factual evidence to help the CA in deciding whether to approve your complaint.

FILL-IN THE COMPLAINT FORM

* Description

Attachment

I have read and accept the ASSIST rules

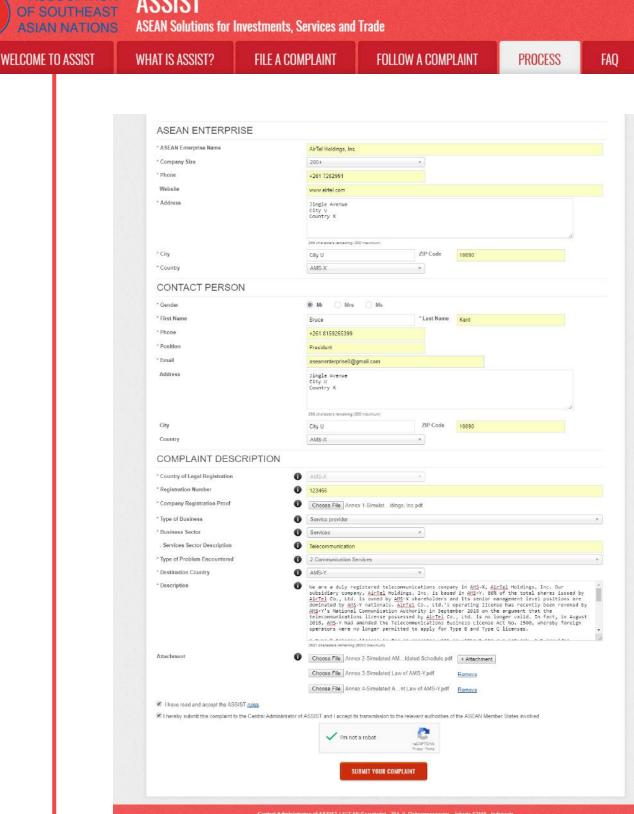
Below is an example of a completed form for this specific case study.

ASIAN NATIONS	ASEAN Solutions for	Investments, Services and	Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
Complaint to be	Filed by ar	ASEAN Ente	erprise			
	Please fill-in the form b with an * are mandator		with enough information on the tra	de problem that you a	are experienci	ng. Fields marke
	with an * are mandator Please note that, if you r	y fields. require anonymity, your complain	should be submitted instead by an A	SEAN-based trade ass	oclation, or by a	any other
ASEAN Enterprise	with an * are mandator Please note that, if you r	ry fields. requirs anonymity, your complain your choice, such as a chamber o		SEAN-based trade ass	oclation, or by a	any other

STEP 3



ASSIST



nted by ARISE - [Disclaimer]

As an example of a clear and concise description of the complaint, below is the AE's description of his complaint in this case study:

"We are a duly registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Co., Ltd., is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. are owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no

CONTACT



WELCOME TO ASSIST

STEP

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FAO

longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses.

A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is for an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying for Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% shares and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AirTel Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applied for the license and it was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majority of foreign shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce.

The revoking of AirTel Co., Ltd.'s license and the amendment of the business license regulation has caused AirTel Holdings, Inc., shares to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS)."

When the complaint is filed by clicking 'Submit Your Complaint', the following page in Step 4 will appear.

RECEIVE A NOTIFICATION FROM ASSIST

Once you file a complaint on the ASSIST website, the below page will appear, informing you that a confirmation email will be sent to the email address which you have provided in your complaint form.

			PROCESS	FAQ	CONTACT
		mpiaint			
on e-mail containing your n	Herences.				
the e-mail in order to confi	rm your submission.				
aint and access it on the follow	ving webpage				
	on e-mail containing your re the e-mail in order to confi	ne submission of your co on e-mail containing your references. the e-mail in order to confirm your submission. arrt and access it on the following webpage.	the e-mail in order to confirm your submission.	on e-mail containing your references.	on e-mail containing your references. the e-mail in order to confirm your submission.

The above notification indicates that you should click on the link provided in your email account to confirm your complaint with ASSIST.

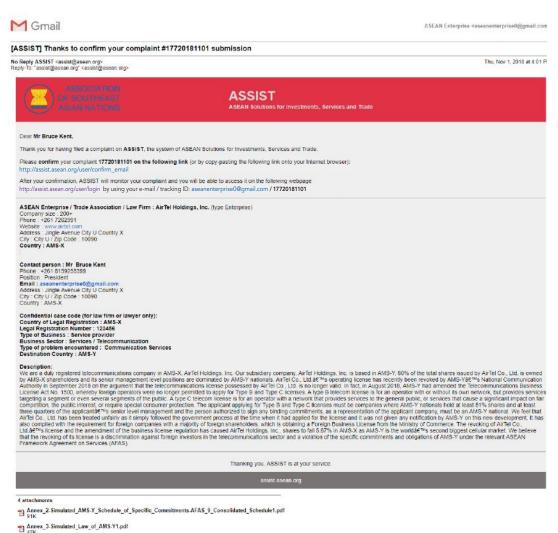
ASSOCIATION OF SOUTHEAST ASIAN NATIONS ASEAN Solutions for Investments, Services and Trade WELCOME TO ASSIST WHAT IS ASSIST? FILE A COMPLAINT FOLLOW A COMPLAINT PROCESS FAQ CONTACT

CONFIRM YOUR COMPLAINT FROM YOUR EMAIL ACCOUNT

(a) Go to the email account that you have provided in the complaint form. You will receive an email from ASSIST requesting you to confirm your complaint by clicking on the link provided or by copy-pasting the link onto the Internet browser. This is also required by ASSIST to confirm that the email address which you have provided is valid. Your complaint number is also provided in this email. In this case, your complaint number is 17720181101.

