



Photo credit: Deborah Tomasowa for US-ACIT

ASSIST TUTORIALS



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

Photo credit: Deborah Tomasowa for US-ACIT



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:

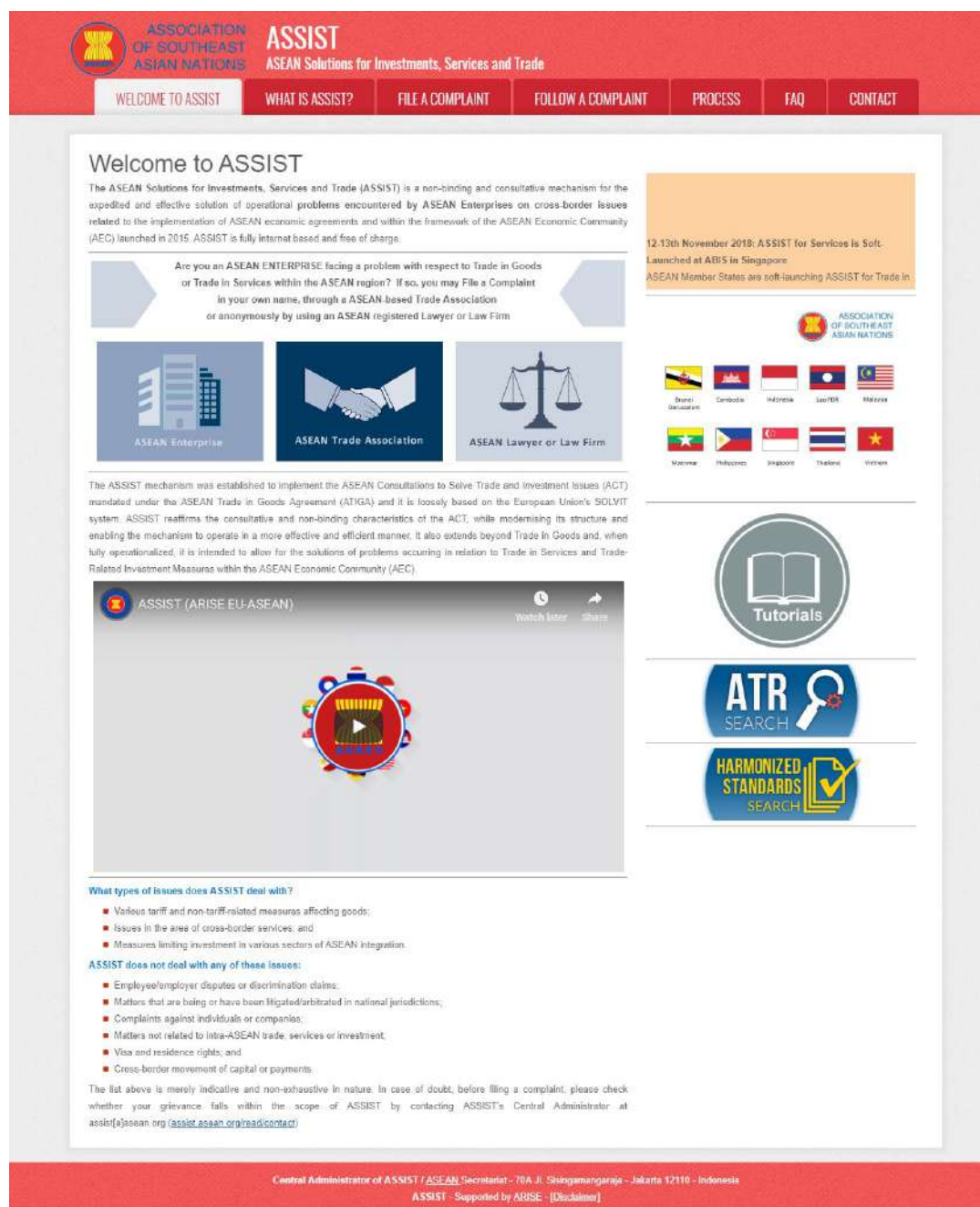
- Complainant = ASEAN Enterprise (AE)
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)

STEP 1

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



The screenshot shows the ASSIST homepage with a red header and navigation bar. The main content area is white with a grey border. It features the ASSIST logo and a welcome message. A central section titled 'Welcome to ASSIST' explains the mechanism and provides a flowchart for filing a complaint. The flowchart shows three options: ASEAN Enterprise, ASEAN Trade Association, and ASEAN Lawyer or Law Firm. Below this, there is a video player for 'ASSIST (ARISE EU-ASEAN)'. To the right, there is a list of ASEAN member states and a section for 'Tutorials' and 'ATR SEARCH'. At the bottom, there is a footer with contact information and a disclaimer.

Welcome to ASSIST

The ASEAN Solutions for Investments, Services and Trade (ASSIST) is a non-binding and consultative mechanism for the expedited and effective solution of 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) launched in 2015. ASSIST is fully internet based and free of charge.

Are you an ASEAN ENTERPRISE facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region? If so, you may File a Complaint in your own name, through a ASEAN-based Trade Association or anonymously by using an ASEAN registered Lawyer or Law Firm

ASEAN Enterprise | ASEAN Trade Association | ASEAN Lawyer or Law Firm

The ASSIST mechanism was established to implement the ASEAN Consultations 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. 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. It also extends beyond Trade in Goods and, when fully operationalized, it is intended to allow for the solutions of problems occurring in relation to Trade in Services and Trade-Related Investment Measures within the ASEAN Economic Community (AEC).

ASSIST (ARISE EU-ASEAN)

Watch later | Share

What types of issues does ASSIST deal with?

- Various tariff and non-tariff-related measures affecting goods;
- Issues in the area of cross-border services; and
- Measures limiting investment in various sectors of ASEAN integration.

ASSIST does not deal with any of these issues:

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


The list above is merely indicative and non-exhaustive in nature. In case of doubt, before filing a complaint, please check whether your grievance falls within the scope of ASSIST by contacting ASSIST's Central Administrator at assist@asean.org (assist.asean.org/read/contact)

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ABSE - [Disclaimer]

STEP 2

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


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 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 Enterprise

NON-ANONYMOUS



ASEAN Trade Association

ANONYMOUS



ASEAN Lawyer or Law Firm

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 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 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 submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN Enterprise based in one 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.

Central Administrator of ASSIST / ASEAN Secretariat - TDA Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ABSE - [Disclaimer]

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



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 Filed by an ASEAN Enterprise



ASEAN Enterprise

Please fill-in the form below 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 should be submitted instead 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. Dedicated forms are available under the respective [links](#).

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please also check your spam/junk boxes).

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City ZIP Code

* Country

CONTACT PERSON

* Gender ☐ Mr ☐ Mrs ☐ Ms

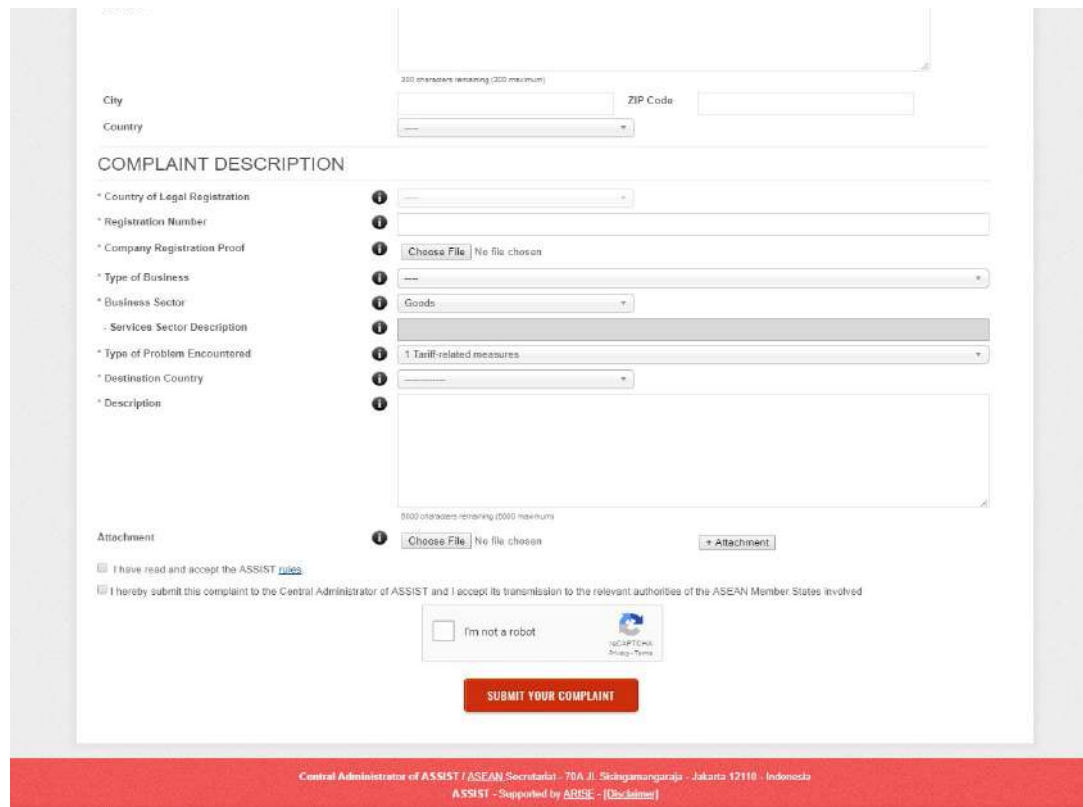
* First Name * Last Name

* Phone

* Position

* Email

Address



300 characters remaining (200 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

Services Sector Description

* Type of Problem Encountered

* Destination Country


* Description

8000 characters remaining (10000 maximum)

Attachment

☐ I have read and accept the ASSIST [rules](#)

☐ 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

☐ I'm not a robot 

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ABISE - [\[Download\]](#)

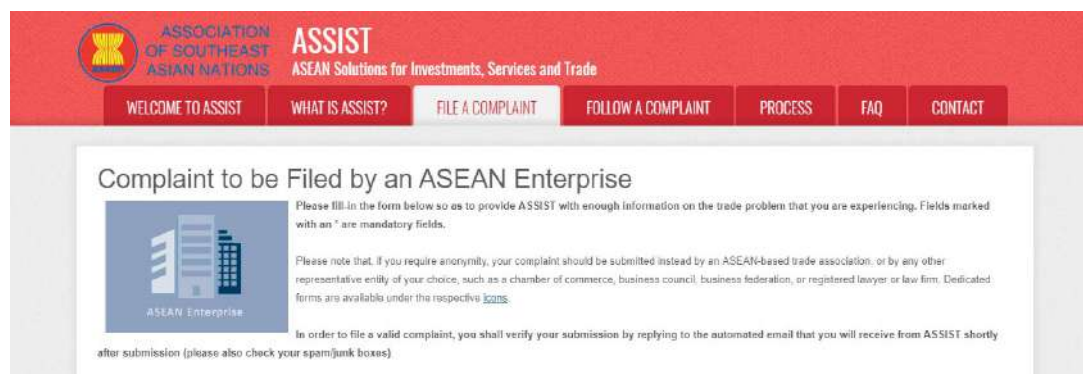
Fill-in the above form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an asterisk (*) are mandatory fields. If you are not sure on what to fill-in for a field, the **i** buttons are available for detailed instructions on what to fill-in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

**STEP
3**

FILL-IN THE COMPLAINT FORM

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



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 Filed by an ASEAN Enterprise

Please fill-in the form below 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 should be submitted instead 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. Dedicated forms are available under the respective [links](#).

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please also check your spam/junk boxes).

ASEAN Enterprise

ASEAN ENTERPRISE

* ASEAN Enterprise Name Blue Sapphire Consulting Group

* Company Size 10 to 50

* Phone +96131415

Website www.bluesapphirecg.com

* Address Red Sparrow Street No. 13
City V
Country X

254 characters remaining (300 maximum)

* City City V ZIP Code 12130

* Country AMS-X

CONTACT PERSON

☒ Mr ☐ Mrs ☐ Ms

* First Name Very * Last Name Upsel

* Phone +96131415

* Position Director

* Email aseanenterprise@gmail.com

Address Red Sparrow Street No. 13
City V
Country X

254 characters remaining (300 maximum)

* City City V ZIP Code 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 Service provider

* Business Sector Services

- Services Sector Description Consultancy

* Type of Problem Encountered 12 Other Services

* Destination Country AMS-Y

* 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.


Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for detention and denial of employment permit. The brief complaint to be filed is as follows:

4007 characters remaining (5000 maximum)

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 I accept its transmission to the relevant authorities of the ASEAN Member States involved



I'm not a robot

SUBMIT YOUR COMPLAINT

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.

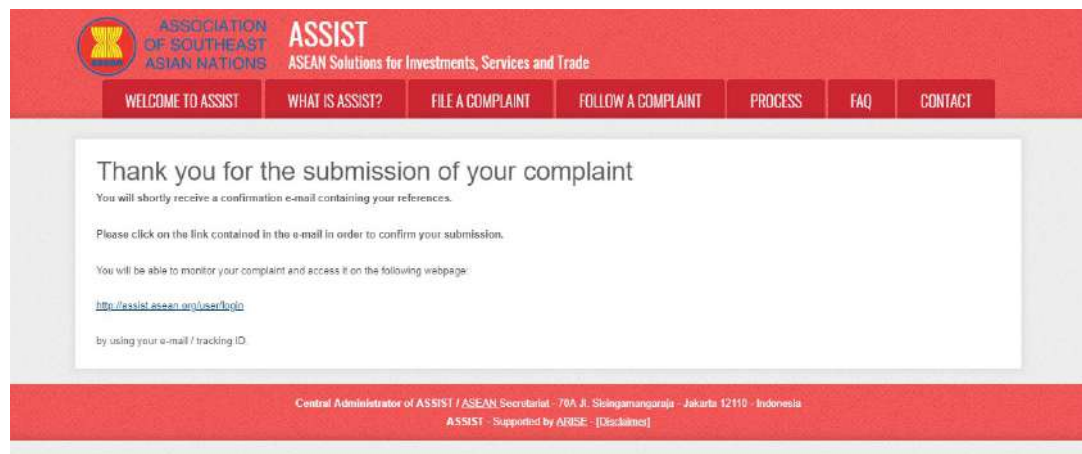
Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for delaying the issuing of my work permit. The basis of my complaint is that there is the ASEAN Agreement on Movement of Natural Persons, which allows for free movement of skilled persons within ASEAN, as well as the 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."

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

STEP 4

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.



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

STEP 5

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 **16920181030**.

Below is the email which you will receive from ASSIST.




ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Thanks to confirm your complaint #16920181030 submission

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

Tue, Oct 30, 2018 at 1:21 P



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Very Upset**,

Thank you for having filed a complaint on **ASSIST**, the system of ASEAN Solutions for Investments, Services and Trade.

Please confirm your complaint **16920181030** on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.asean.org/user/confirm_email

After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the following webpage:
<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **16920181030**

ASEAN Enterprise / Trade Association / Law Firm : Blue Sapphire Consulting Group (type Enterprise)
 Company size : 10 to 50
 Phone : +96131415
 Website : www.bluesapphirecg.com
 Address : Red Sparrow Street No. 13 City V Country X
 City : City V / Zip Code : 12130
 Country : **AMS-X**


Contact person : Mr. Very Upset
 Phone : +96131415
 Position : Director
 Email : aseanenterprise0@gmail.com
 Address : Red Sparrow Street No. 13 City V Country X
 City : City V / Zip Code : 12130
 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 : Services / Consultancy
 Type of problem encountered : Other Services
 Destination Country : **AMS-Y**


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. Thus, I wish to raise an ASSIST complaint against AMS-Y through my company in AMS-X, for delaying 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.

Thanking you, ASSIST is at your service.

assist.asean.org

 Simulated_Company_Registration_of_Blue_Sapphire_Consulting_Group.pdf
50K

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



ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Email/complaint confirmation valid

Thank you for having confirmed your e-mail.

Your complaint will now be reviewed by the Central Administrator of ASSIST and you shall be notified 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.

A reason shall be provided to you in writing in case of outcomes 2) or 3) above.

Central Administrator of ASSIST / ASEAN Secretariat - TBA #, Seligapangoraja - Jakarta 12110 - Indonesia
 ASSIST - Supported by ARISE - [Disclaimer]

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:

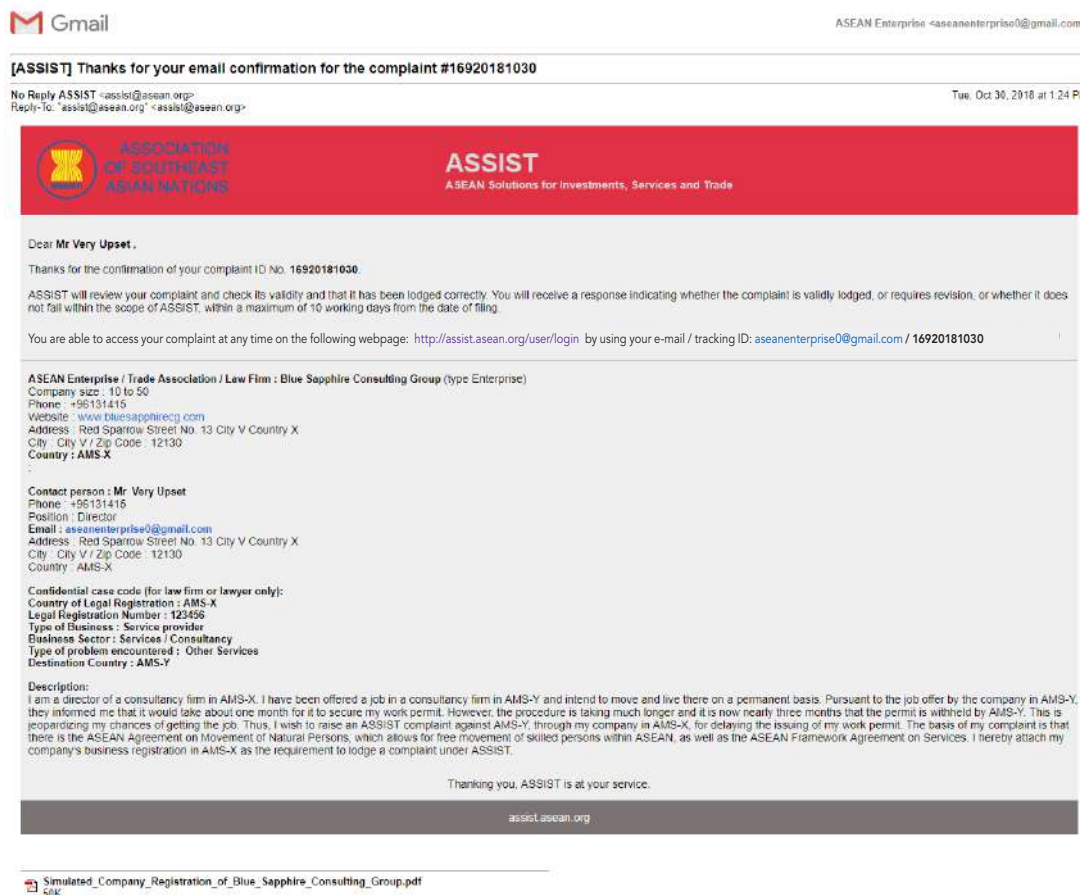
- 1) Accepted and submitted to the Destination Country; or
- 2) Incomplete and returned to you for revision; or
- 3) Rejected, if falling outside of the scope of ASSIST or not being a valid complaint.

Go to your email account.

**STEP
6**

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

- (a) 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.

