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



Photo credit: Nathan Associates - PSDA Project, Myanmar



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ASSIST
ASEAN Solutions for Investments, Services and Trade

What is ASSIST?

- User-friendly web-based portal (<http://assist.asean.org>) 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.

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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 (<http://atr.asean.org>).
- 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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What is the Broader Context of ASSIST?

- Implementation of the **AEC Blueprint 2025** and its trade facilitation agenda: “82. To ensure effective implementation of the AEC Blueprint 2025, the following strategic measures will be undertaken:
 - iv. ASEAN Member States may also access other mechanisms such as the ASEAN Solutions for Investments, Services, and Trade (ASSIST)”;
- Facilitate trade, investments and ASEAN regional economic integration and **role of ‘private sector’** in assisting Governments to remove obstacles;
- **Needs of ‘private sector’**, particularly SMEs (trade facilitation, expedited processes, ease of engagement with authorities, avoidance of disputes, solutions to problems);
- **Increase transparency**, especially of NTMs (primary focus on goods), by providing linkage to the ASEAN Trade Repository (ATR) and National Trade Repositories (NTRs) maintained by AMSs where trade related information is available.

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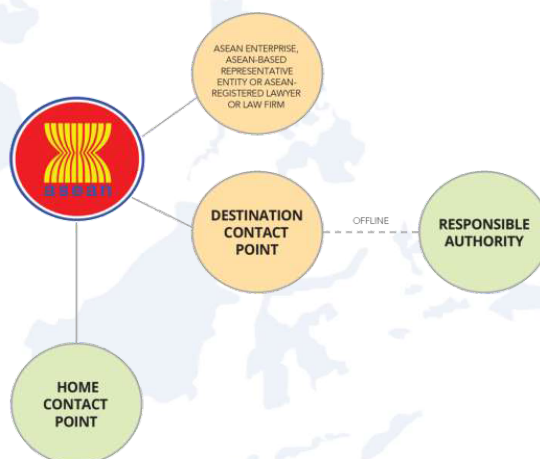


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Who are the Key Actors of ASSIST?



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Who are the Key Actors of ASSIST?

- **AE: ASEAN-based Enterprise** that raises an issue/query/complaint through ASSIST. New anonymity features have been developed, allowing anonymous complaints to be filed on behalf of AEs by representative entities: trade associations, chambers of commerce, business councils/business federations, lawyers or law firms. Special rules apply for ASEAN-registered lawyers or law firms.
- **CA: Central Administrator of ASSIST**, responsible for checking the completeness of the complaint submitted by the AE, for verifying the standing of the complaining AE, for forwarding the application to both the Home Contact Point (HCP) and the Destination Contact Point (DCP), for monitoring progress in accordance with the agreed deadlines, and for reporting the response/resolution back to the AE. The CA is also charged with the maintenance of the integrity of the ASSIST portal.
- The **ASEAN Secretariat** acts as the CA. ASSIST is run by ASEC's TFD for Trade in Goods and by ASEC's SID for Trade in Services. ASSIST Investment will most likely be run by SID as well, but subject to ASEC's and CCI's decision.

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Who are the Key Actors of ASSIST?

- **HCP: Home Contact Point**, which is the national body in the ASEAN Member State of the AE that is notified of the query/complaint by the CA.
- **DCP: Destination Contact Point**, 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): Responsible Authority(ies)** in the country of the DCP that will investigate the issue/complaint 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 **national network**, 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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What are the Key Features of ASSIST?

- ASSIST aims at being an effective tool of **trade facilitation** and **regional economic integration**;
- It remains **consultative** and **non-binding** in nature, but intends to be **professionally-managed** and **credible**;
- It does not aim at determining who is right and who is wrong, but at finding **solutions to practical trade problems**;
- It may be used even just to seek **greater regulatory transparency** and/or **interpretative clarity** (*e.g.*, rules of origins, customs regimes, licensing, etc.);
- It aims at being **reliable, transparent, responsive** and **efficient**;
- It is based on **simple** and **user-friendly** formats, with clear instructions and processes;
- **Confidentiality** and now even **anonymity** can be preserved. Companies no longer need to file a complaint in their own name if they fear retaliation or bad publicity;

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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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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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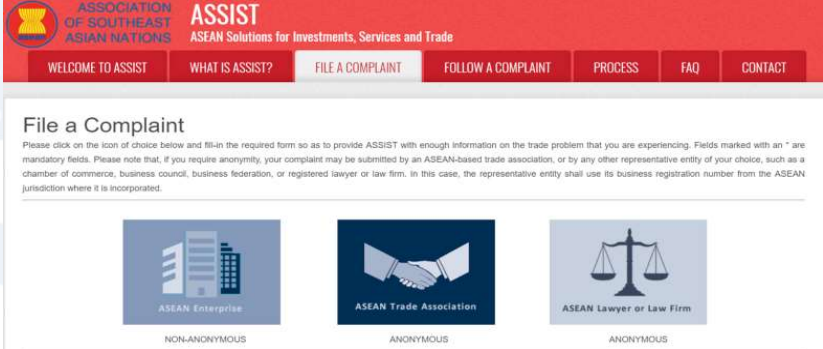
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How does ASSIST Work?