Below is the email which you will receive from ASSIST.

5



Annex_4-Simulated_Amendment_Law_of_AMS-Y1.pdf

Annex_1-Simulated_Company_Registration_of_AirTel_Holdings,_Inc1.pdf

(b) Click on the link as requested in the above email and the following page will appear.

ASSOCIATION OF SOUTHEAST ASIAN NATIONS	ASSIST							
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT		
STEP	Thank you for having confirmed Your complaint will new be revie 1) Accepted and submits 2) Rejected: if failing outs A reason shall be provided to you the notified by email w 1) Accepted and su 2) Incomplete and 3) Rejected, if fallin Go to your email accoo	AND ADDIDED AND ADDIDED ADDIDE	PLAINT FOLLOW A COMPLAINT PRO aball be notified within maximum 10 working days of whether laint. 4 Secretariet - 70A J. Steingannanguraja - Jakarta 12110 - Inde supported by ABISE - [Dicklame] ur complaint will be reviewee ing days of whether it is: tion Country; or sion; or of ASSIST or not being a va	ed by the CA and lid complaint.				
•								
c A	confirmed your compl	aint, that the CA will ch a response indicating w	ew email from ASSIST. This leck its validity, and that it hether the complaint is acc	has been filed v	within ASSIS	ST.		

M Gmail	∆SEAN Enterprise ≺aseanenterprise0@jgmall.com
[ASSIST] Thanks for your email confirmation for	or the complaint #17720181101
No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>	Thu, Nov 1, 2018 at 4:07 i
ABBIDGA NON OF SCUTHEAST ADAM BATCOR	ASSIST ASEAN Solutions for Investments, Services and Trade
Dear Mr Bruce Kent ,	
Thanks for the confirmation of your complaint ID No. 177201	1101.
ASSIST will review your complaint and check its validity and not fall within the scope of ASSIST, within a maximum of 10 v	that if has been lodged correctly. You will receive a response indicating whether the complaint is validly lodged, or requires revision, or whether it does working days from the date of filing.
You are able to access your complaint at any time on the follo	wing webpage: http://assist.asean.org/user/login by using your e-mail / tracking ID: aseanenterprise0@gmail.com / 17720181101
ASEAN Enterprise / Trade Association / Law Firm : AirTel Hol Company size : 200+ Phone: -4261 7262291 Website: www.aittel.com Address : Jingle Avenue City U Country X City : City U Zip Code : 10090 Country : AMS-X	Jinge, Inc. (type Enterprise)

ASSIST ASEAN Solutions for Investments, Services and Trade WELCOME TO ASSIST **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO CONTACT WHAT IS ASSIST? Contact person : Mr Bruce Kent Phone : +261 8159255399 Position : President Email : aseanetterprise0@gmail.com Address : Jingle Avenue City U Country X City : City U / Zip Code : 10090 Country : AMS-X Confidential case code (for law firm or lawyer only): Country of Legal Registration : AMS X Legal Registration Number : 123456 Type of Business : Service provider Business Sector : Service 12456 Discusses 2 Sector : Service 2 Sector : Services : Service 2 Sector : Service 2 Sector : Service 2 Sector : S Destination Country : AM-Y Description: We are a dury registered telecommunications company in AMS-X, AirTel Holdings, Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y, 80% of the total shares issued by AirTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd. & "wis operating license has recently been revoked by AMS-Y affer Molecular Authority in September 2016 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no longer yald. In Acti, In August 2018, AMS-Y had amende the Telecommunications License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses Mayse Desting that use to the applicant license is for an operator with a network that provides services License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses must be companies to the applicant liquid. or services to the applicant liquid. or services to the applicant liquid. or services to the applicant difference is for an operator with a network that provides services to the applicant liquid. The service and the service and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y nationals where AIAS-Y nationals be an AMS-Y nationals. Alter Ed Co., Ltd. has been treated unfairly as it simply followed the government process at the time when it had applicant of the applicant dom by AMS-Y on this new development. It has also compiled with the requirement for foreign companies with a majority of foreign haracholders, which is obtaining a Foreign Business License from the Ministry of Commerce. The revoking of AIAE-Y on this new development. It has also compiled with the requirement for foreign companies with a majority of foreign Business License from the Ministry of Commerce. The revoking of AIAE-Y defineses and the advertise of the abusing of the applic Thanking you, ASSIST is at your service 4 attachments Annex_2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf Annex_3-Simulated_Law_of_AMS-Y1.pdf Annex_4-Simulated_Amendment_Law_of_AMS-Y1.pdf Annex_1-Simulated_Company_Registration_of_AirTel_Holdings,_Inc1.pdf

As indicated in the above email, you are now able to monitor the progress by clicking on the indicated link which will be directed to the 'Follow a Complaint' tab on the menu bar on the ASSIST Website.

MONITOR THE PROGRESS OF YOUR COMPLAINT

STEP

(a) Go to the following link: <u>http://assist.asean.org/user/login</u> or go to the 'Follow a Complaint' tab on the menu bar on the ASSIST Website. The below page will appear.

	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAO	CONTACT
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A GOMPLAINT	FOLLOW A GOMPLAINT	LUDE22	PAU	CONTACT
Follow a Comp	plaint					
, ease log in using your email addre	es and the tracking ID that you	were given at the time of filing yo	ur complaint to enter the ASSIST dash	board and check on t	he progress of y	our proceeding.
Email			acking ID			
Email		Т	recking ID			
		LOCIN				
		LOGIN				
		LOGIN				

(a) Enter your email address and tracking ID (your complaint number) in the required fields to login. In this case, the **Email Address** is <u>aseanenterprise0@gmail.com</u> and the **Tracking ID** is **17720181101**.

TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COM	MPLAINT	PROCESS	FAQ
Ι.						
	ASSOCIAT OF SOUTHE	AST ROOIDI				
	ASIAN NATI					
	WELCOME TO ASSIST	T WHAT IS ASSIST? FILE A CON	PLAINT FOLLOW A COMP	PLAINT PROCES	S FAQ CO	NTACT
	Follow a Co	mplaint				
	Please log in using your email	address and the tracking ID that you were given at the ti	ne of filing your complaint to enter the	ASSIST dashboard and chec	k on the progress of your proce	eeding.
	Email		Tracking ID			_
	aseanenterprise0@gmail	l com				
			LOGIN			
			_			
			N Socretariat - 70A JI: Sisingamangara	ja - Jakarta 12110 - Indonesia		
			Supported by <u>ARISE</u> - [<u>Disclaimer</u>]			
	ASSOCIA OF SOUTHE ASIAN NATI WELCOME TO ASSIS	IONE ASEAN Solutions for Investments,		PROCESS FAQ	CONTACT	DISCLAIMER
	OF SOUTHE ASIAN NATI WELCOME TO ASSIS	IONE ASEAN Solutions for Investments,	PLAINT LOGOUT	PROCESS FAQ	CONTACT	DISCLAIMER
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	ASEAN Enterprise Name Company Size Phone Website	ASEAN Solutions for Investments, ASEAN Solutions for Investments, ST WHAT IS ASSIST? MY COM #1777201811101 / AMS- terr Action By action By ASEAN-based Enterprise ASEAN-based Enterprise PRISE ArTel Holdings, Inc. 200+ +2617262991 www.aintel.com	Commonts Email Confirmed Address City	Jingle Avenue City U City U	WITHDRAW COMP	
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	ASEAN ENTERN Website CONTACT PERS Phone Position Contact Pers Phone Phon	ASEAN Solutions for Investments, ST WHAT IS ASSIST? MY COM #177720181101 / AMS- tion Action By ASEAN-based Enterprise ASEAN-based Enterprise PRISE AFTel Holdings, Inc. 200+ 4261 7262591 www.airtel.com Bruce Kent +261 85925399 President aseanenterprise@@gmail.com (Confirmed) ESCRIPTION	PLAINT LOGOUT	Jingle Avenue City U City U 10090 AMS-X Jingle Avenue City U City U City U 10090	WITHDRAW COMP Country X	
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ASSIST ASEAN Solutions for Investments, Services and Trade WELCOME TO ASSIST **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO WHAT IS ASSIST? nass License from the Ministry of Com se. The re king of AirTel Co., Ltd.'s license and the a nt of the business license regulation has caused AirTel Holdings. Inc., shares to fall 5 67% in AMS-X as AMS-Y is the world's second biggest cellular marker. We believe that the reveking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitments and obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS). Attachment Annex_2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf Annex_3-Simulated_Law_of_AMS-Y1.pdf Annex_4-Simulated_Amendment_Law_of_AMS-Y1.pdf

ee in your dashboard, the actions taken for your complaint are clearly indica

As you can see in your dashboard, the actions taken for your complaint are clearly indicated in your dashboard and this list will be regularly updated after each action is taken. Your completed complaint form, which you have submitted, is also accessible on your dashboard.

STEP

CENTRAL ADMINISTRATOR REVIEWS YOUR COMPLAINT AND SENDS A RESPONSE TO YOUR EMAIL (ACCEPT, INCOMPLETE, OR REJECT)

Once the CA has completed reviewing your complaint and decided on whether to accept/incomplete/ reject, an email will be sent to you typically within 10 working days since you lodged your complaint.

If no action has been taken in the meantime by the CA, the CA will receive the below automatic reminder via email from the ASSIST online system within 7 calendar days after the complaint is lodged. As indicated above, the CA must decide to accept, declare incomplete and request revision, or reject the complaint within 10 working days.

Email Reminder 1 for the Central Administrator:

M Gmail		Central Administrator ASEC <caatasec@gmail.com></caatasec@gmail.com>
[ASSIST] Complaint #15020181026 reminder for C	4	
No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>		Sat, Oct 27, 2018 at 5:00 AM
ASSOCIATION OF SOLITIONART ASSAM NATIONS	ASSIST ASEAN Solutions for investments, Services and Trade	
Action is required by the CA for the complaint: 16020181026		
	Thanking you, ASSIST is at your service	
	assist asean org minimum	

Regularly check your email account within the 10 working days after lodging your complaint. You will eventually receive a new email from ASSIST.

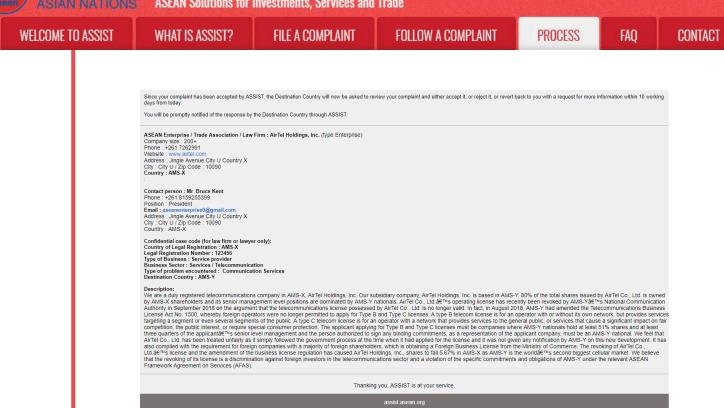
M Gmail		ASEAN Enterprise <aseanenterprise@@gmail.com< th=""></aseanenterprise@@gmail.com<>
ASSIST Your complaint #17720181101 is ac	cepted by CA	
No Reply ASSIST ≪assist@asean.org> Reply-To: *assist@asean.org* <assist@asean.org></assist@asean.org>		Thu. Nov 1, 2018 at 10:37 F
ARECOLUTION OF SOLUTION ASJUST INAVIGNES	ASSIST ASEAN Solutions for Investments, Services and Trade	
Dear Mr Bruce Kent,		
Your complaint ID No. 17720181101 has been accepted by AS	SIST.	
You are able to access your complaint at any time on the following	webpage: http://assist.asean.org/user/login by using your e-mail / tracking ID.	