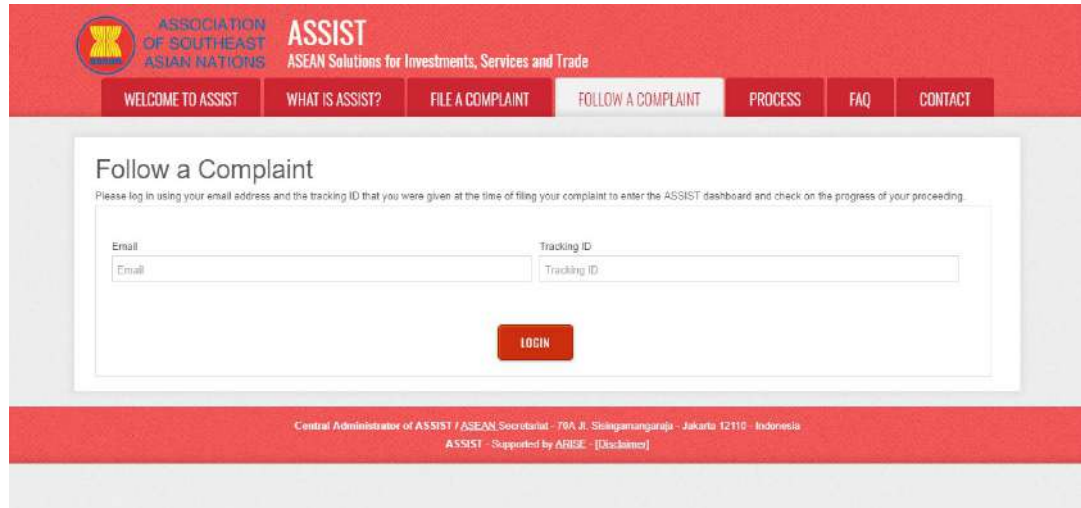


As indicated in the above email, you are now able to monitor the progress by clicking on the indicated link which will be directed to the 'Follow a Complaint' tab on the menu bar on the ASSIST Website.

**STEP
7**

MONITOR THE PROGRESS OF YOUR COMPLAINT

- (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.



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

Follow a Complaint

Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

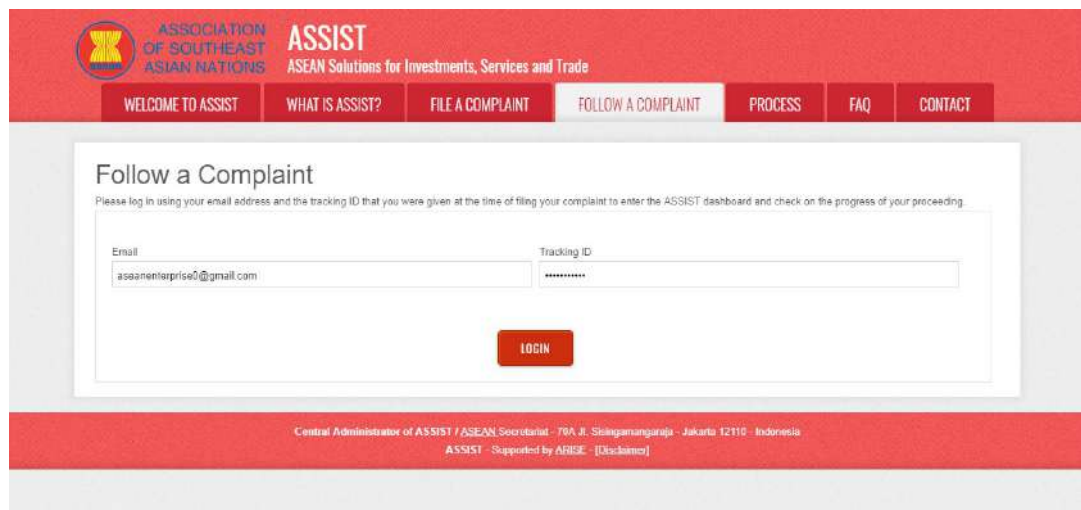
Email

Tracking ID

LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

- (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 **16920181030**.



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

Follow a Complaint

Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

Email

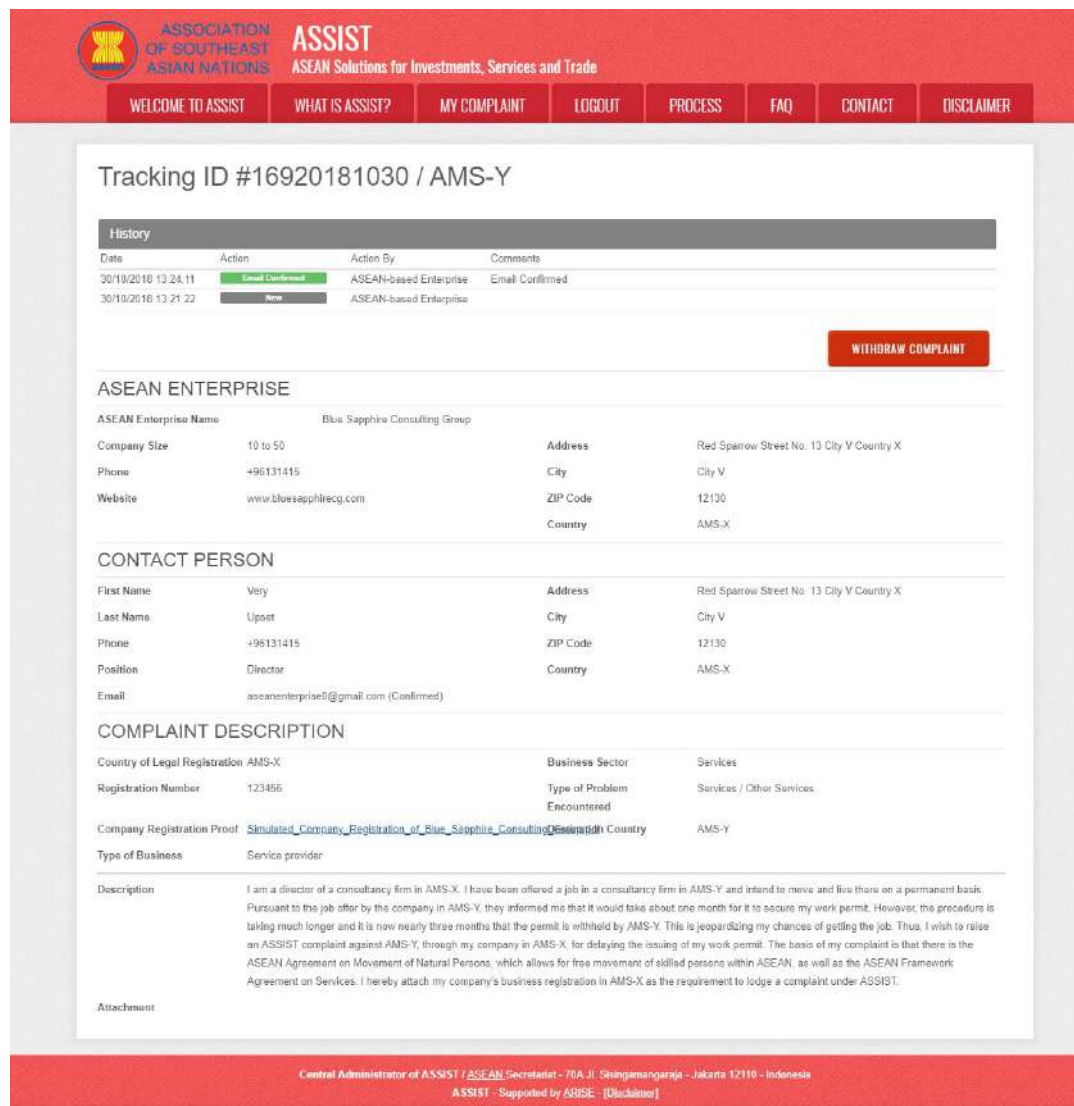
Tracking ID

LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

Once you login, you will see your ASSIST dashboard where you can monitor the progress of your complaint.

(c) View of your ASSIST Dashboard once you have successfully logged-in:



Tracking ID #16920181030 / AMS-Y

Date	Action	Action By	Comments
30/10/2018 13:24:11	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
30/10/2018 13:21:22	New	ASEAN-based Enterprise	

[WITHDRAW COMPLAINT](#)

ASEAN ENTERPRISE

ASEAN Enterprise Name		Blue Sapphire Consulting Group	
Company Size	10 to 50	Address	Red Sparrow Street No. 13 City V Country X
Phone	+96131415	City	City V
Website	www.bluesapphirecg.com	ZIP Code	12130
		Country	AMS-X

CONTACT PERSON

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	Director	Country	AMS-X
Email	aseanenterprise01@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Other Services
Company Registration Proof	Simulated Company Registration of Blue Sapphire Consulting Group		
Type of Business	Service provider	Country	AMS-Y
Description	<p>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. Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for delaying 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.</p>		
Attachment			

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ARSE - [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.

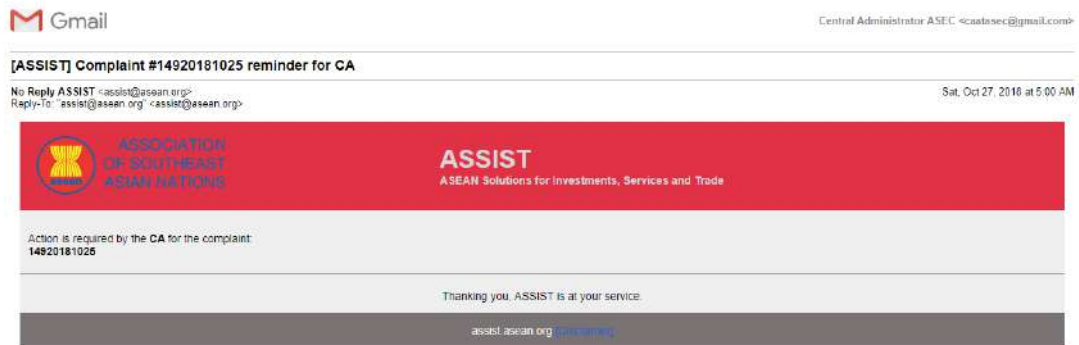
**STEP
8**

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

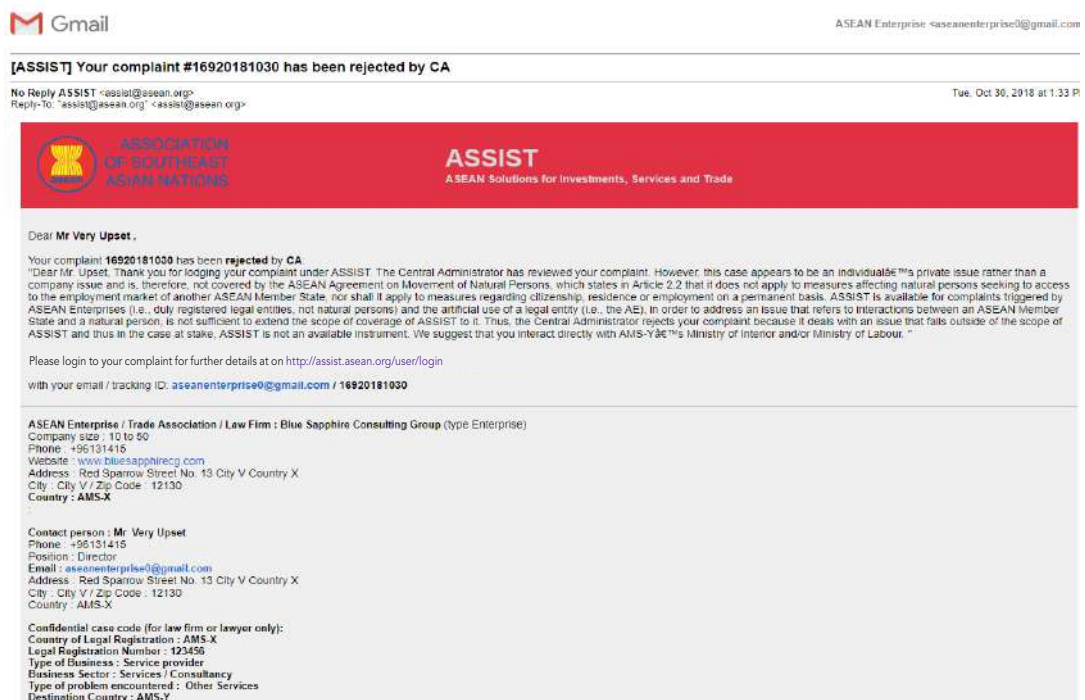
Once the CA has completed reviewing your complaint and decided on whether to accept/incomplete/reject, an email will be sent to you typically within 10 working days since you lodged your complaint.

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:



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



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. Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for delaying 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.


Thanking you, ASSIST is at your service.

assist.asean.org [\[Download\]](#)

In this case, your complaint has been reviewed and **rejected** by the CA. The CA finds that 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. 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.


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:

 Gmail Central Administrator ASECC: ccaatasecc@gmail.com

[ASSIST] Complaint #14920181025 reminder for CA

No Reply ASSIST <assist@asean.org> Sat, Oct 27, 2018 at 5:00 AM
Reply-To: "assist@asean.org" <assist@asean.org>



ASSIST

ASEAN Solutions for Investments, Services and Trade

Action is required by the CA for the complaint:
14920181025

Thanking you, ASSIST is at your service.


assist.asean.org [\[Download\]](#)

**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 **"Rejected"** your complaint.



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

[WELCOME TO ASSIST](#)
[WHAT IS ASSIST?](#)
[MY COMPLAINT](#)
[LOGOUT](#)
[PROCESS](#)
[FAQ](#)
[CONTACT](#)
[DISCLAIMER](#)

Tracking ID #16920181030 / AMS-Y

History			
Date	Action	Action By	Comments
30/10/2018 13:33:22	Reported	Central Administrator of ASSIST	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. Click
30/10/2018 13:24:11	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
30/10/2018 13:21:22	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name		Blue Sapphire Consulting Group	
Company Size	10 to 50	Address	Red Sparrow Street No. 13 City V Country X
Phone	+96131415	City	City V
Website	www.bluesapphirecg.com	ZIP Code	12130
		Country	AMS-X

CONTACT PERSON

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	Director	Country	AMS-X
Email	aseanenterprise0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Other Services
Company Registration Proof	Simulated_Company_Registration_of_Blue_Sapphire_Consulting_Group.pdf		
Type of Business	Service provider	Destination Country	AMS-Y
Description	<p>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. Thus, I wish to raise an ASSIST complaint against AMS-Y, through my company in AMS-X, for delaying 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.</p>		
Attachment			

Central Administrator of ASSIST / ASEAN Secretariat - TIA Jl. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ABSE - [Disclaimer]

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. 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.



ASSIST

STEP-BY-STEP TUTORIAL FOR CASE STUDY 2

(TRADE IN GOODS)

Photo credit: Nathan Associates - PSDA Project, Myanmar

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:

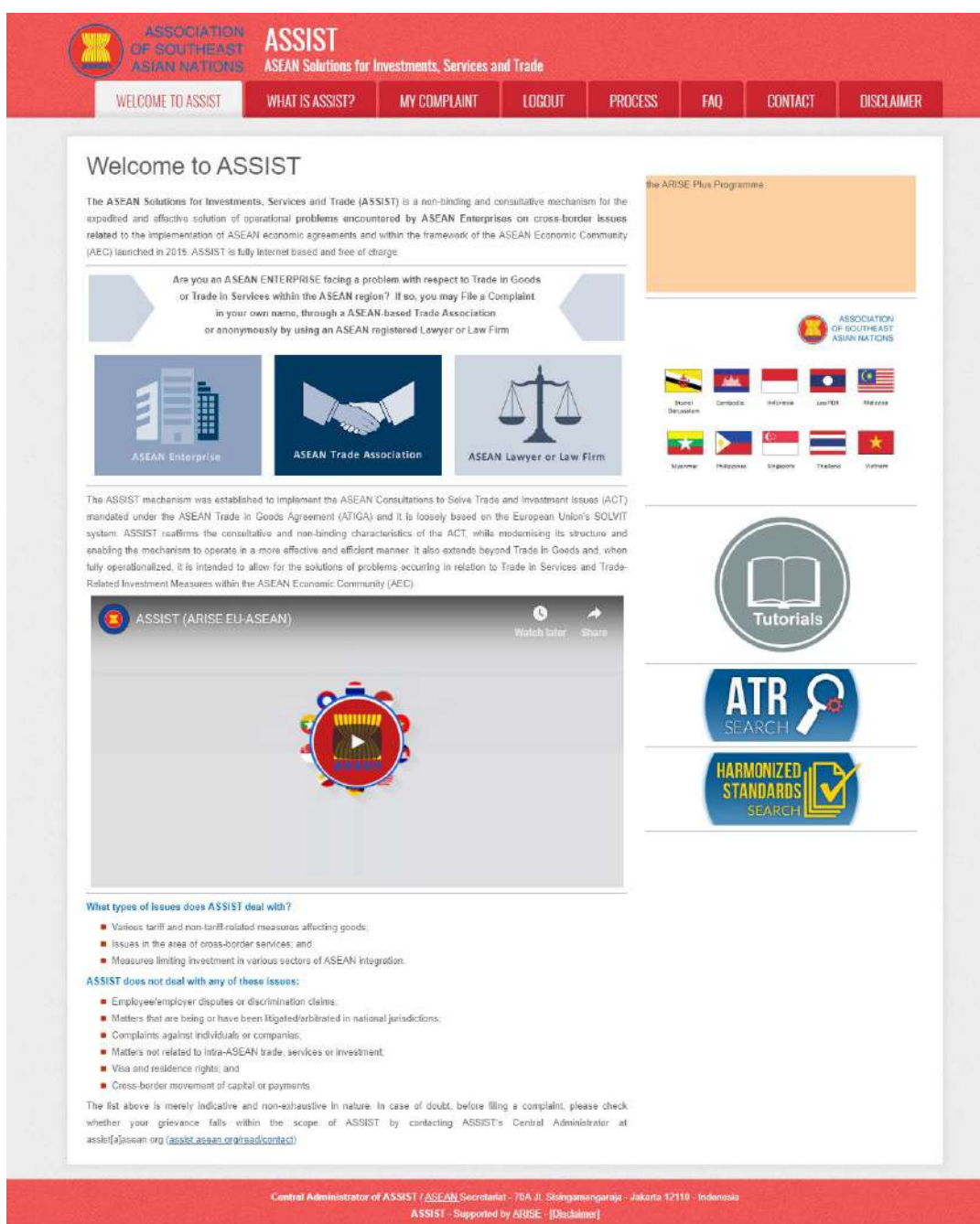
- Complainant = ASEAN-Based Trade Association = ASEAN Trade Association
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)
- Relevant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

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.



The screenshot shows the ASSIST website homepage. At the top is the ASEAN logo and the text "ASSOCIATION OF SOUTHEAST ASIAN NATIONS". To the right is the "ASSIST" logo and the text "ASEAN Solutions for Investments, Services and Trade". Below this is a navigation bar with links: "WELCOME TO ASSIST", "WHAT IS ASSIST?", "MY COMPLAINT", "LOGOUT", "PROCESS", "FAQ", "CONTACT", and "DISCLAIMER".

The main content area is titled "Welcome to ASSIST". It contains a paragraph explaining that ASSIST is a non-binding and consultative mechanism for the expedited and effective solution of 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) launched in 2015. ASSIST is fully Internet based and free of charge.

Below this is a section titled "Are you an ASEAN ENTERPRISE facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region? If so, you may File a Complaint in your own name, through a ASEAN-based Trade Association or anonymously by using an ASEAN registered Lawyer or Law Firm." This section includes three icons: "ASEAN Enterprise", "ASEAN Trade Association", and "ASEAN Lawyer or Law Firm".

To the right of this section is a box titled "the ARISE Plus Programme" and a grid of ASEAN member state flags: Brunei Darussalam, Cambodia, Indonesia, Laos PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.

Below the flags is a section titled "Tutorials" with a book icon. Below that is a section titled "ATR SEARCH" with a magnifying glass icon. Below that is a section titled "HARMONIZED STANDARDS SEARCH" with a checklist icon.

Below the search sections is a video player titled "ASSIST (ARISE EU-ASEAN)" with a play button icon. Below the video player is a section titled "What types of Issues does ASSIST deal with?" with a list of issues: Various tariff and non-tariff-related measures affecting goods; Issues in the area of cross-border services; and Measures limiting investment in various sectors of ASEAN integration.

Below this is a section titled "ASSIST does not deal with any of these issues:" with a list of issues: Employee/employer disputes or discrimination claims; Matters that are being or have been litigated/arbitrated in national jurisdictions; Complaints against individuals or companies; Matters not related to Intra-ASEAN trade, services or investment; Visa and residence rights; and Cross-border movement of capital or payments.