- Applicants will need to register and receive a password-protected log-in;
- A standardised online application form has been developed for use;



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How does ASSIST Work?

- A computer-generated **tracking code** is assigned, with CA/HCP notified;
- CA will assess (in **max 10 working days**) the complainant's '*standing*' and complaint's completeness. The CA may request the complainant to provide additional information or clarifications;
- CA will inform the AE or, for anonymous complaints, the ASEAN-based representative entity, or the ASEAN-registered lawyer or law firm, and submit complaint to DCP/HCP, if there is '*standing*';
- Maximum time limit (**10 working days**) is set for DCP to accept/reject complaint;
- Rejections of complaints must be **motivated in writing with a reason**;
- If accepted, DCP will involve RA(s) and fixed time limits will apply (**30 to 50 working days**);
- RAs/DCP may request a single time extension (of up to **20 working days**) if the issue is complex;
- RAs/DCP **must provide** a response/resolution/remedy in written form;
- CA will follow-up. If DCP/RAs **unresponsive**, issue will be referred to AMSS;

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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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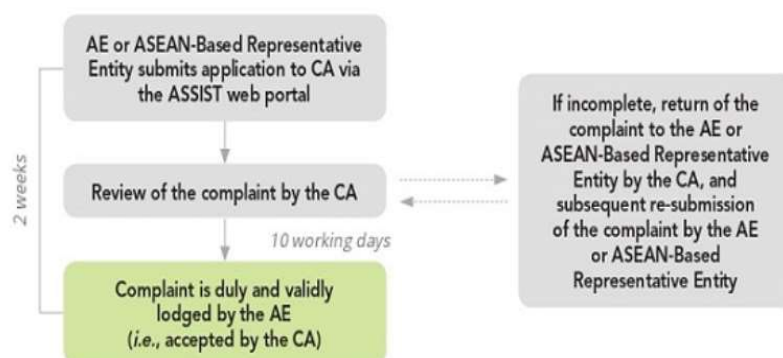


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Flowchart of the ASSIST Mechanism and its Associated Timeline



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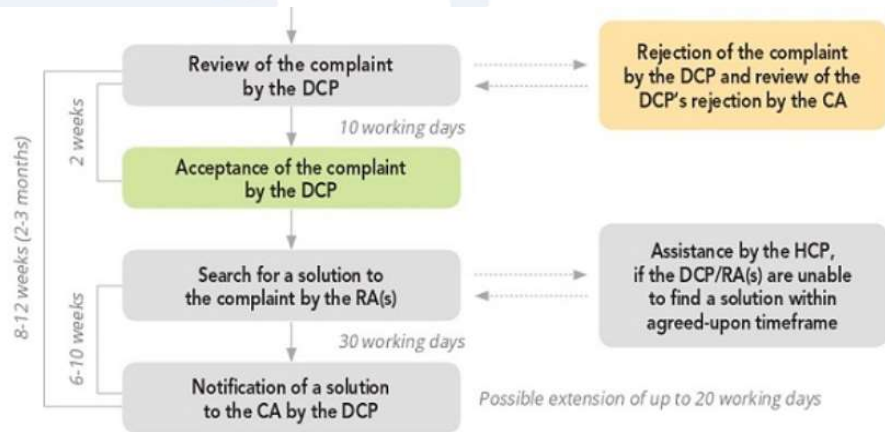


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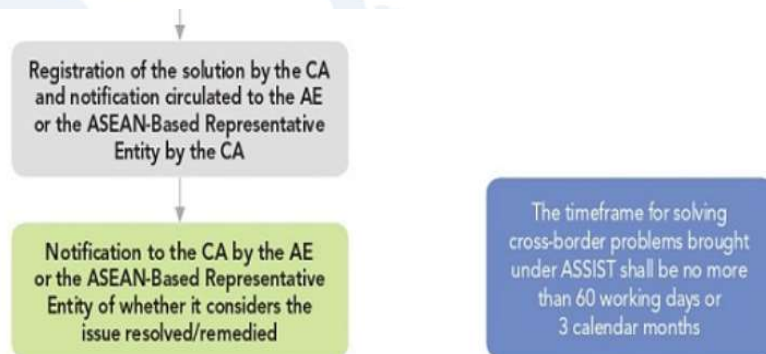


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Statistical Data of ASSIST Usage

- 4 cases lodged in first 29 months of operation (8/2016 to 12/2018) and 7 cases lodged in the last 20 months (1/2019 to 8/2020).
- This corresponds to a 175% increase in utilization since anonymity was introduced. In fact, 5 of the 7 cases lodged since 1/2019, were lodged by Business Councils or Business Federations.
- Will your problem be the next?

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Thank you

Please access the following link: [ASSIST - An Opportunity for the Private Sector](#) to download a PowerPoint version (ppt format) of the presentation slides.



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