CONTACT



ASSIST

ASEAN Solutions for Investments, Services and Trade



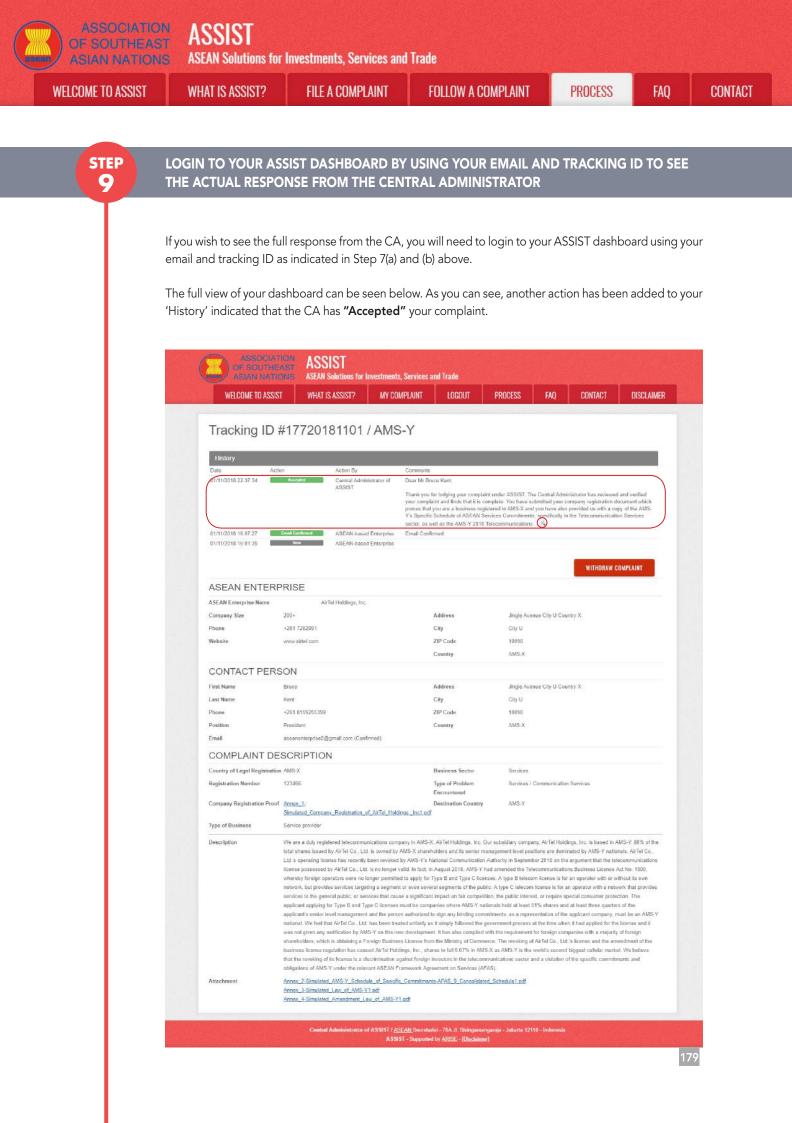
In this case, the above email shows that your complaint has been **accepted** by the CA. The email also informs you that your complaint will now be sent to the Destination Contact Point, which is the government agency (ASSIST Focal Point) in AMS-Y where you are facing trade problems and where your complaint is directed and a resolution is sought. The DCP in AMS-Y will be given 10 working days to review your complaint and either accept, reject or revert back to you with a request for more information. This is intended to give time to the DCP to examine the details of the complaint, and consult as necessary with any relevant national authorities.

The Home Contact Point, which is the government agency (ASSIST Focal Point) in AMS-X (your home country) has also been notified that your complaint is lodged.

If you do not receive an email from ASSIST within the required timeframe (10 working days since the complaint is lodged), then this means that the CA has an overdue action. The CA will receive another automatic reminder via email (14 calendar days after the complaint is lodged) that an action is required by the CA for the complaint. The CA will receive the email below:

Email Reminder 2 for the Central Administrator:

M Gmail		Central Administrator ASEC <caatasec@gmail.com< th=""></caatasec@gmail.com<>
[ASSIST] Complaint #13320180921 reminder for C	A	
No Reply ASSIST <assist@asean.org> eply=To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>		Sun, Sep 23, 2018 at 5:00 AM
	ASSIST ASEAN Solutions for Investments, Services and Trade	
Action is required by the CA for the complaint: 13320180921		
	Thanking you, ASSIST is at your service.	
	assist asean org (Vice (Alleg))	





lo Reply ASSIST ⊲assist@asean.org≻ laply-To: "assist@asean.org" <assist@asean.org></assist@asean.org>		Fri, Nov 2, 2018 at 12:05 A
ANNOUNA INN OL SCATTALANT ADIAN NATIONS	ASSIST ASEAN Solutions for Investments, Services and Trade	