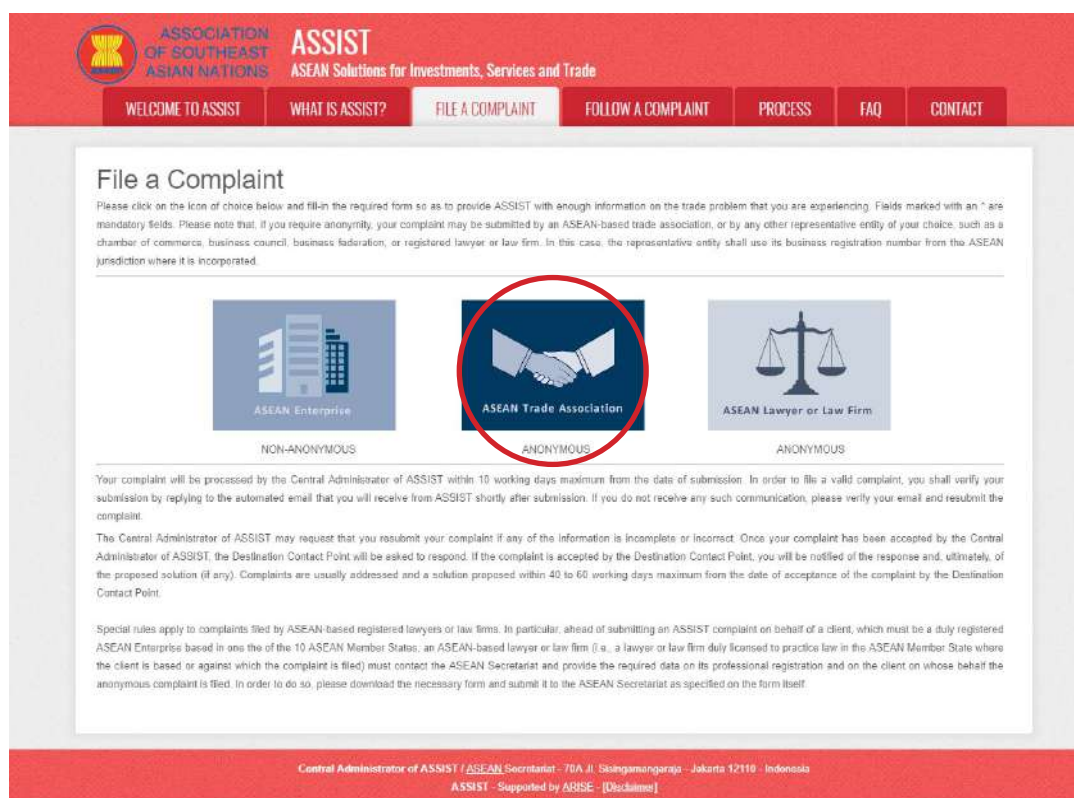
At the bottom of the page is a footer with the text: "Central Administrator of ASSIST / ASEAN Secretariat - TDA JI. Sisingamangaraja - Jakarta 12110 - Indonesia" and "ASSIST - Supported by ARISE - [Disclaimer]".

**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.




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 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 Enterprise

NON-ANONYMOUS



ASEAN Trade Association

ANONYMOUS



ASEAN Lawyer or Law Firm

ANONYMOUS

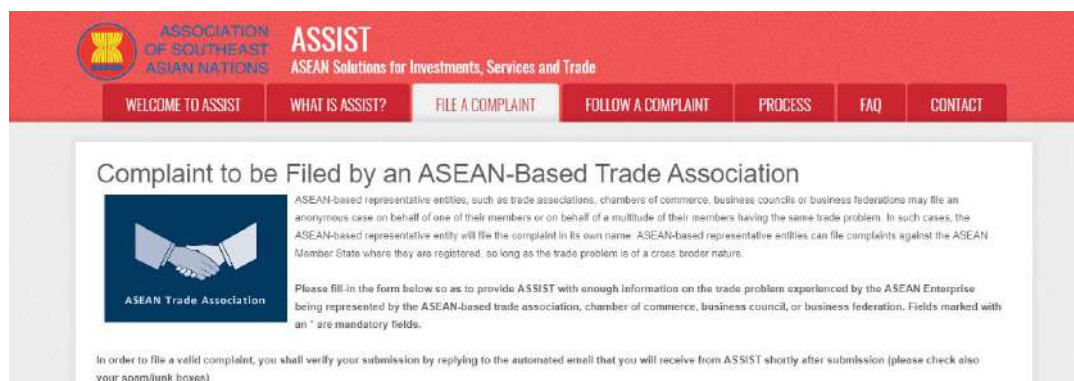
Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you 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 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 submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN Enterprise based in one 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.

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARSE - [Disclaimer]

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



Complaint to be Filed by an ASEAN-Based Trade Association

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. In such cases, the ASEAN-based representative entity will file the complaint in its own name. 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.

Please fill in the form below so as to provide ASSIST with enough information on the trade problem experienced by the ASEAN Enterprise being represented by the ASEAN-based trade association, chamber of commerce, business council, or business federation. Fields marked with an * are mandatory fields.

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please check also your spam/junk boxes).

ASEAN-BASED TRADE ASSOCIATION

* ASEAN-based Trade Association Name

* Phone

Website

* Address

350 characters remaining (350 maximum)

* City

* Country

* ASEAN Jurisdiction where the Entity is Established

CONTACT PERSON

* Gender ☐ Mr ☐ Mrs ☐ Ms

* First Name

* Last Name

* Phone

* Position

* Email

Address

350 characters remaining (350 maximum)

City

ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Entity Registration Proof

* Type of Business

* Business Sector

Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

3500 characters remaining (3500 maximum)


Attachment

No file chosen

☐ I have read and accept the [ASSIST rules](#).



☐ 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.

☐ I'm not a robot



Central Administrator of ASSIST / ASEAN Secretariat - TDA, Jl. Sisingamangaraja - Jakarta 12110 - Indonesia

ASSIST - Supported by ARISE - [\[Disclaimer\]](#)


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  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.

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.

STEP 3

FILL-IN THE COMPLAINT FORM

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



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 Filed by an ASEAN-Based Trade Association

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. In such cases, the ASEAN-based representative entity will file the complaint in its own name. 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.

Please fill-in the form below so as to provide ASSIST with enough information on the trade problem experienced by the ASEAN Enterprise being represented by the ASEAN-based trade association, chamber of commerce, business council, or business federation. Fields marked with an * are mandatory fields.

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please check also your spam/junk boxes)

ASEAN-BASED TRADE ASSOCIATION

* ASEAN-based Trade Association Name

* Phone

Website

* Address
City A Country X

250 characters remaining (200 maximum)

* City ZIP Code

* Country

* ASEAN Jurisdiction where the Entity is Established

CONTACT PERSON

* Gender ☒ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email

Address
City A Country X

250 characters remaining (200 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Entity Registration Proof

* Type of Business

* Business Sector

* Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

250 characters remaining (200 maximum)

Attachment Attachment

☒ I have read and accept the ASSIST rules.

☒ 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.

☒ I'm not a robot

Central Administrator of ASSIST / ASEAN Secretariat - TBA, Jl. Sisinganegara - Jakarta 12110 - Indonesia

ASSIST - Supported by ARISE - [Disclaimer]

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.

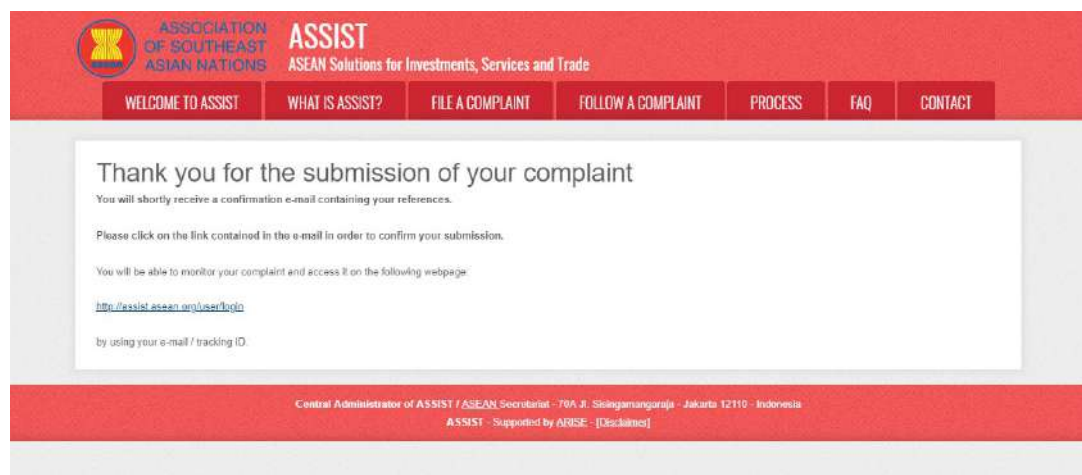
AMS-Y administers these measures in a partial and unreasonable manner and thereby violates Article 57 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN, mutatis mutandis, the World Trade Organization (WTO) Agreement on Customs Valuation. AMS-Y does not use transaction value 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
4**

RECEIVE A NOTIFICATION FROM ASSIST




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

**STEP
5**

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 **17420181031**.


Below is the email which you will receive from ASSIST.


ASEAN Trade Association <aseantradeassociation@gmail.com>

[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



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, 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_email

After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the following webpage:
<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 905900901
 Website : www.asean-tobacco.com
 Address : Barbecue Road No. 76 City A Country X
 City : City A / Zip Code : 90210
 Country : **AMS-X**
 ASEAN Jurisdiction where the Entity is Established : Country X

Contact person : Mr Stephen Bogus
 Phone : +12 905900901
 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 : 101010
 Type of Business : **Retailer**
 Business Sector : **Goods**
 Type of problem encountered : **Decreed Customs valuations**
 Destination Country : **AMS-Y**


Description:
 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 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 to 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 treatment for imported products than for like domestic products.

Thanking you, ASSIST is at your service.

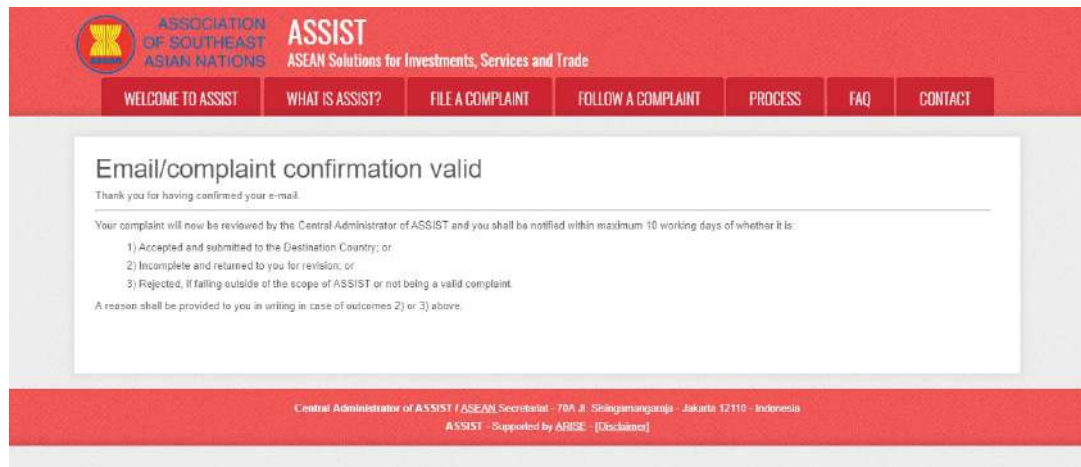
assist.asean.org

2 attachments

 **Annex_2-Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf**
 46K

 **Annex_1-Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association18.pdf**
 48K

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



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:

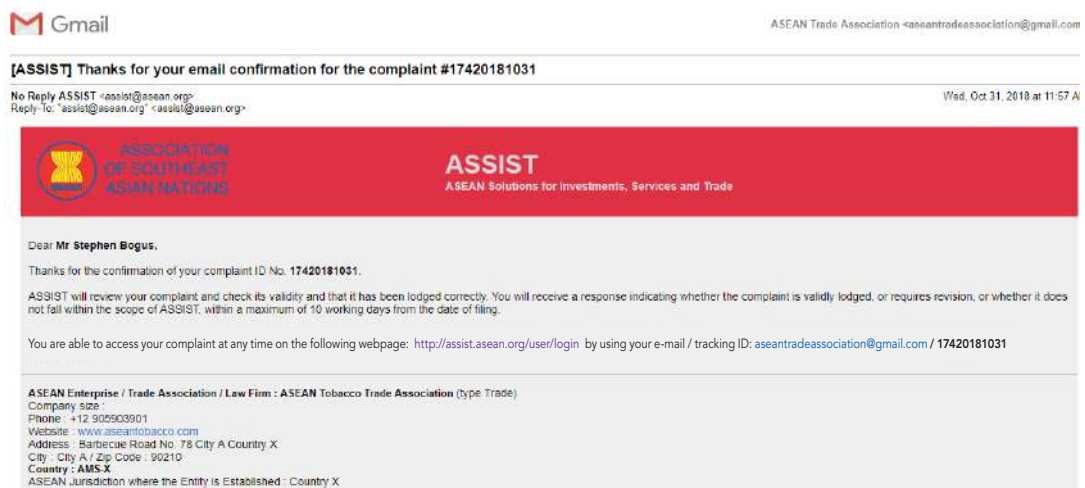
- 1) Accepted and submitted to the Destination Country; or
- 2) Incomplete and returned to you for revision; or
- 3) Rejected, if falling outside of the scope of ASSIST or not being a valid complaint.

Go to your email account.

**STEP
6**

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 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.



Contact person : Mr. Stephen Bogus
Phone : +12 905903901
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 : 131313
Type of Business : Retailer
Business Sector : Goods /
Type of problem encountered : Decreed Customs valuations
Destination Country : AMS-Y



Description:

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 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 to 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 treatment for imported products than for like domestic products.

Thanking you, ASSIST is at your service.

assist.asean.org

2 attachments

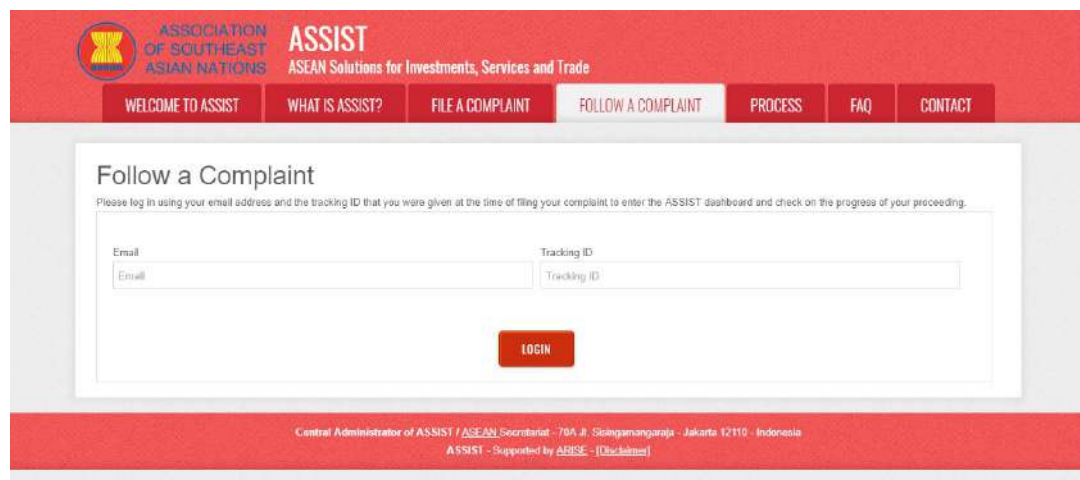
-  [Annex_2-Simulated_Fiscal_Customs_Measures_Dual_License_Scheme_of_AMS-Y21.pdf](#)
46K
-  [Annex_1-Simulated_Entity_Registration_of_ASEAN_Tobacco_Trade_Association18.pdf](#)
48K

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: <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.



Follow a Complaint

Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

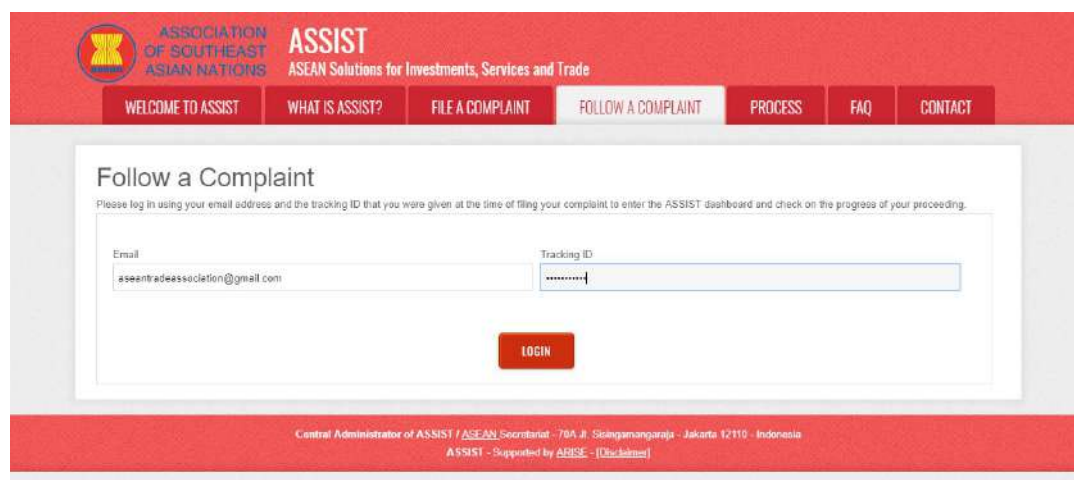
Email

Tracking ID

LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - 70A II, Setiabudi Manjara - Jakarta 12110 - Indonesia
ASSIST - Supported by ABSE - [Disclaimer]

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



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

Follow a Complaint

Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

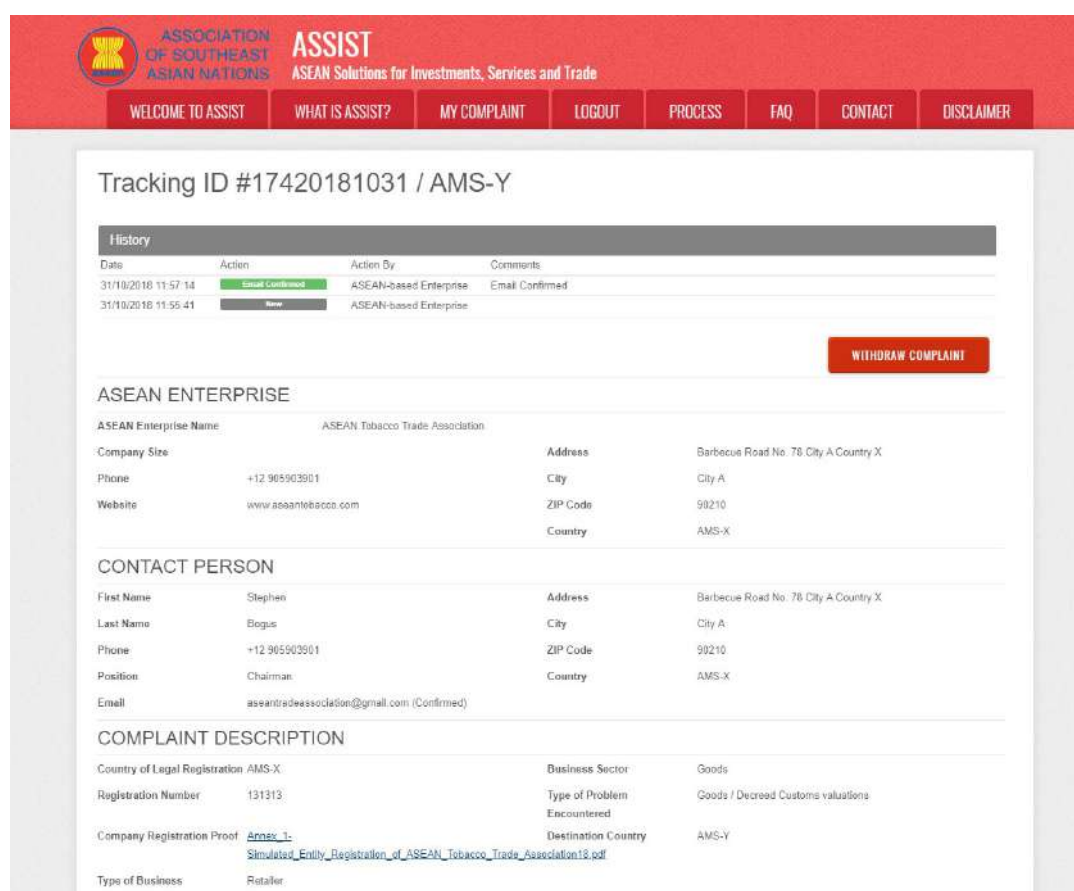
Email: aseantradeassociation@gmail.com Tracking ID: *****

[LOGIN](#)

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisinganangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ABSE - [Disclaimer]

Once you login, you will see your ASSIST dashboard where you can monitor the progress of your complaint.

(c) View of your ASSIST Dashboard once you have successfully logged-in:



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

WELCOME TO ASSIST WHAT IS ASSIST? MY COMPLAINT LOGOUT PROCESS FAQ CONTACT DISCLAIMER

Tracking ID #17420181031 / AMS-Y

History			
Date	Action	Action By	Comments
31/10/2018 11:57:14	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
31/10/2018 11:55:41	None	ASEAN-based Enterprise	

[WITHDRAW COMPLAINT](#)

ASEAN ENTERPRISE

ASEAN Enterprise Name: ASEAN Tobacco Trade Association

Company Size		Address	Barbecue Road No. 78 City A Country X
Phone	+12 965903901	City	City A
Website	www.aseantobacco.com	ZIP Code	90210
		Country	AMS-X

CONTACT PERSON

First Name	Stephen	Address	Barbecue Road No. 78 City A Country X
Last Name	Bogus	City	City A
Phone	+12 965903901	ZIP Code	90210
Position	Chairman	Country	AMS-X
Email	aseantradeassociation@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem	Goods / Deceit Customs valuations
Company Registration Proof	Annex 1: Simulated Entity Registration of ASEAN Tobacco Trade Association18.pdf		Destination Country
Type of Business	Retailer		AMS-Y

Description

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 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 to 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 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 JI. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ABSE - [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.

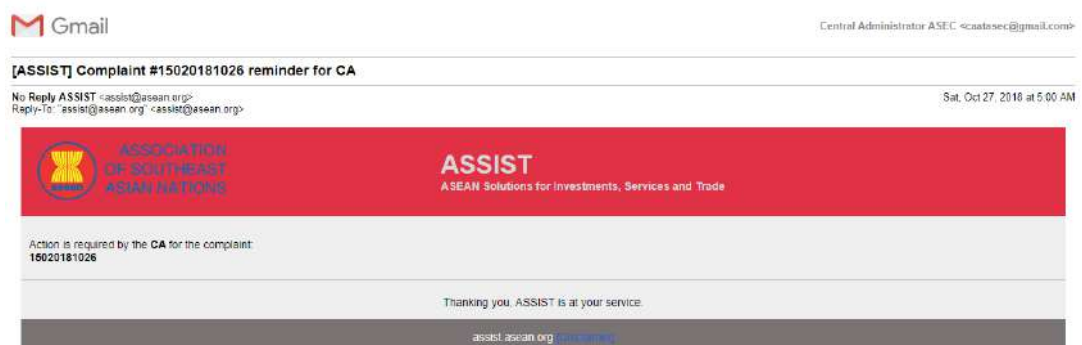
**STEP
8**

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:



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




ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] Your complaint #17420181031 is accepted by CA

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

Wed, Oct 31, 2016 at 12:02 P



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

Your complaint ID No: 17420181031 has been accepted by ASSIST.

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.

Since your complaint has been accepted by ASSIST, the Destination Country will now be asked to review your complaint and either accept it, or reject it, or revert back to you with a request for more information within 10 working days from today.

You will be promptly notified of the response by the Destination Country through ASSIST.

ASEAN Enterprise / Trade Association / Law Firm : ASEAN Tobacco Trade Association (type: Trade)
 Company size:
 Phone : +12 905903901
 Website : www.aseantobacco.com
 Address : Barbecue Road No. 78 City A Country X
 City : City A / Zip Code : 90210
 Country : AMS-X
 ASEAN Jurisdiction where the Entity is Established : Country X

Contact person : Mr. Stephen Bogus
 Phone : +12 905903901
 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 : 131313
 Type of Business : Retailer
 Business Sector : Goods /
 Type of problem encountered : Deceit Customs valuations
 Destination Country : AMS-Y

Description:
 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 as required, and fails to conform to the sequence of valuation methods mandated by the Article 67 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 GATT 1994, because it provides less favourable treatment for imported products than for like domestic products.

Thanking you, ASSIST is at your service.

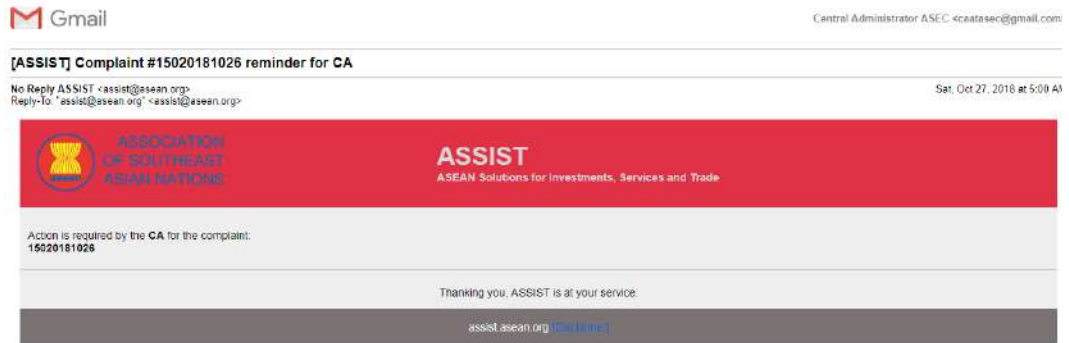
assist.asean.org

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:

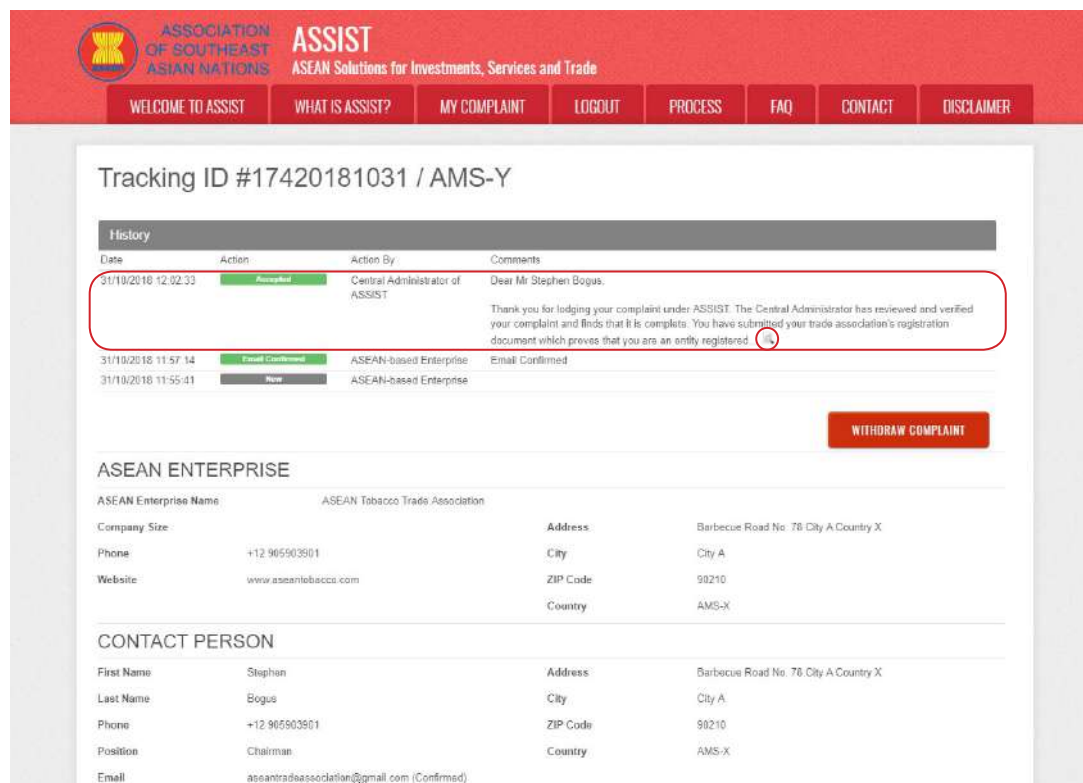


**STEP
9**

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.



Tracking ID #17420181031 / AMS-Y

History			
Date	Action	Action By	Comments
31/10/2018 12:02:33	Accepted	Central Administrator of ASSIST	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.
31/10/2018 11:57:14	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
31/10/2018 11:55:41	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name		ASEAN Tobacco Trade Association	
Company Size		Address	Barbecue Road No. 76 City A Country X
Phone	+12 965903901	City	City A
Website	www.aseantobacco.com	ZIP Code	90210
		Country	AMS-X

CONTACT PERSON

First Name	Stephen	Address	Barbecue Road No. 76 City A Country X
Last Name	Bogus	City	City A
Phone	+12 965903901	ZIP Code	90210
Position	Chairman	Country	AMS-X
Email	aseantradeassociation@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION		
Country of Legal Registration	AMS-X	Business Sector
Registration Number	131313	Type of Problem
Company Registration Proof	Annex 1: Simulated Entity Registration of ASEAN Tobacco Trade Association18.pdf	Encountered
Type of Business	Retailer	Destination Country
Description	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 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 mutandis, the World 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 to 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 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 - TDA JI, Selegangmangaraja - Jakarta 12110 - Indonesia)
ASSIST - Supported by ARISE - [Disclaimer]

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.

**STEP
10**

RECEIVE AN EMAIL NOTIFICATION FROM ASSIST THAT A RESPONSE TO YOUR COMPLAINT HAS BEEN PROVIDED BY AMS-Y AND ACCEPTED BY THE CENTRAL ADMINISTRATOR

- (a) Go to your email account. You will receive a new email from ASSIST indicating the response to your complaint from the DCP. In this case, your complaint has been **rejected** by the DCP (AMS-Y).




ASEAN Trade Association <aseantradeassociation@gmail.com>

[ASSIST] Response for your #17420181031 complaint

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

Wed, Oct 31, 2018 at 6:06 PM



**ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS**

ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Stephen Bogus,

The response for your complaint **17420181031** is ready:

"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 2006, 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 16 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 20 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 16 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."

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 : ASEAN Tobacco Trade Association (type Trade)
Company size :
Phone : +12 905003901
Website : www.aseantobacco.com
Address : Barbecue Road No. 78 City A Country X
City : City A / Zip Code : 90210
Country : AMS-X
ASEAN Jurisdiction where the Entry is Established : Country X

Contact person : Mr Stephen Bogus
Phone : +12 905003901
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 : 131313
Type of Business : Retailer
Business Sector : Goods /
Type of problem encountered : Decreed Customs valuations
Destination Country : AMS-Y

Description:
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 67 of the ASEAN Trade in Goods Agreement (ATIGA), which incorporates into ASEAN, multilateral, the World 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 to 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 treatment for imported products than for like domestic products.

Thanking you, ASSIST is at your service.

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.

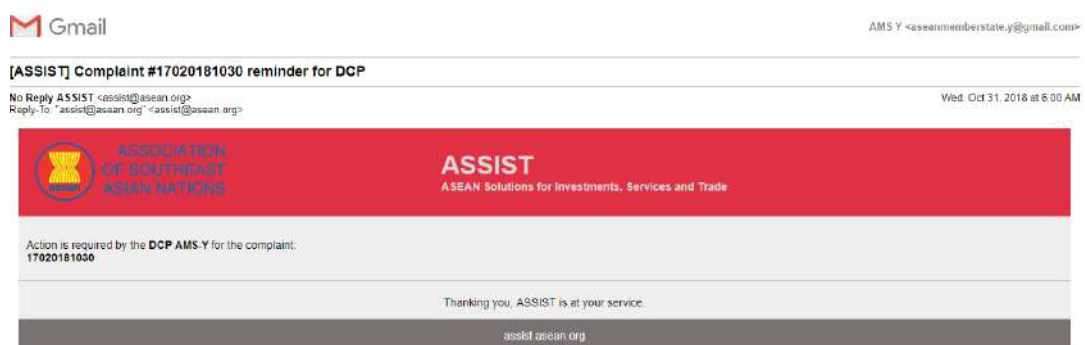
You will then receive a second email notification from ASSIST that a solution is proposed by the DCP/ AMS-Y and accepted by the CA.

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 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:



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:



AMS Y <aseanmemberstate.y@gmail.com>


[ASSIST] Critical DCP reminder for the #14820181021 complaint

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

Wed, Oct 24, 2018 at 5:00 AM



- (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.



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #17420181031 / AMS-Y

ASSIST Solution

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 26 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.

Attachment

History			
Date	Action	Action By	Comments
31/10/2018 18:06:17	Solution	Central Administrator of ASSIST	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 26 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.
31/10/2018 12:02:33	Accepted	Central Administrator of ASSIST	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...
31/10/2018 11:57:14	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
31/10/2018 11:55:41	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name	ASEAN Tobacco Trade Association		
Company Size		Address	Barbecue Road No. 78 City A Country X
Phone	+12 96503901	City	City A
Website	www.aseantobacco.com	ZIP Code	90210
		Country	AMS-X

CONTACT PERSON			
First Name	Stephan	Address	Barbecue Road No. 70 City A Country X
Last Name	Bogus	City	City A
Phone	+12 905903901	ZIP Code	90210
Position	Chairman	Country	AMS-X
Email	aseantradeassociation@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION			
Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem Encountered	Goods / Decreased Customs valuations
Company Registration Proof	Annex 1: Simulated Entry Registration of ASEAN Tobacco Trade Association10.pdf		
Destination Country	AMS-Y	Type of Business	Retailer
Description	<p>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 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 to 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 treatment for imported products than for like domestic products.</p>		
Attachment	Annex 2-Simulated Fiscal Customs Measures Dual License Scheme of AMS-Y21.pdf		

Central Administrator of ASSIST / ASEAN Secretariat - JICA B. Sekeloa Mangrove - 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."

- (c) In the bottom of the email from ASSIST in 10 (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.

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:

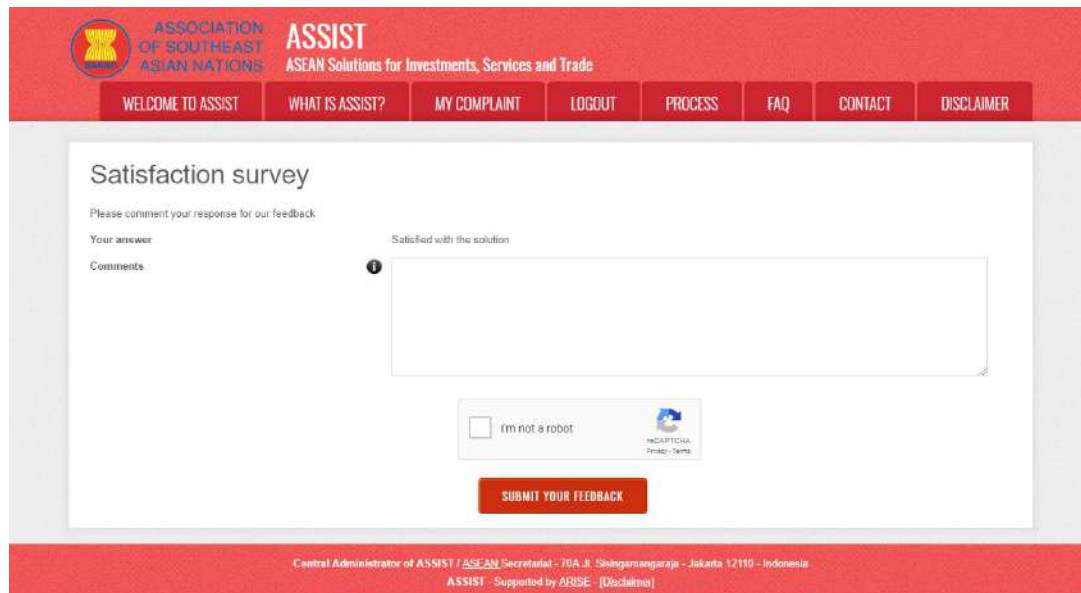
☒ Yes / ☐ No

In this case, the AE chooses "Yes".

**STEP
11**

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

Once you choose 'Yes/No' in Step 10 (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 response/solution.



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade


WELCOME TO ASSIST WHAT IS ASSIST? MY COMPLAINT LOGOUT PROCESS FAQ CONTACT DISCLAIMER

Satisfaction survey

Please comment your response for our feedback.

Your answer: Satisfied with the solution ☒

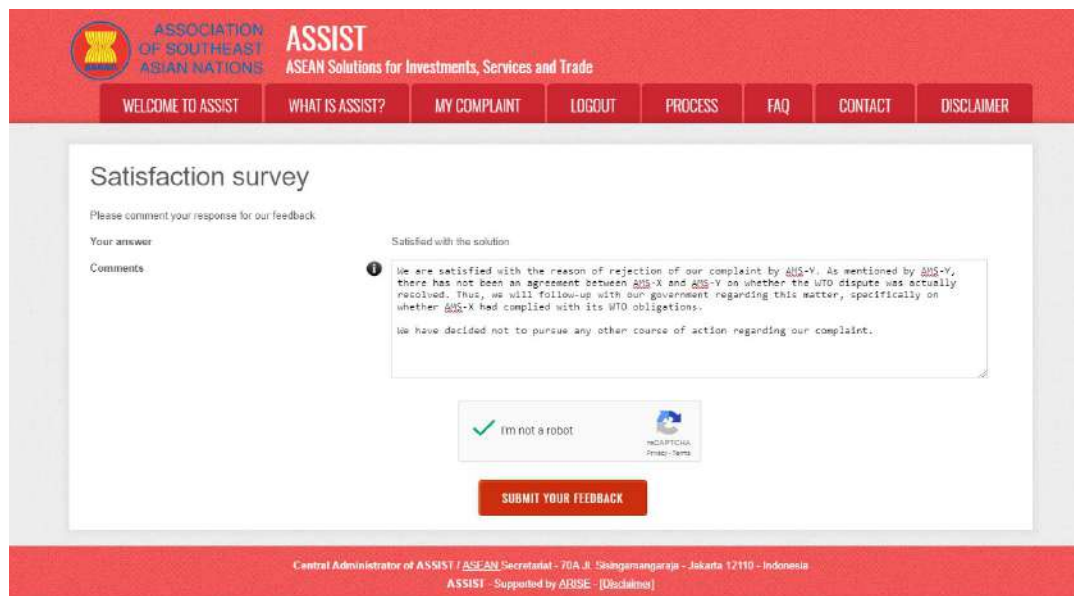
Comments:

☐ I'm not a robot 

SUBMIT YOUR FEEDBACK

Central Administrator of ASSIST / ASEAN Secretariat - 70A, Jl. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARSE - [Disclaimer]

- (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.



ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST WHAT IS ASSIST? MY COMPLAINT LOGOUT PROCESS FAQ CONTACT DISCLAIMER

Satisfaction survey


Please comment your response for our feedback.

Your answer: Satisfied with the solution

Comments:

1 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.