Dear Mr Bruce Kent,

ASSIST

OME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONT
	The response for your complaint 1772018111 "AMS-Y finds sufficient basis that AMS-Y has Y has no limitations on foreign ownership. It venture and/or representative office, which si company4 we serior level management and Telecommunications Business License Act N response to the AE8 th Science intervention of official government vebsites and local newsp You can also check the status of your complain Please kindly indicate whether you are sa Yes / No Address : Jungle Avenue City U Country X City: City U Zip Code : 1099 Country : AMS-X : Contact person : Mr Bruce Kent Phone : +261 (15255399 Website: www.athfel.com Address : Jungle Avenue City U Country X City: City U Zip Code : 10990 Country : AMS-X : Confidential case code (for law firm or lawyer Country of Legal Registration Kumber : 123466 Type of problem encountered : Communicat Destination Country : AMS-Y Description: We are a duly registered telecommunications by AMS-X tareholders and its senior mang Authority in September 2018 on the sequere Compliant and the senior mang Authority in September 2018 on the argumer License A(L) 1500, Other : 4053 Oftener We are a duly registered telecommunications by AMS-X tareholders and the senior mang Authority in September 2018 on the argumer License A(L) 1500, Other : 4053 Oftener Communications by AMS-X tareholders and the senior mang Authority in September 2018 on the argumer License A(L) 1500, Other and Tareholders Compliant, the public interest, or require sp three quarters of the application first of the application Compliant, the public interest or require sp three quarters of the applications Compliant, the specification Compliant, the public interest or requires p three quarters of the application interviewed from the application Compliant, the public interest or requires p three quarters of the application first on the application Compliant, the public interest or requires p three quarters of the application Compliant, the public interest or requires p three quarters of the application Compliant, the public	21 Is ready: s compled with its relevant ASEAN commitment s compled with its relevant ASEAN commitment its person autorized to sign requirements. (i) not m the person autorized to sign wy binding com or 1600 is not in violation of AMS-Ya'EH's Schee treeview any notification from AMS-Y or the m appers after it has been approved on 1 Septemb at online at http://assist.asean.org/user/login by u tisfied with the answer given by the DCP and Firm : AirTel Holdings, Inc. (type Enterprise) Firm : AirTel Holdings, Inc. (type Enterprise) a company in AMS-X, AirTel Holdings, Inc. Cur s gement level positions are dominated by AMS-Y it mat the telecommunications license possesses to s were no longer permitted to payly for Type ceal consumer protection. The applicant apply its implement and the person authorized to s term mangement and the person authorized to term in anyon the mangery of proteins anterboxed the possesses at the noromanies with an analytic forloging handles.	s and that the complaint lacks merit. It argues that, althou a limitation to market access, the Commercial Presence o ore than 49% of the capital share of the company may be imitments as a representation or the company must be Al- Jule of Services Commitments. The AMS-Y AFAS Horizor wa mendment, AMS-Y responded that the Government of er 2018. "	gh under the AFAS Schedule of S the foreign service provider(s) m owned by foreign patner(s), (i) al 18 Commitments is altached for et 14 AMS-Y has promulgated the am osing 'Yes' or 'No' below: **********************************	pecific Commitments, AMS- ay be in the form of a joint least three quarters of the end of the 2018 ase of reference. In endment of the law through the law through by AirTel Co., Ltd. is owned "s National Communication ecommunications Business etwork, but provides services for the starters and at least of %5 haters and at least for %5 haters and at least	
	Framework Agreement on Services (AFAS).		ications sector and a violation of the specific commitment	a and obligations of Amo-1 dilder	and relevant AOEAN	
		Thanki	assist.asean.org	_	_	

The process is slightly different in cases where your complaint is accepted by the DCP. Within 10 working days after the response from the CA that your complaint is accepted, you will receive an email informing that your complaint has been accepted by the DCP in AMS-Y and that the DCP will coordinate with the competent national authorities or the Responsible Authorities (RAs) to analyse your complaint in detail.

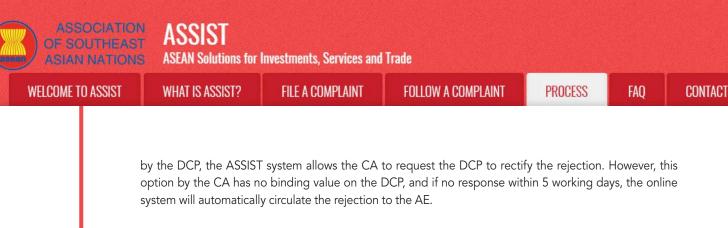
Once the RAs complete their efforts, the DCP should review the solution and provide it to the CA within the 40 working days from the date of acceptance by the DCP. Thus, to meet this deadline, a time limit should be assigned by the DCP for the RAs to find a solution. It is the responsibility of the DCP to notify the CA of any change relating to the timeframe between it and national authorities.

The CA may extend the deadline for up to 20 working days upon request of the DCP. The system will automatically notify when the deadlines are approaching (i.e., typically, 10 calendar days before the lapse). If the DCP misses its deadline to submit a solution to the CA, the online system will notify the CA to follow-up with the DCP.

You will then receive a second email notification from ASSIST that a solution is proposed by the DCP/ AMS-Y and accepted by the CA.

However, in cases such as this one where a complaint is **"Rejected"** by the DCP, you may not receive an email from ASSIST within the 10 working days deadline. The rejection and reason for rejection by the DCP will only be sent to the CA through ASSIST within the 10 working days. The CA will then review it for language and sufficiency of information within 5 working days from the receipt by the CA of a rejection email by the DCP.

If the CA accepts the reason of rejection, a response which has been reviewed and approved by the CA is sent to your email, such as the one above. If the CA is dissatisfied with the stated reasons for the rejection



If no action has been taken in the meantime by the DCP, the DCP will receive the automatic reminder below via email from the ASSIST online system within 7 calendar days after the complaint has been accepted by the CA. As indicated above, the DCP must decide to accept or reject the complaint within 10 working days from when the CA has accepted the complaint.