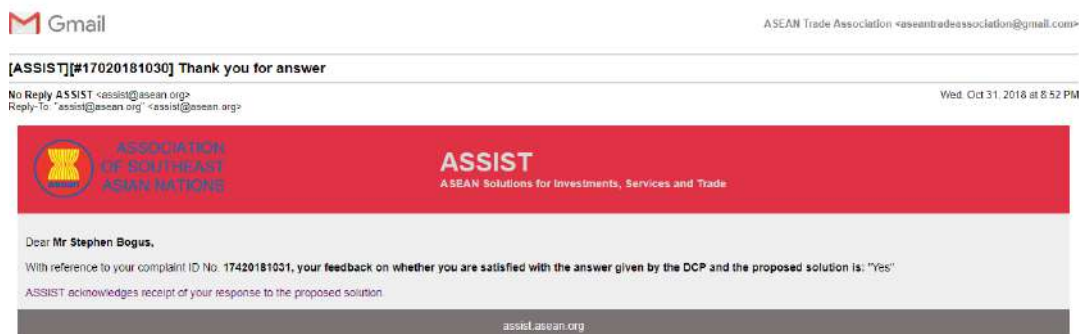
☒ I'm not a robot 

SUBMIT YOUR FEEDBACK

Central Administrator of ASSIST / ASEAN Secretariat - 70A, R. Soekarno Mangukara - Jakarta 12110 - Indonesia
ASSIST - Supported by ARSE - [Disclaimer]

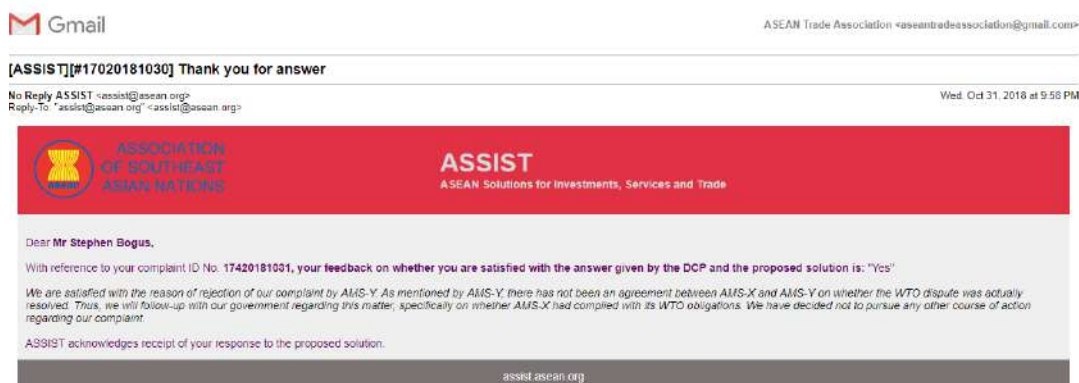
- (b) Go to your email account. You will receive one or two (if you have filled-in the Satisfaction Survey) new emails from ASSIST, which acknowledge receipt of your response to the proposed solution by AMS-Y. A copy of your responses will also be sent to the DCP and the HCP.

First Acknowledgement Email from ASSIST




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.



- (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.



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade


WELCOME TO ASSIST
WHAT IS ASSIST?
MY COMPLAINT
LOGOUT
PROCESS
FAQ
CONTACT
DISCLAIMER

Tracking ID #17420181031 / AMS-Y

ASSIST Solution

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.

Attachments

Date	Action	Action By	Comments
31/10/2018 18:06:17	Satisfied	Central Administrator of ASSIST	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. 
31/10/2018 12:02:33	Received	Central Administrator of ASSIST	Dear Mr Stephen Bogus,
31/10/2018 11:57:14	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
31/10/2018 11:55:41	New	ASEAN-based Enterprise	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...

ASEAN ENTERPRISE

ASEAN Enterprise Name	ASEAN Tobacco Trade Association		
Company Size		Address	Barbecue Road No. 78 City A Country X
Phone	+12 965903901	City	City A
Website	www.aaoantobacco.com	ZIP Code	90210
		Country	AMS-X

CONTACT PERSON

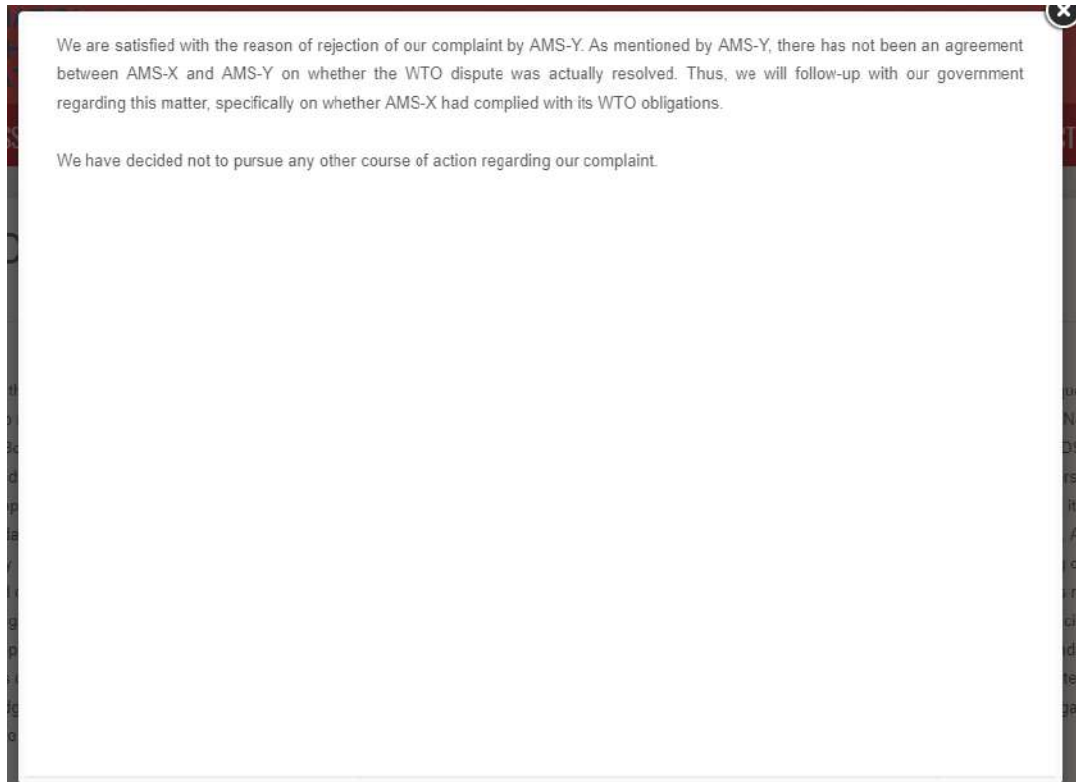
First Name	Stephen	Address	Barbecue Road No. 78 City A Country X
Last Name	Bogus	City	City A
Phone	+12 965903901	ZIP Code	90210
Position	Chairman	Country	AMS-X
Email	aseantradeassociation@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	131313	Type of Problem	Goods / Decreased Customs valuations
Company Registration Proof	Annex 1: Simulated Entity Registration of ASEAN Tobacco Trade Association18.pdf		
Type of Business	Retailer	Destination Country	AMS-Y
Description	<p>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 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 to 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 treatment for imported products than for like domestic products.</p>		
Attachment	Annex 2-Simulated Fiscal Customs Measures Dual License Scheme of AMS-Y21.pdf		

Central Administrator of ASSIST / ASEAN Secretariat - TRA, 8, Soekarno-garaja - Jakarta 12110 - Indonesia
ASSIST - Supported by AERSE - [Disclaimer]

- (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.



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.



ASSIST

STEP-BY-STEP TUTORIAL FOR CASE STUDY 3 (TRADE IN GOODS)

Photo credit: Deborah Tomasowa for US-ACTI

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:

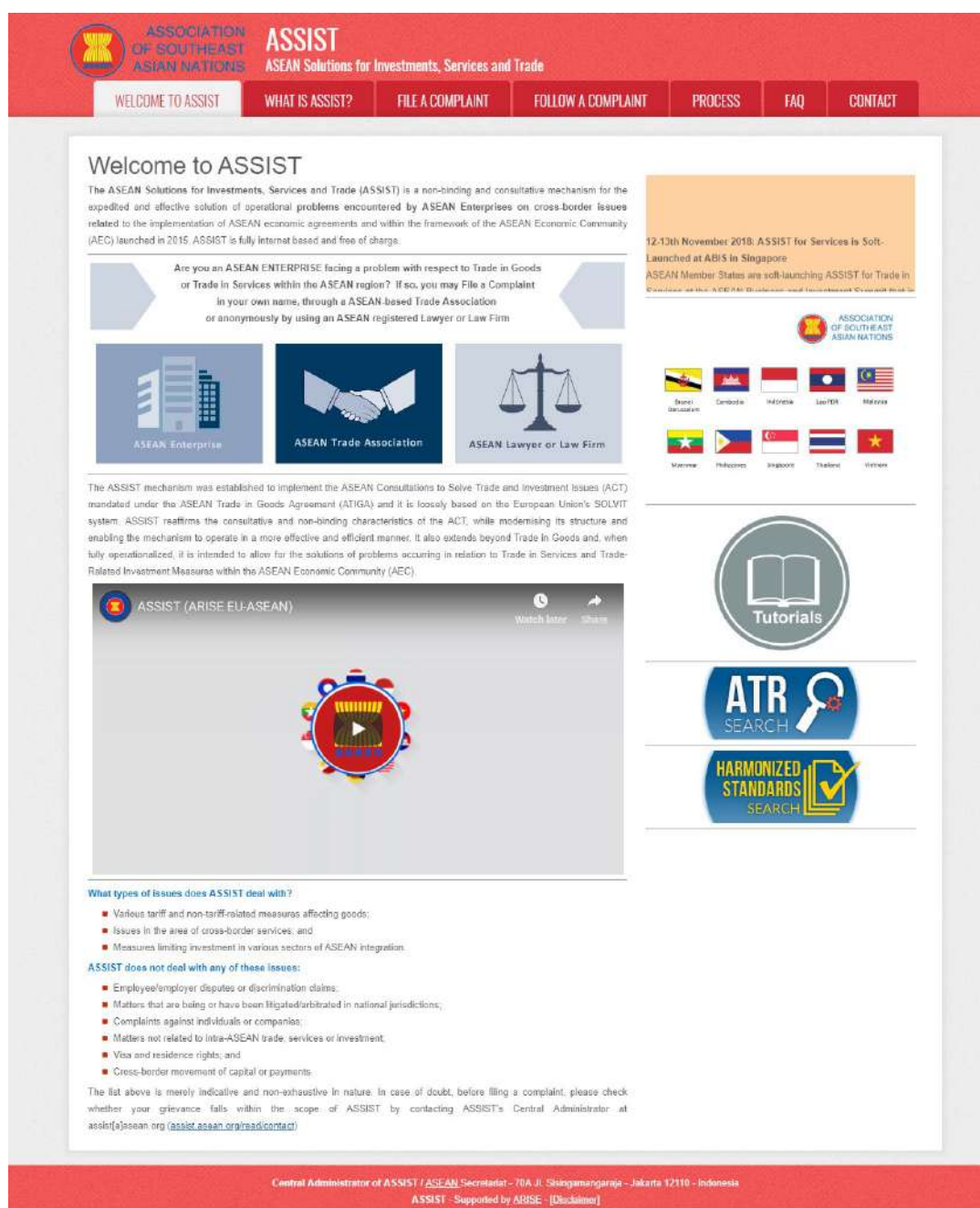
- Complainant = ASEAN Lawyer or Law Firm
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)
- Relevant National Authorities = Relevant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

STEP 1

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



The screenshot shows the ASSIST website homepage. At the top is the ASEAN logo and the text 'ASSOCIATION OF SOUTHEAST ASIAN NATIONS'. Below this is the 'ASSIST' logo and the tagline 'ASEAN Solutions for Investments, Services and Trade'. A navigation bar contains links: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'.

The main content area is titled 'Welcome to ASSIST'. It includes a paragraph explaining that ASSIST is a non-binding and consultative mechanism for the expedited and effective solution of 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) launched in 2015. ASSIST is fully internet based and free of charge.

Below this, a question asks: 'Are you an ASEAN ENTERPRISE facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region? If so, you may File a Complaint in your own name, through a ASEAN-based Trade Association or anonymously by using an ASEAN registered Lawyer or Law Firm'. Three icons represent the options: 'ASEAN Enterprise' (building), 'ASEAN Trade Association' (handshake), and 'ASEAN Lawyer or Law Firm' (scales).

To the right, a banner announces: '12-13th November 2018: ASSIST for Services is Soft-Launching at ABIS in Singapore. ASEAN Member States are soft-launching ASSIST for Trade in Services at the ASEAN Business and Investment Council 2018'. Below this is the ASEAN logo and flags of member states: Brunei Darussalam, Cambodia, Indonesia, Laos PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.

Below the banner, there are three circular icons: 'Tutorials' (book), 'ATR SEARCH' (magnifying glass), and 'HARMONIZED STANDARDS SEARCH' (checkmark).

A video player is embedded, showing a video titled 'ASSIST (ARISE EU-ASEAN)'. Below the video, a section titled 'What types of issues does ASSIST deal with?' lists several bullet points: 'Various tariff and non-tariff-related measures affecting goods', 'Issues in the area of cross-border services; and', 'Measures limiting investment in various sectors of ASEAN integration'. It also states 'ASSIST does not deal with any of these issues:' followed by a list: 'Employee/employer disputes or discrimination claims', 'Matters that are being or have been litigated/arbitrated in national jurisdictions', 'Complaints against individuals or companies', 'Matters not related to intra-ASEAN trade, services or investment', 'Visa and residence rights; and', 'Cross-border movement of capital or payments'.

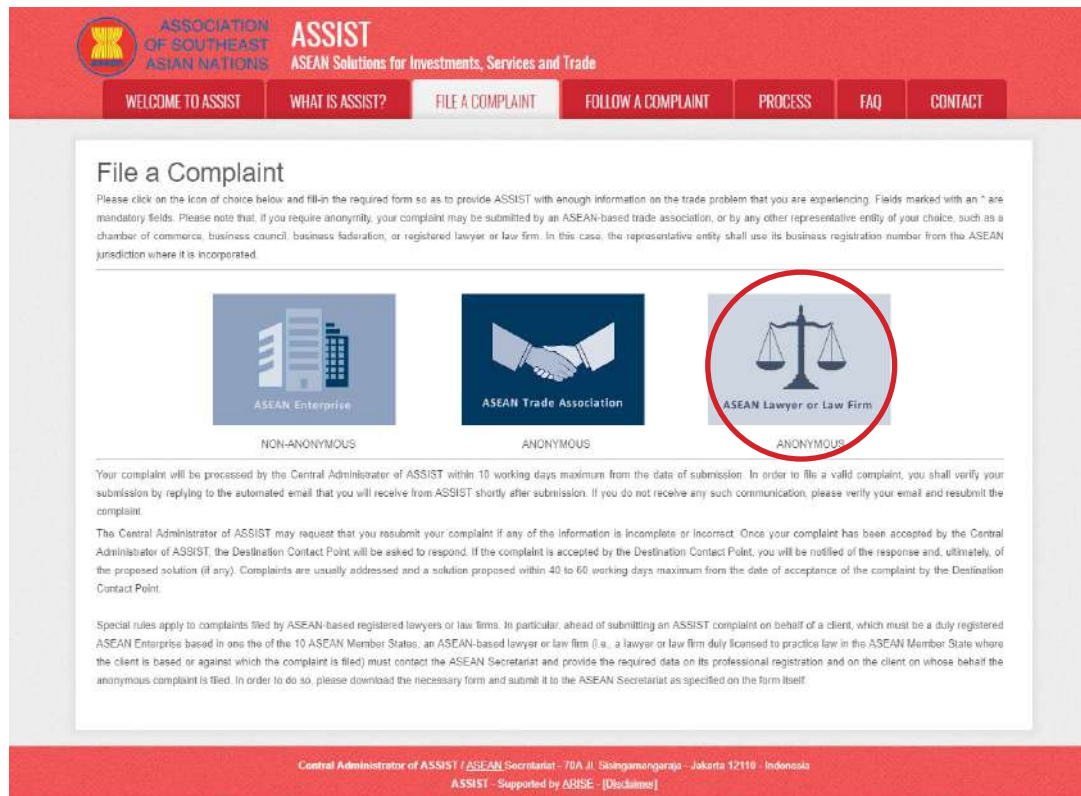
A disclaimer at the bottom states: 'The list above is merely indicative and non-exhaustive in nature. In case of doubt, before filing a complaint, please check whether your grievance falls within the scope of ASSIST by contacting ASSIST's Central Administrator at assist@asean.org (assist.asean.org/read/contact)'.

At the very bottom, it says: 'Central Administrator of ASSIST / ASEAN Secretariat - 70A JI. Setiabudi - Jakarta 12110 - Indonesia' and 'ASSIST - Supported by ARISE - [Disclaimers]'.

**STEP
2**


SELECT THE 'FILE A COMPLAINT' TAB (ASEAN LAWYER OR LAW FIRM)

- (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.




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 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 Enterprise

NON-ANONYMOUS



ASEAN Trade Association

ANONYMOUS



ASEAN Lawyer or Law Firm

ANONYMOUS

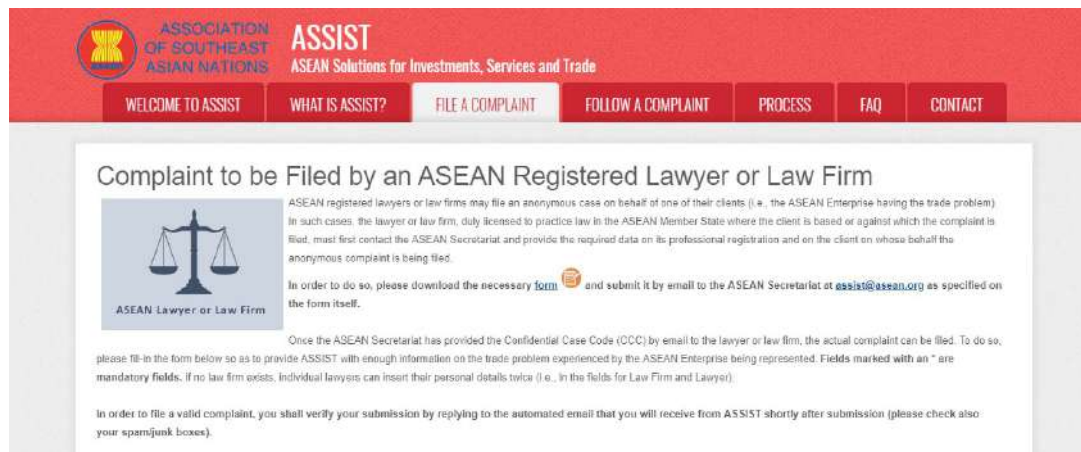
Your complaint will be processed by the Central Administrator of ASSIST within 10 working days maximum from the date of submission. In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission. If you 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 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 submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN Enterprise based in one 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.


Central Administrator of ASSIST / ASEAN Secretariat - TDA Ji. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ARSE - [Disclaimer]

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



Complaint to be Filed by an ASEAN Registered Lawyer or Law Firm

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). In such cases, the 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 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, please download the necessary form  and submit it by email to the ASEAN Secretariat at assist@asean.org as specified on the form itself.

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. To do so, please fill in the form below so as to provide ASSIST with enough information on the trade problem experienced by the ASEAN Enterprise being represented. Fields marked with an * are mandatory fields. If no law firm exists, individual lawyers can insert their personal details twice (i.e., in the fields for Law Firm and Lawyer).

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please check also your spam/junk boxes).

LAW FIRM

* Law Firm Name

* Phone

Website

* Address

250 characters remaining (500 maximum)

* City

ZIP Code

* Country

* ASEAN Jurisdiction(s) where Local Office(s) is(are) Established

LAWYER

* Gender

☐ Mr
 ☐ Mrs
 ☐ Ms

* First Name

* Last Name

* Phone

* Position

* Email

Address

350 characters remaining (500 maximum)

City

ZIP Code

ASEAN Jurisdiction(s) where Admitted to Practice Law

COMPLAINT DESCRIPTION

* Confidential Case Code

* Country of Legal Registration

* Legal Registration Number

* Registration Proof

Choose File

No file chosen

* Type of Business

* Business Sector

Goods

* Services Sector Description

* Type of Problem Encountered

1 Tariff-related measures

* Destination Country

* Description

5000 characters remaining (5000 maximum)

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 I accept its transmission to the relevant authorities of the ASEAN Member States involved

☐ I'm not a robot



SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - JBA-B, Sisinganangaraja - Jakarta 12110 - Indonesia

ASSIST - Supported by ABSE - [Disclaimer]

- (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.

**STEP
3**

DOWNLOAD THE "ANONYMOUS" COMPLAINT FORM FROM THE 'COMPLAINT TO BE FILED BY AN ASEAN REGISTERED LAWYER OR LAW FIRM' PAGE

**Form to be used by ASEAN-based Lawyers or Law Firms
to file an 'anonymous' complaint on behalf of an ASEAN Enterprise**

Special rules apply to complaints filed by ASEAN-based registered lawyers or law firms. In particular, ahead of submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN enterprise based in one 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. assist@asean.org

LAWYER

- Gender:
- First Name:
- Last Name:
- Title/Position:
- Address:
- Zip code:
- Phone:
- ASEAN Jurisdiction(s) where Admitted to Practice Law (country):

City:
E-mail:

LAW FIRM

- Name:
- Address:
- Zip code:
- Phone:
- Website:
- ASEAN Jurisdiction(s) where Local Office(s) is(are) Established (country):

City:
E-mail:

PROFESSIONAL LICENCE

Please attach the Professional Licence (e.g., issued by the Government, Lawyers' Bar, Law Society, declaration by Attorney General's Chamber, etc.) for the individual lawyer showing the ability to practice law in the relevant ASEAN jurisdiction(s). Should there be no such Professional Licence, a sworn declaration should be submitted by the Lawyer or Law Firm indicating that the individual Lawyer is admitted to practice law in the relevant ASEAN jurisdiction(s). The document can be attached in PDF format in the original language. If the original language is other than English, an unofficial translation into English should also be attached and submitted to the ASEAN Secretariat.