Email Reminder 1 for the Destination Contact Point:

M Gmail		AMS Y <aseanmemberstate.y@gmail.com></aseanmemberstate.y@gmail.com>
[ASSIST] Complaint #17020181030 reminder for	DCP	
No Reply ASSIST <assist@asean.org> Raply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>		Wed, Oct 31, 2018 at 6:00 AM
ASSOCIATION OF SOLI ISANT ASIAL MATIONS	ASSIST ASEAN Solutions for investments, Services and Trade	
Action is required by the DCP AMS-Y for the complaint: 17020181030		
	Thanking you, ASSIST is at your service.	
	assist asean org	

If you do not receive an email from ASSIST on the response by the DCP within the required timeframe (10 working days) after the complaint has been accepted by the CA, then this means that the DCP has an overdue action. The DCP will receive another automatic reminder via email (14 calendar days after the complaint is lodged) that an action is urgently required by the DCP for the complaint.

Email Reminder 2 for the Destination Contact Point:

M Gmail		AMS Y <aseanmemberstate.y@gmail.com></aseanmemberstate.y@gmail.com>
ASSIST Critical DCP reminder for the #148201	81021 complaint	
No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>		Wed, Oct 24, 2018 at 5:00 AM
ASSOCIATION OF HOLFIGART ASIAN NATIONS	ASSIST ASEAN Solutions for Investments, Services and Trade	
Critical reminder for urgent action required by the DCP AI 14820181021	MS-Y for the complaint	
	Thanking you, ASSIST is at your service.	
	. assist asean org	

(b) Login to your ASSIST dashboard using your email and tracking ID as indicated in Step 7(a) and (b) above. The full view of your dashboard can be seen below. As you can see, another action has been added to your 'History' indicating that a solution for your complaint has been proposed. The complete ASSIST solution/response from the DCP, which has been accepted by the CA, is also provided in the first paragraph of your dashboard.

ASSIST ASEAN Solutions for Investments, Services and Trade WELCOME TO ASSIST **FILE A COMPLAINT** FOLLOW A COMPLAINT PROCESS FAO CONTACT WHAT IS ASSIST? ASSIST **ASEAN Solutions for Investments, Services and Trade** WHAT IS ASSIST? MY COMPLAINT WELCOME TO ASSIST LOGOUT PROCESS FAQ CONTACT DISCLAIMER Tracking ID #17720181101 / AMS-Y ASSIST Solution AMS-Y finds sufficient basis that AMS-Y has complied with its relevant ASEAN commitments and that the complaint lacks merit. It argues that, although under the AFAS Schedule of Spec Commitments, AMS-Y has no limitations on foreign ownership, it is stated in its Horizontal Commitments that, as a limitation to market access, the Co mercial Presence of the foreion s provider(s) may be in the form of a joint venture and/or representative office, which should meet the following requirements. (i) not more than 49% of the capital share of the company may be owned by (oreign partner(s); (ii) at least three quarters of the company's senior level management and the person suthorized to sign any binding commitments as a representation of the company must be AMS-Y nationals. Thus, the amendment of the 2018 Telecommunications Business License Act No. 1500 is not In violation of AMS-Y's Schedula of Services Commitments. The AMS-Y AFAS Horizontal Commitments is attached for ease of reference. In response to the AE's claim that it has not received any notification from AMS-Y on the new amendment, AMS-Y responded that ment of AMS-Y has promulgated the amendment of the law through official government websites and local newspapers after it has been approved on 1 September 2018 Attachment Action By Comments AMS V fieds Central ASSIST such random nas compiled with its relev-ses that, although under the AFAS Sch-ownership, it is stated in its Horizontal tial Presence of the foreign service pro chedule of Sp tal Commitme has no limitations on foreign ow market access, the Commercial venture and ider(s) may be in the form of a joint for representative office, which should meet the following requirer 01/11/2018 22:37:34 Dear Mr Bruce Kent Central ASSIST Thank you for lindging your complaint under ASSIST. The Central Administrator has reviewed and verified your complaint and finds that it is complete You have submitted your company registration document white provers that you are a business registration and you have also provided us with a copy of the AMS Ys Specific Schedule of ASEAN Services Commitments, specifically in the Talecommunication Services tor: as well as the AMS-Y 2010 Telecommunications 01/11/2018 16:07:27 Email Confirmed ASEAN-based Enterprise Email Confirmed 01/11/2018 16:01:39 New ASEAN-based Enterprise ASEAN ENTERPRISE ASEAN Enterprise Name AirTel Holdings, Inc. Company Size 200+ Address Jingle Avenue City U Country X Phone +261 7262991 City City U Website ZIP Code 10090 www.airtel.com Country AMS-X CONTACT PERSON First Name Bruce Address Jingle Avenue City U Country X Last Name Kent City City U 10090 Phone +261 8159255399 ZIP Code Position President Country AMS-X aseanenterprise0@gmail.com (Confirmed) Email COMPLAINT DESCRIPTION Country of Legal Registration AMS-X Business Sector Registration Number 123455 Type of Problem Services / Communication Services Destination Country AMS-Y Company Registration Proof Annex_1-Simulated_Company_Registration_of_AirTel_Holdings_Inc1.pdf Type of Business Service provider We are a duly registered telecommunications company in AMS-X. AirTel Holdings. Inc. Our subsidiary company, AirTel Holdings, Inc. is based in AMS-Y. 80% of the total shares issued by AirTel Co., Ltd. Is owned by AMS-Y shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co. Description Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications Ilcense possessed by AirTel Co., Ltd. is no longer valid. In fact, in August 2018, AMS-Y had amended the Telecommunications Business License Act No. 1500, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses. A type B telecom license is for an operator with or without its own network, but provides services targeting a segment or even several segments of the public. A type C telecom license is far an operator with a network that provides services to the general public, or services that cause a significant impact on fair competition, the public interest, or require special consumer protection. The applicant applying far Type B and Type C licenses must be companies where AMS-Y nationals hold at least 51% charse and at least three quarters of the applicant's senior level management and the person authorized to sign any binding commitments, as a representation of the applicant company, must be an AMS-Y national. We feel that AirTei Co., Ltd. has been treated unfairly as it aimply followed the government process at the time when it had applied for the license at was not given any notification by AMS-Y on this new development. It has also complied with the requirement for foreign companies with a majorky of foreign shareholders, which is obtaining a Foreign Business License from the Ministry of Commerce. The revoking of AirTel Ce., Ltd.'s license and the amendment of the business license regulation has caused AirTel Holdings, Inc., shares to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors in the telecommunications sector and a violation of the specific commitr obligations of AMS-Y under the relevant ASEAN Framework Agreement on Services (AFAS)

> Central Administrator of ASSIST / <u>ASEAM</u> Secretariat - 70A JI. Sisingemangaraja - Jakasta 12110 - Indon ASSIST - Supported by <u>ARISE - [Disclaimer]</u>

Annex_2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf

Annex_3-Simulated_Law_of_AMS-Y1.odf Annex_4-Simulated_Amendment_Law_of_AMS-Y1.odf

Below is the response from the DCP:

Attachment

"AMS-Y finds sufficient basis that AMS-Y has complied with its relevant ASEAN commitments and that the complaint lacks merit. It argues that, although under the AFAS Schedule of Specific Commitments, AMS-Y has no limitations on foreign ownership, it is stated in its Horizontal Commitments that, as a

ASSOCIATIO	_{st} aggigt	Investments, Services an	d Trade			
WELCOME TO ASSIST	WHAT IS ASSIST?	FILE A COMPLAINT	FOLLOW A COMPLAINT	PROCESS	FAQ	CONTACT
	form of a joint venture not more than 49% of three quarters of the co- commitments as a repr 2018 Telecommunication Commitments. In response to the AE's AMS-Y responded that official government we (c) In the bottom of th satisfied or not with choosing 'Yes' or 'N	e and/or representative the capital share of the ompany's senior level m resentation of the comp ons Business License Act claim that it has not rec t the Government of AN bsites and local newspa e email from ASSIST in the answer given by the No' in the field provided	Presence of the foreign serv office, which should meet t company may be owned by anagement and the person a any must be AMS-Y nationals : No. 1500 is not in violation of eived any notification from Al AS-Y has promulgated the ar pers after it has been approv 10(a) above, you are requeste e DCP and the solution provide	he following rea foreign partner authorized to sig Thus, the amer AMS-Y's Sched MS-Y on the new nendment of th ed on 1 Septem ed to indicate wh ded therein. You	quirements: r(s); (ii) at lea gn any bindin ndment of th ule of Service v amendmen e law throug uber 2018." nether you at u can do so b	(i) st ne es nt, gh
STEP 11			POSED SOLUTION/RESPO EIVE ACKNOWLEDGEME			
	requested to answer th satisfied with the propo	e Satisfaction Survey an osed response/solution.	, you will be directed to the d be invited to provide comm	-	-	
	OF SOUTHER ASIAN NATION WELCOME TO ASSIST Satisfaction s Please comment your response Your august	ASEAN Solutions for Investments, WHAT IS ASSIST? MY COM	And the second	NQ CONTACT	DISCLAIMER	

Satisfied with the solution

Central Administrator of ASSIST / <u>ASEAN</u> Secretariat - 70A JL ASSIST - Supported by <u>ABISE</u> -

I'm not a robot

SUBMIT YOUR FEEDBACK

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Your answer

Comments

184



ASSIST

ASEAN Solutions for Investments, Services and Trade



WHAT IS ASSIST?

FILE A COMPLAINT FOLLOW A

(a) Fill-in the Satisfaction Survey. In this case, the AE is satisfied with the solution/response provided by ASSIST and thus indicates accordingly.

WELCOME TO ASSIST	WHAT IS ASSIST?	MY COMPLAINT	LOGOUT	PROCESS	FAQ	CONTACT	DISCLAIME
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Please comment your response for ou							
Your answer Comments	Set	sfied with the solution					
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		SUBMIT	YOUR FEEDBACK				

(b) Go to your email account. You will receive one or two (if you have filled-in the Satisfaction Survey) new emails from ASSIST, which acknowledge receipt of your response to the proposed solution by AMS-Y. A copy of your responses will also be sent to the DCP and the HCP.

First Acknowledgement Email from ASSIST

M Gmail	ASEAN Enterprise <aseanenterprise@@gmail.com></aseanenterprise@@gmail.com>
[ASSIST][#17720181101] Thank you for answer	
No Reply ASSIST <assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org></assist@asean.org>	Fri, Nov 2, 2018 at 6-44 AM
ASSYCIATION OF SOUTHEAST ASIAN NATIONS	ASSIST ASEAN Solutions for Investments, Services and Trade
Dear Mr Bruce Kent, With reference to your complaint ID No. 17720181101, your	feedback on whether you are satisfied with the answer given by the DCP and the proposed solution is: "Yes"
ASSIST acknowledges receipt of your response to the propos	
	assist ascan org

Second Acknowledgement Email from ASSIST

If you provided a comment on the Satisfaction Survey, you will receive a second email below, acknowledging receipt of your response to the proposed solution will be sent by ASSIST to you, the DCP and the HCP.