DETAILS OF ASEAN ENTERPRISE

- ASEAN Enterprise Name:
- Company Size:
- Address:
- Zip code:
- Phone:
- Website:
- Country of Legal Registration:
- Registration Number:
- Company Registration Proof: *To be attached to the email*

City:
E-mail:

Fill-in the above form and submit it by email to the ASEAN Secretariat at assist@asean.org, 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.

STEP
4

FILL-IN THE "ANONYMOUS" COMPLAINT FORM

Fill in the downloaded form. Below is an example of a completed form for this specific case study.

**Form to be used by ASEAN-based Lawyers or Law Firms
to file an 'anonymous' complaint on behalf of an ASEAN Enterprise**

Special rules apply to complaints filed by ASEAN-based registered lawyers or law firms. In particular, ahead of submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN enterprise based in one 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. assist@asean.org

LAWYER

- Gender: Female
- First Name: Sierra
- Last Name: Riviera
- Title/Position: Senior Associate
- Address: Danube Street No. 13
- Zip code: 12310 City: P
- Phone: +36 7878137686 E-mail: aseanlawyer0@gmail.com
- ASEAN Jurisdiction(s) where Admitted to Practice Law (country): Country X

LAW FIRM

- Name: ARISE & Partners
- Address: Danube Street No. 13
- Zip code: 12310 City: P
- Phone: +36 1 7653572 E-mail: aseanlawyer0@gmail.com
- Website: www.arise&partners.com
- ASEAN Jurisdiction(s) where Local Office(s) is(are) Established (country): Country X

PROFESSIONAL LICENCE

Please attach the Professional Licence (e.g., issued by the Government, Lawyers' Bar, Law Society, declaration by Attorney General's Chamber, etc.) for the individual lawyer showing the ability to practice law in the relevant ASEAN jurisdiction(s). Should there be no such Professional Licence, a sworn declaration should be submitted by the Lawyer or Law Firm indicating that the individual Lawyer is admitted to practice law in the relevant ASEAN jurisdiction(s). The document can be attached in PDF format in the original language. If the original language is other than English, an unofficial translation into English should also be attached and submitted to the ASEAN Secretariat.

Professional Licence is attached as Annex 0.

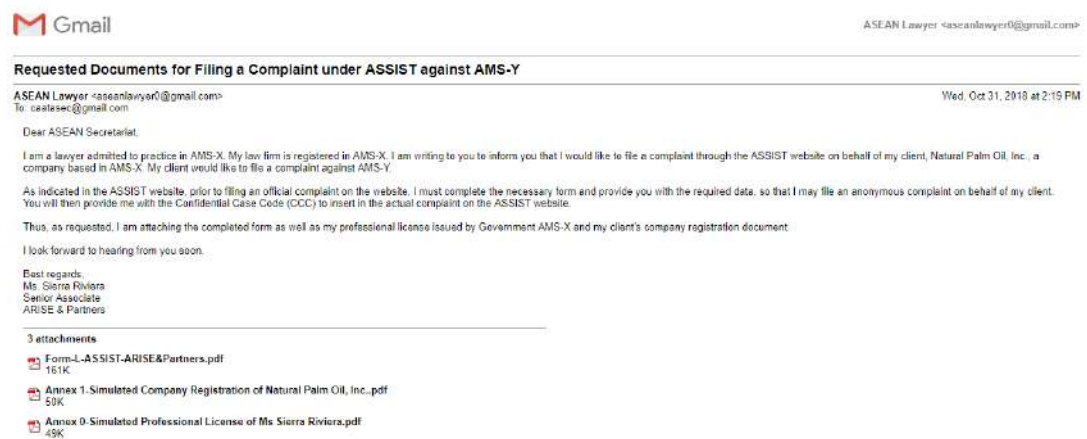
DETAILS OF ASEAN ENTERPRISE

- ASEAN Enterprise Name: Natural Palm Oil Inc.
- Company Size: 150
- Address: Sweet Lane No. 22, Chocolate Boulevard
- Zip code: 13150 City: P
- Phone: +36 1 726 5977 E-mail: aseanenterprise0@gmail.com
- Website: www.naturalpalmoil.com
- Country of Legal Registration: Country X
- Registration Number: 123456789
- Company Registration Proof: Attached as Annex 1

**STEP
5**

SEND THE COMPLETED FORM TO THE ASSIST CENTRAL ADMINISTRATOR/ASEAN SECRETARIAT BY EMAIL

As specified in the form, send the completed form to the ASEAN Secretariat/ASSIST Central Administrator at assist@asean.org, along with the other required documents as indicated in Step 3 above. Below is an example of an email sent from the ASEAN Lawyer to the ASEAN Secretariat for this specific case study.

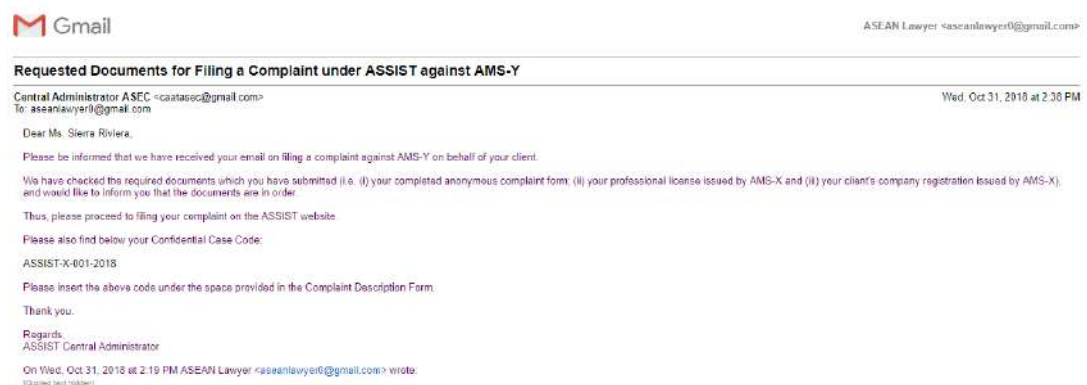


**STEP
6**

RECEIVE A RESPONSE FROM THE ASEAN SECRETARIAT/CENTRAL ADMINISTRATOR IN YOUR EMAIL ACCOUNT

- (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.



(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**.

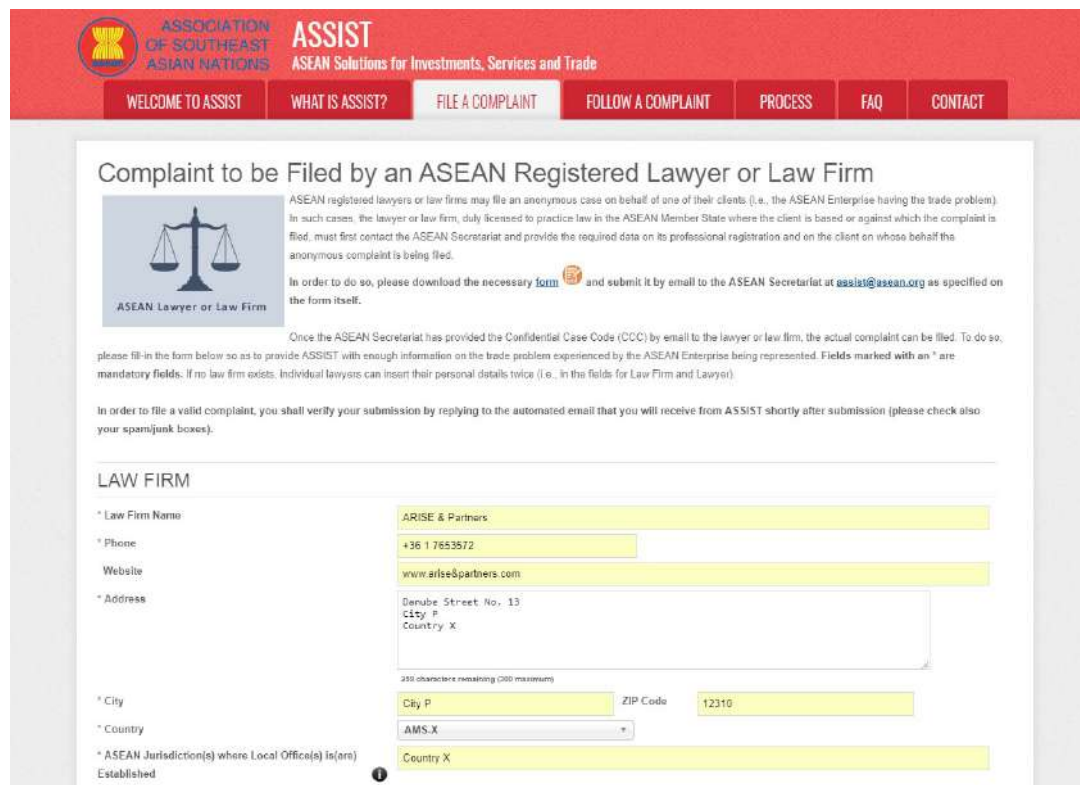
**STEP
7**

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.



Complaint to be Filed by an ASEAN Registered Lawyer or Law Firm

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). In such cases, the 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 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, please download the necessary form ⓘ and submit it by email to the ASEAN Secretariat at assist@asean.org as specified on the form itself.

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. To do so, please fill-in the form below so as to provide ASSIST with enough information on the trade problem experienced by the ASEAN Enterprise being represented. Fields marked with an * are mandatory fields. If no law firm exists, individual lawyers can insert their personal details twice (i.e., in the fields for Law Firm and Lawyer).

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please check also your spam/junk boxes).

LAW FIRM

* Law Firm Name:

* Phone:

Website:

* Address:
City P:
Country X:

250 characters remaining (250 maximum)

* City: ZIP Code:

* Country:

* ASEAN Jurisdiction(s) where Local Office(s) is(are) Established:

LAWYER

Gender

☐ Mr
 ☐ Mrs
 ☒ Ms

First Name

Sierra

Last Name

Riviera

Phone

+36 7878137888

Position

Senior Associate

Email

aseanlawyer0@gmail.com

Address

Denube Street No. 13
City P
Country X

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

Legal Registration Number

137911

Registration Proof

Choose File Annex 0-Simulat...ra Riviera.pdf

Type of Business

Export/Import

Business Sector

Goods

Services Sector Description

Type of Problem Encountered

3.5.7 Internal taxes and charges levied on imports

Destination Country

AMS-Y

Description

PLEASE BE AWAREING, the problem we are facing is that AMS-Y has imposed a new excise duty on 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).

Attachment


Choose File No file chosen

+ Attachment

Choose File No file chosen

Remove

☒ I have read and accept the [ASSIST rules](#).
 ☒ 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

Central Administrator of ASSIST / ASEAN Secretariat - JBA-B, Sisengmangaraja - Jakarta 12110 - Indonesia

ASSIST - Supported by ARSE - [Disclaimer]

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

"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.

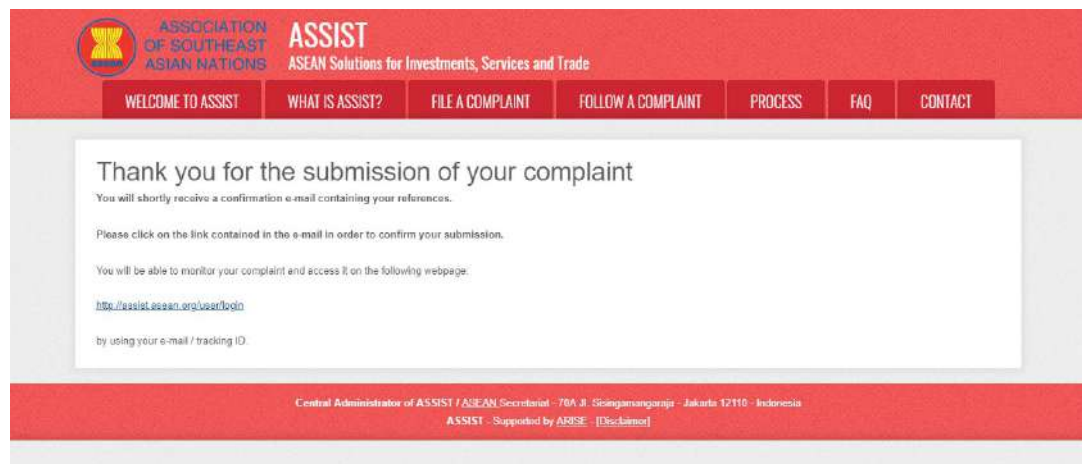
Thus, we find the measure adopted and applied by AMS-Y is contrary to Article 6 of the ATIGA (on National Treatment on Internal Taxation and Regulation), in as much as it discriminates against palm oil as a whole and is not applied to other 'like' products manufactured or sold in AMS-Y (i.e., food products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

119

When the complaint is filed by clicking the 'Submit Your Complaint' tab, the following page in Step 8 will appear.

**STEP
8**

RECEIVE A NOTIFICATION FROM ASSIST



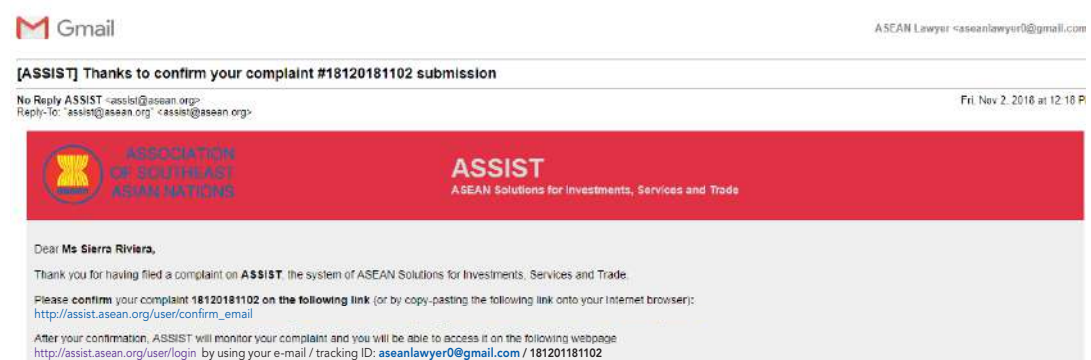
The above notification indicates that you should click on the link provided in your email account to confirm your complaint with ASSIST.

**STEP
9**

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.



Enter your email address, phone number, and company details and you will be able to submit a valid complaint.

<http://assist.arsenadevelopment.space/user/login> by using your e-mail / tracking ID: aseanlawyer0@gmail.com / 18120181102

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (Type Law)
 Company Size :
 Phone : +36 1 7653572
 Website : www.ariseapartners.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : **AMS-X**
 ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms. Sierra Riviera
 Phone : +36 7876137695
 Position : Senior Associate
 Email : aseanlawyer0@gmail.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : AMS-X


Confidential case code (for law firm or lawyer only): ASSIST-X-001-2018
 Country of Legal Registration : **AMS-X**
 Legal Registration Number : 137911
 Type of Business : Export/Import
 Business Sector : Goods /
 Type of problem encountered : Internal taxes and charges levied on imports
 Destination Country : AMS-Y

Description:
 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).

Thanking you, ASSIST is at your service.

assist.asean.org

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

 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

Email/complaint confirmation valid

Thank you for having confirmed your e-mail.

Your complaint will now be reviewed by the Central Administrator of ASSIST and you shall be notified 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.

A reason shall be provided to you in writing in case of outcomes 2) or 3) above.

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Setiabudi - Jakarta 12110 - Indonesia
 ASSIST - Supported by ARISE - [Disclaimer]

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.

**STEP
10**

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.




ASEAN Lawyer <aseanlawyer0@gmail.com>

[ASSIST] Thanks for your email confirmation for the complaint #18120181102

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

Fri Nov 2, 2016 at 12:15 P



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Ms Sierra Riviera**,

Thanks for the confirmation of your complaint ID No. **18120181102**.

ASSIST will review your complaint and check its validity and that it has been lodged correctly. You will receive a response indicating whether the complaint is validly lodged, or requires revision, or whether it does not fall within the scope of ASSIST, within a maximum of 10 working days from the date of filing.

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: aseanlawyer0@gmail.com / 1812 0181102

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law)
 Company size
 Phone : +35 1 7653572
 Website : www.arisepartners.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : **AMS-X**
 ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms. Sierra Riviera
 Phone : +35 7878137666
 Position : Senior Associate
 Email : aseanlawyer0@gmail.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : AMS-X

Confidential case code (for law firm or lawyer only): ASSIST-X-001-2016
 Country of Legal Registration : **AMS-X**
 Legal Registration Number : **137911**
 Type of Business : Export/Import
 Business Sector : Goods /
 Type of problem encountered : Internal taxes and charges levied on imports
 Destination Country : **AMS-Y**

Description:
 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).

Thanking you, ASSIST is at your service.

assist.asean.org

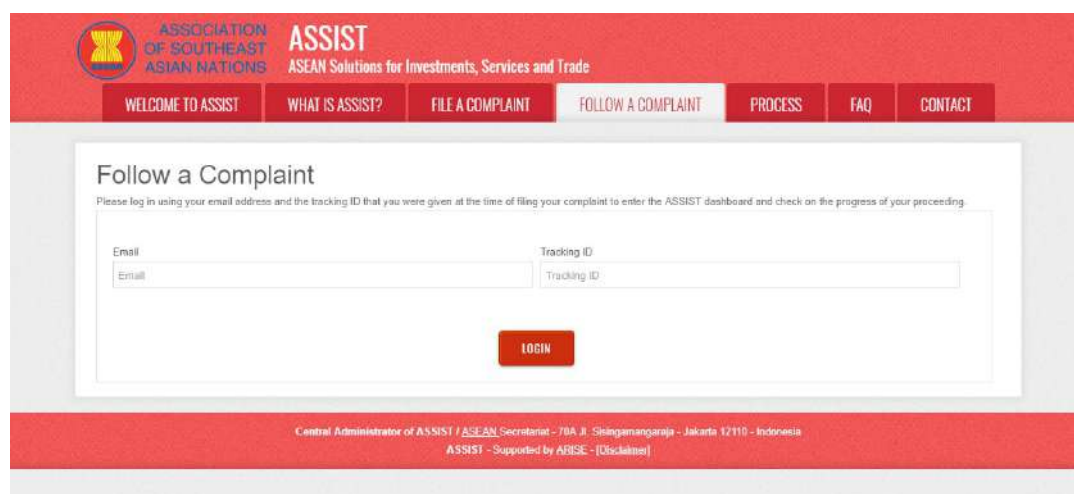
Annex_0_Simulated_Professional_License_of_Ms_Sierra_Riviera4.pdf
49K

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
11**

MONITOR THE PROGRESS OF YOUR COMPLAINT

- (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.



Follow a Complaint

Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

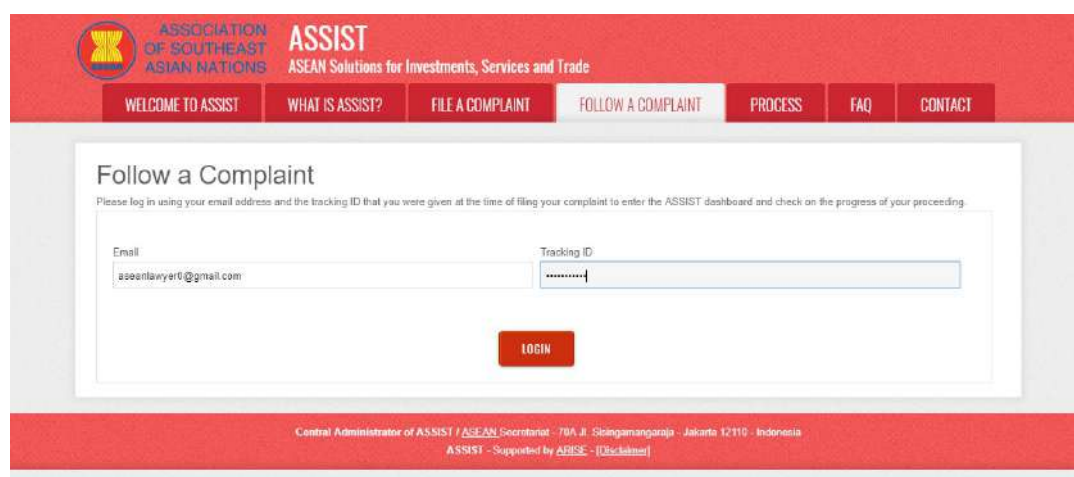
Email

Tracking ID

LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - TBA II, Sisingamangaraja - Jakarta 12115 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

- (b) Enter your email address and tracking ID (your complaint number) in the required fields to login. In this case, the **Email Address** is aseanlawyer0@gmail.com and the **Tracking ID** is **18120181102**.