M Gmail	ASEAN Enterprise <a< th=""><th>seanenterprise0@gmail.com></th></a<>	seanenterprise0@gmail.com>
[ASSIST][#17720181101] Thank you for answer	c	
No Reply ASSIST ≺assist@asean.org> Reply-To: "assist@asean.org" <assist@asean.org></assist@asean.org>		Fri, Nov 2, 2018 at 6:47 AM
ASSOCIATION OF SOLFTIELAST ASUM, VALITORS	ASSIST ASEAN Solutions for investments, Bervices and Trade	
Dear Mr Bruce Kent,		
With reference to your complaint ID No. 17720181101, your	feedback on whether you are satisfied with the answer given by the DCP and the proposed solution is: "Yes"	
We are satisfied with the reason of rejection of our complaint	by AMS-Y and have decided not to pursue any other course of action regarding our complaint.	
ASSIST acknowledges receipt of your response to the propo	sed solution.	
	assist.asean.org	
		105



WELCOME TO ASSIST

ASSOCIATION ASSIST OF SOUTHEAST ASIAN NATIONS ASEAN Solutions for Investments, Services and Trade

WHAT IS ASSIST?

FILE A COMPLAINT

FOLLOW A COMPLAINT

(c) Login to your ASSIST dashboard using your email and tracking ID as indicated in Step 7(a) and (b) above. The final view of your dashboard can be seen below. As you can see, another action has been added to your 'History' indicating that you have indicated satisfaction to the proposed solution by ASSIST. The comment that you have provided in the Satisfaction Survey can also be seen in the 'Comments' section.

WELCOME TO ASSIST	WHAT IS	ASSIST? MY C	OMPLAINT	LOGOUT	PROCESS	FAQ	CONTACT	DISCLAIME
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AMS-Y finds sufficient basis the					아이는 것을 같아요. 같이 많이	1. 1997 A. 1. 1. 1. 7. 1997 A.		
Commitments, AMS-Y has no li provider(s) may be in the form o								
owned by foreign partner(s); (ii)	at least three quarter	s of the company's senior le	ivel managemen	t and the person author	prized to sign any k	inding commitm	ents as a representation	n of the company
nust be AMS-Y nationals. Thus AFAS Horizontal Commitments								
he Government of AMS-Y has								
Attachment Satisfied : Yes								
History Date Actio								
Date Actio 02/11/2018 06:47 04	<u></u>	Action By ASEAN-based Enterprise	Comments We are sat	sfied with the reason of	of rejection of our c	omplaint by AM	S-Y and have decided n	tot to pursue any
02/11/2018 00:05:11	Solution	Central Administrator of		e of action regarding o		ad with its relation	of AREAN commitment	n and that the
12/11/2018 00:95 11	JOLDEN	Central Administrator of ASSIST	complaint i has no limi market acc	acks marit. It argues th ations on foreign own-	nat, although under ership, it is stated I Presence of the for	the AFAS Sche n its Horizontal (sign service prov	Int ASEAN commitment dule of Specific Commit commitments that, as a rider(s) may be in the for tracultements	tments, AMS-Y limitation to
01/11/2018 22:37:34	Accepted	Central Administrator of	Dear Mr Br				, address of the second se	
		ASSIST	Thank you	for lodging your compl	laint under ASSIST	The Central Ac	iministrator has reviewe	d and verified
			proves that	you are a business re	gistered in AMS-X	and you have al	r company registration r so provided us with a o	opy of the AMS-
				Schedule of ASEAN roll as the AMS-Y 201			in the Telecommunical	tion Services
01/11/2018 16:07:27	Email Continued	ASEAN-based Enterprise		irmed				
01/11/2018 16:01:39	New	ASEAN-based Enterprise	1					
ASEAN ENTERP	RISE							
ASEAN Enterprise Name	Art	el Holdings, Inc.						
Company Size	200+			Address	Jingle	Avenue City U C	ountry X	
Phone	+261 7262991			City	City U			
Vebsite	www.airtel.com			ZIP Code	10090			
				Country	AMS-X			
CONTACT PERS	ON							
First Name	Bruce			Address	Jingle .	Avenue City U C	ountry X	
ast Name	Kent			City	City U			
hone	+261 8159255399			ZIP Code	10090			
osition	President			Country	AMS-X			
mail	aseanenterprise0@	gmail.com (Confirmed)						
COMPLAINT DE	SCRIPTION	ı						
Country of Legal Registration	AMS-X			Business Sector	Service	36		
Registration Number	123455			Type of Problem		es / Communical	ion Services	
	e 11.4 5308-5			Encountered	0.000			
Company Registration Proof		Registration_of_AirTel_H	aldings Includ	Destination Country	y AMS-Y			
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		it AirTel Co., Ltd. has been t otification by AMS-Y on this						
		is obtaining a Foreign Busi- ulation has caused AirTel H						
		ulation has caused Air lei H ts license is a discrimination						
		r under the relevant ASEAN						
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WELCOME TO ASSIST

WHAT IS ASSIST?

FAQ

In cases where no solution is found through ASSIST or if the DCP finds sufficient basis that its Member State has complied with its relevant ASEAN commitments and that the complaint lacks merits, this finding and the basis for such finding is promptly conveyed to the CA, which informs the complainant accordingly. The complainant may, if so desired and through its Home Contact Point and ASEAN Member State of registration, refer the case to the ASEAN Compliance Body (ACB), the ASEAN Enhanced Dispute Settlement Mechanism (EDSM), pursue national litigation or alternative dispute resolution mechanisms (i.e. mediation, conciliation or arbitration) within national ASEAN jurisdictions.

ASSIST will consider this procedure as one where the complaint was rejected and a solution has not been provided.

Please note that the timeframe for solving cross-border problems brought under ASSIST shall be no more than 40 working days or 2 calendar months (unless an extension of maximum 20 working days has been accorded) from the date in which the complaint is lodged.