Follow a Complaint

Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

Email

Tracking ID

LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - TBA II, Sisingamangaraja - Jakarta 12115 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

Once you login, you will see your ASSIST dashboard where you can monitor the progress of your complaint.

- (c) View of your ASSIST Dashboard once you have successfully logged-in:



Tracking ID #18120181102 / AMS-Y

History			
Date	Action	Action By	Comments
02/11/2018 12:19:35	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:02	New	ASEAN-based Enterprise	

[WITHDRAW COMPLAINT](#)

ASEAN ENTERPRISE

ASEAN Enterprise Name		ARISE & Partners	
Company Size		Address	Danube Street No. 13 City P Country X
Phone	+36 1 7653572	City	City P
Website	www.arise&partners.com	ZIP Code	12310
		Country	AMS-X

CONTACT PERSON

First Name	Sierra	Address	Danube Street No. 13 City P Country X
Last Name	Riviera	City	City P
Phone	+36 7678137606	ZIP Code	12310
Position	Senior Associate	Country	AMS-X
Email	aseanlawyer@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

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	Annex II: Simulated Professional License of Ms Sierra Riviera.pdf		
Destination Country	AMS-Y		
Type of Business	Export/Import		
Description	<p>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).</p>		
Attachment			

Central Administrator of ASSIST / ASEAN Secretariat - TDA JI. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported 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.

Email Reminder 1 for the Central Administrator:

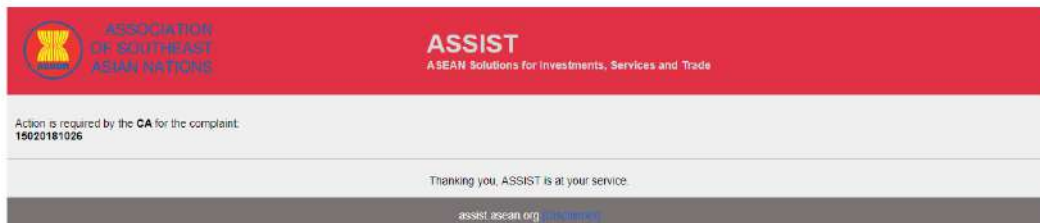


Central Administrator ASEC <caatasec@gmail.com>

[ASSIST] Complaint #15020181026 reminder for CA

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

Sat, Oct 27, 2018 at 5:00 AM



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

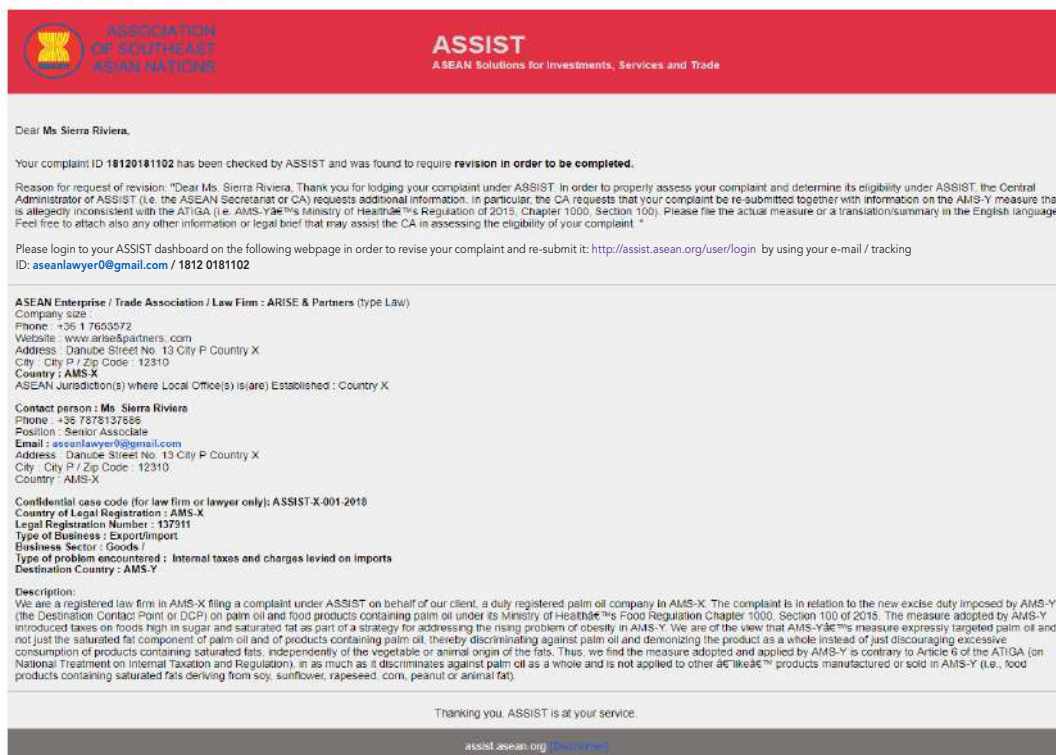


ASEAN Lawyer <aseanlawyer0@gmail.com>

[ASSIST] Your complaint #18120181102 needs to be revised

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

Fri, Nov 2, 2018 at 4:10 PM

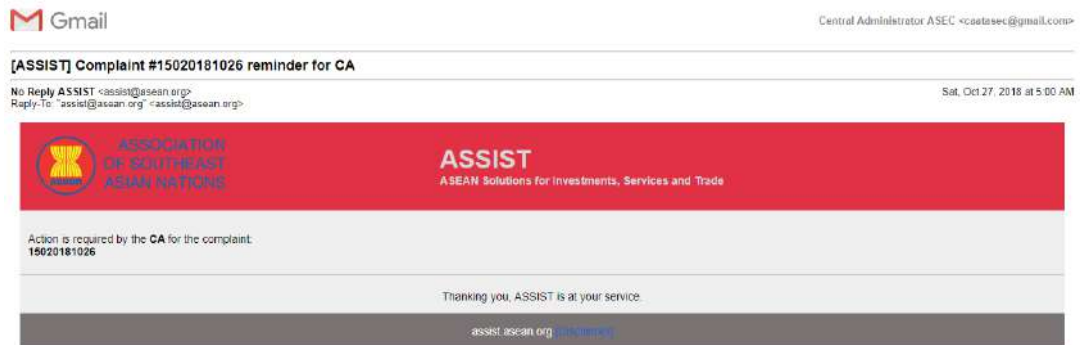


In this case, the CA reviews the form and finds that it is **incomplete**. CA requires additional information from you as you have only submitted your Professional Licence document. Thus, CA sends an email response to you requesting you to re-submit the complaint by attaching AMS-Y's regulation or measure 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.

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:

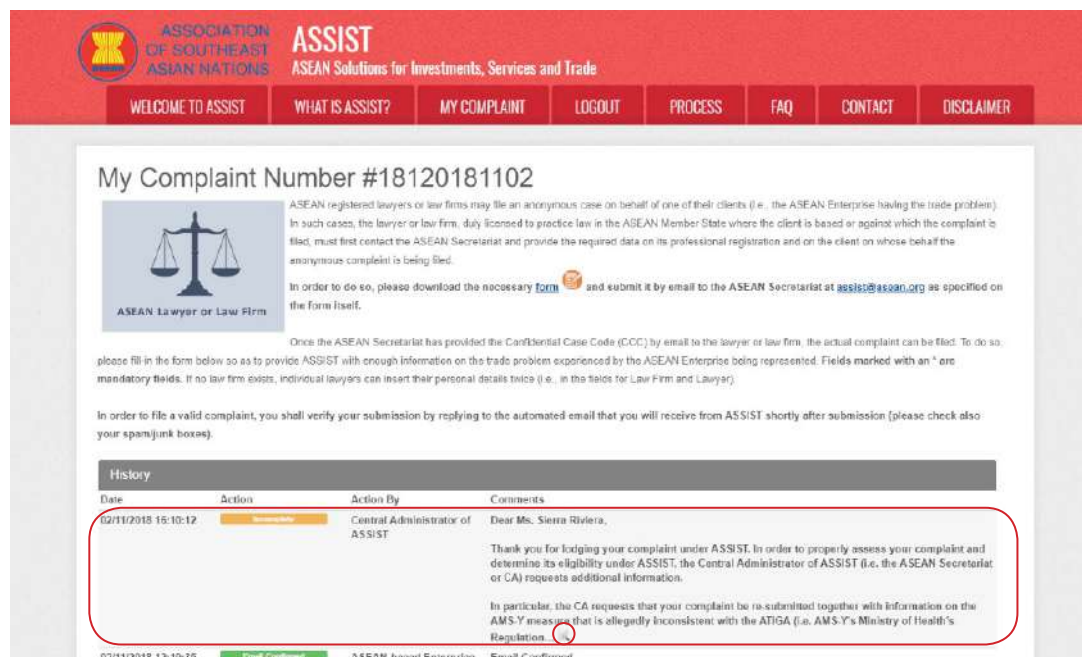


**STEP
13**

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

- (a) 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 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' indicated that the CA has indicated your complaint as **"Incomplete"**.



My Complaint Number #18120181102

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). In such cases, the 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 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, please download the necessary form and submit it by email to the ASEAN Secretariat at assist@asean.org as specified on the form itself.

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. To do so, please fill in the form below so as to provide ASSIST with enough information on the trade problem experienced by the ASEAN Enterprise being represented. Fields marked with an * are mandatory fields. If no law firm exists, individual lawyers can insert their personal details twice (i.e., in the fields for Law Firm and Lawyer).

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please check also your spam/junk boxes).

Date	Action	Action By	Comments
02/11/2018 15:10:12	Incomplete	Central Administrator of ASSIST	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 measures that is allegedly inconsistent with the ATIGA (i.e. AMS-Y's Ministry of Health's Regulation...)
02/11/2018 12:19:35	Final Confirmed	ASEAN-based Enterprise	Email Confirmed

02/11/2018 12:18:02 File ASEAN based Enterprises

WITHDRAW COMPLAINT

LAW FIRM

* Law Firm Name

* Phone

Website

* Address

300 characters remaining (300 maximum)

* City ZIP Code

* Country

* ASEAN Jurisdiction(s) where Local Office(s) is(are)

Established

LAWYER

* Gender ☐ Mr ☐ Mrs ☒ Ms

* First Name * Last Name

* Phone

* Position

* Email

Address

250 characters remaining (300 maximum)

City ZIP Code

ASEAN Jurisdiction(s) where Admitted to Practice Law

COMPLAINT DESCRIPTION

* Confidential Case Code

* Country of Legal Registration

* Legal Registration Number

* Registration Proof No file chosen

☒ [Annex 0-Simulated Professional License of Ms. Sierra Riviera.pdf](#)

* Type of Business

* Business Sector

* Services Sector Description

* Type of Problem Encountered

* Destination Country


* Description

Attachment Annex 2-Simulated Regulation of AMS-Y.pdf

Annex 3-Simulated L.e. RISE & Partners.pdf

☒ I have read and accept the ASSIST [rules](#)

☒ 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

☒ I'm not a robot 

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - JBA J. Sukopurnegara - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

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


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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My Complaint Number #18120181102



ASEAN Lawyer or Law Firm

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). In such cases, the 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 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, please download the necessary [form](#) and submit it by email to the ASEAN Secretariat at assis@asean.org as specified on the form itself.

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. To do so, please fill in the form below so as to provide ASSIST with enough information on the trade problem experienced by the ASEAN Enterprise being represented. Fields marked with an * are mandatory fields. If no law firm exists, individual lawyers can insert their personal details twice (i.e., in the fields for Law Firm and Lawyer).

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please check also your spam/junk boxes).

History			
Date	Action	Action By	Comments
02/11/2018 15:19:12	Unsuccessful	Central Administrator of ASSIST	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...
02/11/2018 12:19:35	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:02	New	ASEAN-based Enterprise	

[WITHDRAW COMPLAINT](#)

LAW FIRM

* Law Firm Name

ARISE & Partners

* Phone

+351 7663572

Website

www.arise&partners.com

* Address

Denube Street No. 13
City P
Country X

255 characters remaining (340 maximum)

* 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

+35 7878137606

* Position

Senior Associate

* Email

assistanlawyer@gmail.com

* Address

Denube Street No. 13
City P
Country X

255 characters remaining (340 maximum)

* City

City P

ZIP Code 12310

* ASEAN Jurisdiction(s) where Admitted to Practice Law

AMS-X

COMPLAINT DESCRIPTION

* Confidential Case Code

ASSIST-X-0012018

* Country of Legal Registration

AMS-X

* Legal Registration Number

137511

* Registration Proof

Choose File

No file chosen

[Annex 8-Simulated Professional License of Ms. Sierra Riviera.pdf](#)

* Type of Business

Export/Import

* 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 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 ex-cise 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 AMS-X and its domestic industry. We are of the view that AMS-Y's measure is inconsistent with the ASEAN Framework Agreement on Services (AFAS) and the ASEAN Framework Agreement on Investment (AFIA).

Attachment

Choose File

Annex 2-Simulated Regulation of AMS-Y.pdf

+ Attachment


Choose File


Annex 3-Simulated L. RISE & Partners.pdf

Remove

☒ I have read and accept the ASSIST rules.

☒ 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.


I'm not a robot



RECAPTCHA
Privacy Terms

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - PBA-B, Sisingamangaraja - Jakarta 12110 - Indonesia

ASSIST - Supported by ABISE - [Disclaimer]

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


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Thank you for the submission of your complaint

You will shortly receive a confirmation e-mail containing your references.

Please click on the link contained in the e-mail in order to confirm your submission.

You will be able to monitor your complaint and access it on the following webpage:

<http://assist.asean.org/user/login>

by using your e-mail / tracking ID.

Central Administrator of ASSIST / ASEAN Secretariat - PBA-B, Sisingamangaraja - Jakarta 12110 - Indonesia

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**STEP
14**

RECEIVE AN EMAIL FROM ASSIST REGARDING YOUR REVISED COMPLAINT

Go to your email account and you will see a new email from ASSIST. This email indicates that your revised complaint has been received and that ASSIST will review it and revert with a response indicating whether the complaint is accepted, incomplete or rejected within 10 working days.




ASEAN Lawyer <aseanlawyer0@gmail.com>

[ASSIST] Thanks for the revision of your #18120181102 complaint

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

Fri, Nov 2, 2018 at 4:52 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Ms Sierra Rivera**,

Thank you for the **revision** of your complaint No. **18120181102**.

ASSIST will review it and revert back to you within 10 working days.

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: **aseanlawyer0@gmail.com / 18120181102**

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (Type Law)
 Company size :
 Phone : +36 1 7603572
 Website : www.arisepartners.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : **AMS-X**
 ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms. Sierra Rivera
 Phone : +36 7876137686
 Position : Senior Associate
 Email : aseanlawyer0@gmail.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : AMS-X

Confidential case code (for law firm or lawyer only): ASSIST-X-001-2018
 Country of Legal Registration : **AMS-X**
 Legal Registration Number : **137911**
 Type of Business : Export/Import
 Business Sector : Goods /
 Type of problem encountered : **Internal taxes and charges levied on imports**
 Destination Country : **AMS-Y**

Description:
 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).

Thanking you, ASSIST is at your service.

assist.asean.org

If no action has been taken in the meantime by the CA, the CA will receive the automatic email reminders via email from the online system as indicated in Step 12 above.

Regularly check your email account within the 10 working days and you will eventually receive a new email from ASSIST.

**STEP
15**

CENTRAL ADMINISTRATOR REVIEWS YOUR REVISED COMPLAINT AND SENDS A RESPONSE TO YOUR EMAIL

Once the CA has completed reviewing your revised complaint, an email will be sent to you.

Go to your email account and receive the email below from ASSIST.




ASEAN Lawyer <aseanlawyer0@gmail.com>

[ASSIST] Your complaint #1812 0181102 is accepted by CA

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

Fri, Sep 21, 2018 at 2:07 PM



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Ms Sierra Riviera**,

Your complaint ID No. **18120181102** has been accepted by the Destination Country.

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**.

Since your complaint has been accepted by ASSIST, the Destination Country will now be asked to review your complaint and either accept it, or reject it, or revert back to you with a request for more information within 10 working days from today.

You will be promptly notified of the response by the Destination Country through ASSIST.

ASEAN Enterprise / Trade Association / Law Firm : ARISE & Partners (type Law)
 Company size
 Phone : +36 1 7653572
 Website : www.arise4partners.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : **AMS-X**
 ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : Ms Sierra Riviera
 Phone : +36 787813/686
 Position : Senior Associate
 Email : aseanlawyer0@gmail.com
 Address : Danube Street No. 13 City P Country X
 City : City P / Zip Code : 12310
 Country : AMS-X

Confidential case code (for law firm or lawyer only): ASSIST-X-001-2018
 Country of Legal Registration : **AMS-X**
 Legal Registration Number : 137911
 Type of Business : Export/Import
 Business Sector : Goods /
 Type of problem encountered : Internal taxes and charges levied on imports
 Destination Country : **AMS-Y**

Description:
 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).

Thanking you, ASSIST is at your service.

assist.asean.org

The above email shows that your revised complaint has been **accepted** by the CA. It also indicates 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.

**STEP
16**

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 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' indicated that the CA has **"Accepted"** your complaint.



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Tracking ID #18120181102 / AMS-Y

History			
Date	Action	Action By	Comments
02/11/2018 18:31:54	Accepted	Central Administrator of ASSIST	Thank you for the completion or revision of your complaint. The Central Administrator has verified that this complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100; and (ii) Legal Brief on the Complaint. 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. 
02/11/2018 16:52:16	Received	ASEAN-based Enterprise	
02/11/2018 16:10:12	Incomplete	Central Administrator of ASSIST	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 ... 
02/11/2018 12:19:35	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:02	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name	ARISE & Partners		
Company Size		Address	Danube Street No. 13 City P Country X
Phone	+36 1 7653572	City	City P
Website	www.arise&partners.com	ZIP Code	12310
		Country	AMS-X

CONTACT PERSON

First Name	Sierra	Address	Danube Street No. 13 City P Country X
Last Name	Riviera	City	City P
Phone	+36 7676137606	ZIP Code	12310
Position	Senior Associate	Country	AMS-X
Email	aseanlavryer0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	137911	Type of Problem	Goods / Internal taxes and charges levied on imports
Company Registration Proof	Annex 1: Simulated Professional License of Ms. Sierra Riviera.pdf		
Type of Business	Export/Import	Destination Country	AMS-Y
Description	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).		
Attachment	Annex 2: Simulated Regulation of AMS-Y1.pdf Annex 3: Simulated Legal Brief ARISE_Partner1.pdf		

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Setiabudi - Jakarta 12110 - Indonesia

ASSIST - Supported by ARISE - [\[Disclaimer\]](#)

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

Thank you for the completion or revision of your complaint. The Central Administrator has verified that the complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100; and (ii) Legal Brief on the Complaint. 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 15, 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.

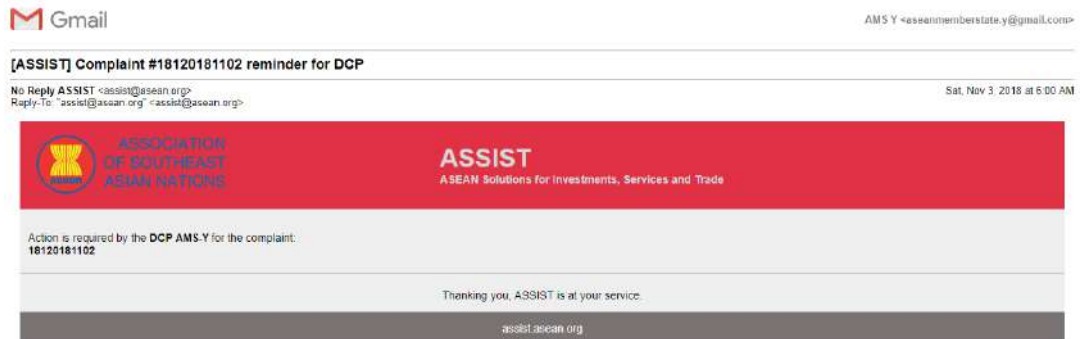
Regularly check your email account within the 10 working days after the response from the CA that your complaint is accepted. You will eventually receive a new email from ASSIST.

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

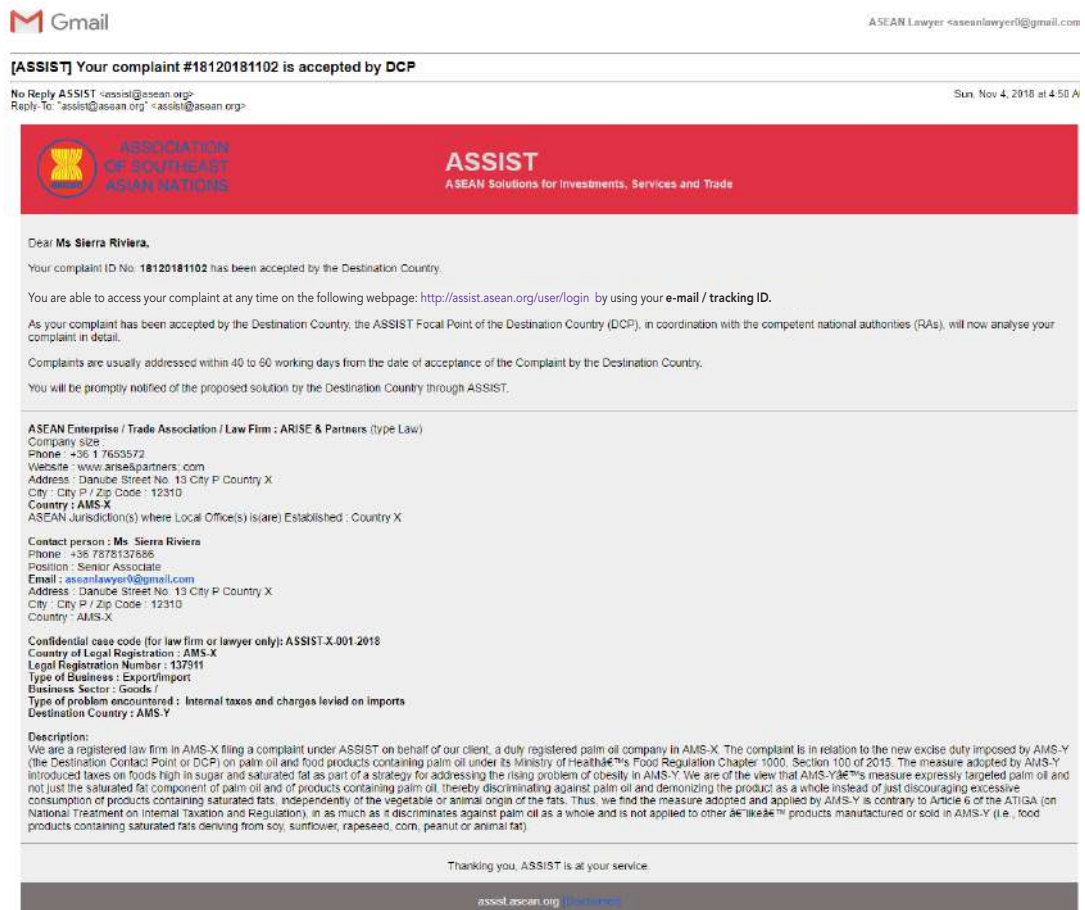
Within 10 working days after the response from the CA that your complaint is accepted, you will receive an email below informing that your complaint has been accepted or rejected by the DCP in AMS-Y.

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:



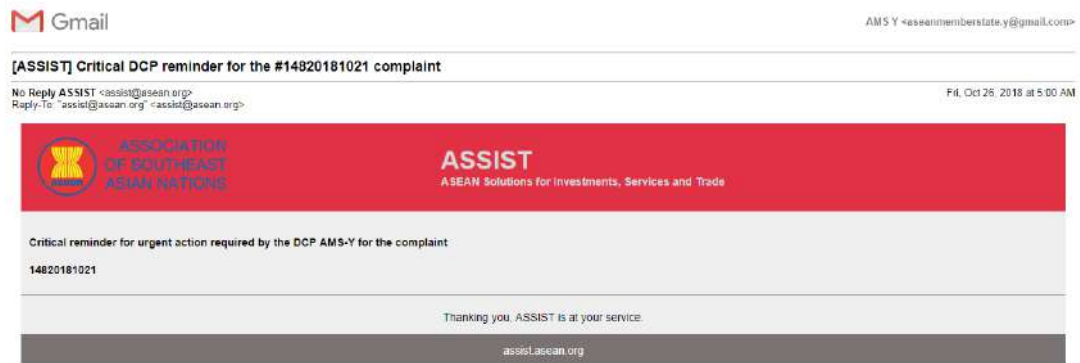
Regularly check your email account within the 10 working days after the response from the CA that your complaint is accepted. You will eventually receive a new email from ASSIST.



In this case, the complaint has been **accepted** by the DCP as can be seen above.

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:



Once the DCP accepts the complaint, the matter is forwarded to the Responsible Authorities (RAs) for input. Once the RAs complete their efforts, the DCP should review the solution and provide it to the CA within the 40 working day deadline. 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.

Regularly check your email within the 40 + 20 working days after you have been notified that the DCP has accepted your complaint. You will eventually receive a new email from ASSIST indicating the proposed solution by the DCP.

**STEP
18**

RECEIVE AN EMAIL NOTIFICATION FROM ASSIST THAT A SOLUTION IS PROPOSED BY AMS-Y AND ACCEPTED BY THE CENTRAL ADMINISTRATOR

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.



ASEAN Lawyer <aseanlawyer0@gmail.com>

[ASSIST] Response for your #18120181102 complaint

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

Sun, Nov 4, 2018 at 5:21 A



ASSOCIATION
OF SOUTHEAST
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ASEAN Solutions for Investments, Services and Trade

Dear **Ms Sierra Riviera**,

The response for your complaint **18120181102** is ready:

"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. Therefore, the DCP, in coordination with AMS-Y's RA, proposes the immediate suspension of the measure contained in its Ministry of Health's Food Regulation of 2015, Chapter 1000, Section 100, 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. AMS-Y 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."

You can also check the status of your complaint online at <http://assist.arsenaddevelopment.space/user/login> by using your email / 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 : **ARISE & Partners** (type Law)

Company size:

Phone : +36 1 7653572

Website : www.arisepartners.com

Address : Danube Street No. 13 City P Country X

City : City P / Zip Code : 12310

Country : **AMS-X**

ASEAN Jurisdiction(s) where Local Office(s) is(are) Established : Country X

Contact person : **Ms. Sierra Riviera**

Phone : +36 7676137666

Position : Senior Associate

Email : aseanlawyer0@gmail.com

Address : Danube Street No. 13 City P Country X

City : City P / Zip Code : 12310

Country : **AMS-X**

Confidential case code (for law firm or lawyer only): **ASSIST-X-001-2018**

Country of Legal Registration : **AMS-X**

Legal Registration Number : 137911

Type of Business : Export/Import

Business Sector : Goods /

Type of problem encountered : Internal taxes and charges levied on imports

Destination Country : **AMS-Y**

Description:

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 2010. 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).

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 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.



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Tracking ID #18120181102 / AMS-Y

ASSIST Solution

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. Therefore, the DCP, in coordination with AMS-Y's RA, proposes the immediate suspension of the measure contained in its Ministry of Health's Food Regulation of 2015, Chapter 1000, Section 100, 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. AMS-Y 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.

Attachment

History

Date	Action	Action By	Comments
04/11/2018 05:21:40	Solution	Central Administrator of ASSIST	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.
02/11/2018 18:31:54	Completed	Central Administrator of ASSIST	Thank you for the completion or revision of your complaint. The Central Administrator has verified that the complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100, and (ii) Legal Brief on the Complaint. 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.
02/11/2018 16:52:15	Received	ASEAN-based Enterprise	
02/11/2018 16:10:12	Waiting for	Central Administrator of ASSIST	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, and (ii) Legal Brief on the Complaint). Email Confirmed
02/11/2018 12:19:35	Local Confirmed	ASEAN-based Enterprise	
02/11/2018 12:18:02	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name	ARISE & Partners		
Company Size		Address	Danube Street No. 13 City P Country X
Phone	+36 1 7653572	City	City P
Website	www.arise&partners.com	ZIP Code	12310
		Country	AMS-X

CONTACT PERSON

First Name	Sierra	Address	Danube Street No. 13 City P Country X
Last Name	Riviera	City	City P
Phone	+36 7676137686	ZIP Code	12310
Position	Senior Associate	Country	AMS-X
Email	aseanlawyer0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

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	Annex 1: Simulated Professional License of Ms. Sierra Riviera.pdf		
Type of Business	Export/Import	Destination Country	AMS-Y
Description	<p>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).</p>		
Attachment	Annex 2-Simulated Regulation of AMS-Y1.pdf Annex 3-Simulated Legal Brief ARISE Partners1.pdf		

Central Administrator of ASSIST / ASEAN Secretariat - JICA Bldg. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

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.

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Therefore, the DCP, in coordination with AMS-Y's RA, proposes the immediate suspension of the measure contained in its Ministry of Health's Food Regulation of 2015, Chapter 1000, Section 100, 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. AMS-Y 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."

- (c) In the bottom of the email from ASSIST in 18(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.

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:

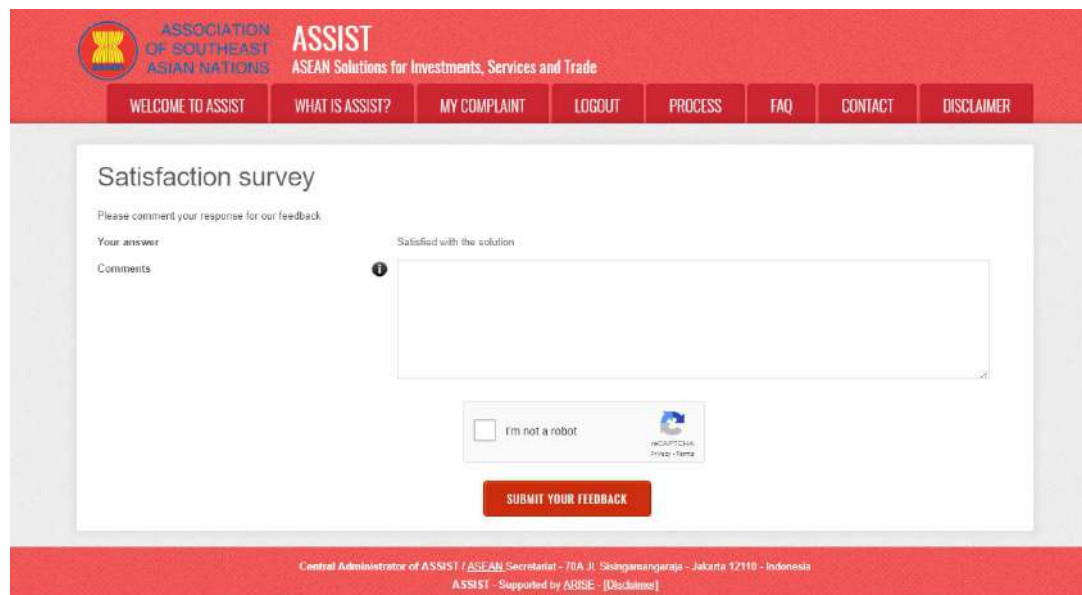
☒ Yes / ☐ No

In this case, the AE chooses "Yes".

STEP 19

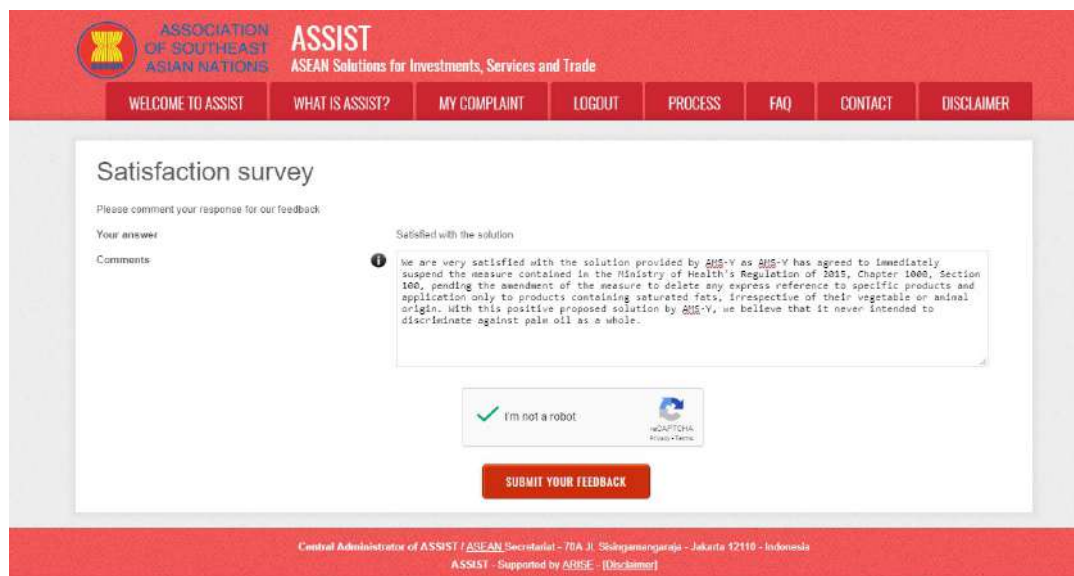
PROVIDE YOUR FEEDBACK TO THE PROPOSED SOLUTION PROVIDED BY AMS-Y IN THE SATISFACTION SURVEY AND RECEIVE ACKNOWLEDGEMENT EMAILS FROM ASSIST

Once you choose 'Yes/No' in Step 18(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.



The screenshot shows the ASSIST website header with the logo and navigation menu. The main content area is titled "Satisfaction survey" and includes a text input field for "Your answer" and a larger text area for "Comments". A checkbox labeled "Satisfied with the solution" is checked. Below the input fields is a "CAPTCHA" section with a checkbox "I'm not a robot" and a "SUBMIT YOUR FEEDBACK" button. The footer contains contact information for the Central Administrator of ASSIST and a disclaimer.

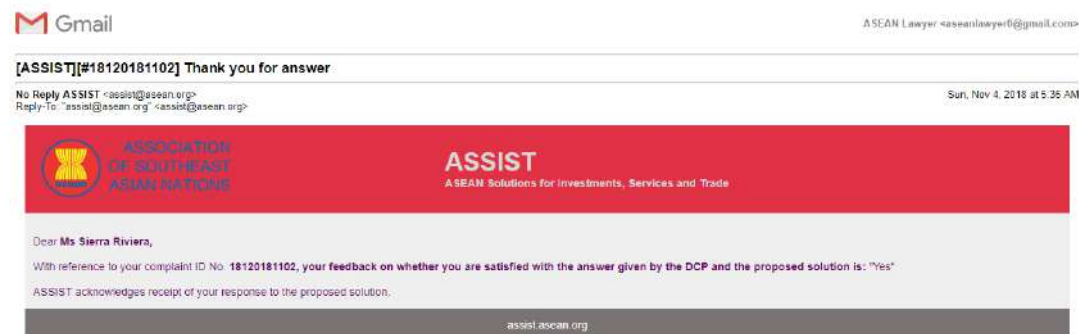
- (a) Fill-in the Satisfaction Survey. In this case, the ASEAN Law Firm/Lawyer is satisfied with the solution provided by ASSIST and thus indicates accordingly.



The screenshot shows the ASSIST Satisfaction Survey form. At the top, there is a header with the ASEAN logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. Below the header is a navigation bar with links: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'MY COMPLAINT', 'LOGOUT', 'PROCESS', 'FAQ', 'CONTACT', and 'DISCLAIMER'. The main content area is titled 'Satisfaction survey' and asks the user to 'Please comment your response for our feedback:'. There are three input fields: 'Your answer', 'Comments', and 'Satisfied with the solution'. The 'Satisfied with the solution' field contains a dropdown menu with the option 'Yes' selected. Below the input fields is a 'SUBMIT YOUR FEEDBACK' button. At the bottom of the form, there is a footer with the text 'Central Administration of ASSIST / ASEAN Secretariat - TDA Jl. Sisingamangaraja - Jakarta 12110 - Indonesia' and 'ASSIST - Supported by ARSE - [Disclaimer]'.

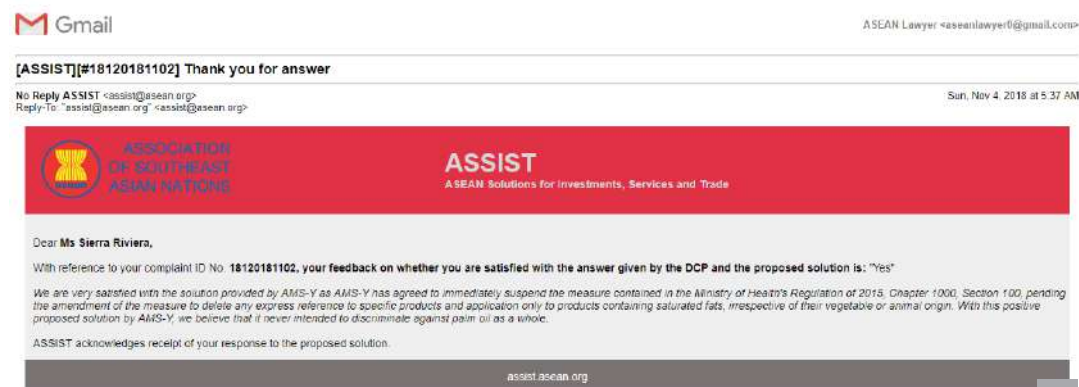
- (b) Go to your email account. You will receive one or two (if you have filled-in the Satisfaction Survey) new emails from ASSIST, which acknowledge receipt of your response to the proposed solution by AMS-Y. A copy of your responses will also be sent to the DCP and the HCP.

First Acknowledgement Email from ASSIST




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.



- (c) Login to your ASSIST dashboard using your email and tracking ID as indicated in Step 11(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.



ASSOCIATION
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ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST
WHAT IS ASSIST?
MY COMPLAINT
LOGOUT
PROCESS
FAQ
CONTACT
DISCLAIMER

Tracking ID #18120181102 / AMS-Y

ASSIST Solution

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. Therefore, the DCP, in coordination with AMS-Y's RA, proposes the immediate suspension of the measure contained in its Ministry of Health's Food Regulation of 2015, Chapter 1000, Section 100, 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. AMS-Y 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.

Attachment

Satisfied : Yes

Date	Action	Action By	Comments
04/11/2018 05:37:40	Satisfied	ASEAN-based Enterprise	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.
04/11/2018 05:21:40	Solution	Central Administrator of ASSIST	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...
02/11/2018 18:31:54	Accepted	Central Administrator of ASSIST	Thank you for the completion or revision of your complaint. The Central Administrator has verified that the complaint is now complete, with the submission of the following documents: (i) AMS-Y's Ministry of Health's Regulation of 2015, Chapter 1000, Section 100, and (ii) Legal Brief on the Complaint. 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. (4)
02/11/2018 16:52:16	Revised	ASEAN-based Enterprise	
02/11/2018 16:10:12	Intermediate	Central Administrator of ASSIST	Dear Ms. Sierra Rivera, 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... (4)
02/11/2018 12:19:36	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
02/11/2018 12:18:02	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name: ARISE & Partners

Company Size		Address	Danube Street No. 13 City P Country X
Phone	+36 1 7653572	City	City P
Website	www.arise&partners.com	ZIP Code	12310
		Country	AMS-X

CONTACT PERSON

First Name	Sierra	Address	Danube Street No. 13 City P Country X
Last Name	Rivera	City	City P
Phone	+36 7676137666	ZIP Code	12310
Position	Senior Associate	Country	AMS-X
Email	aseanriyeror@gmail.com (Confirmed)		

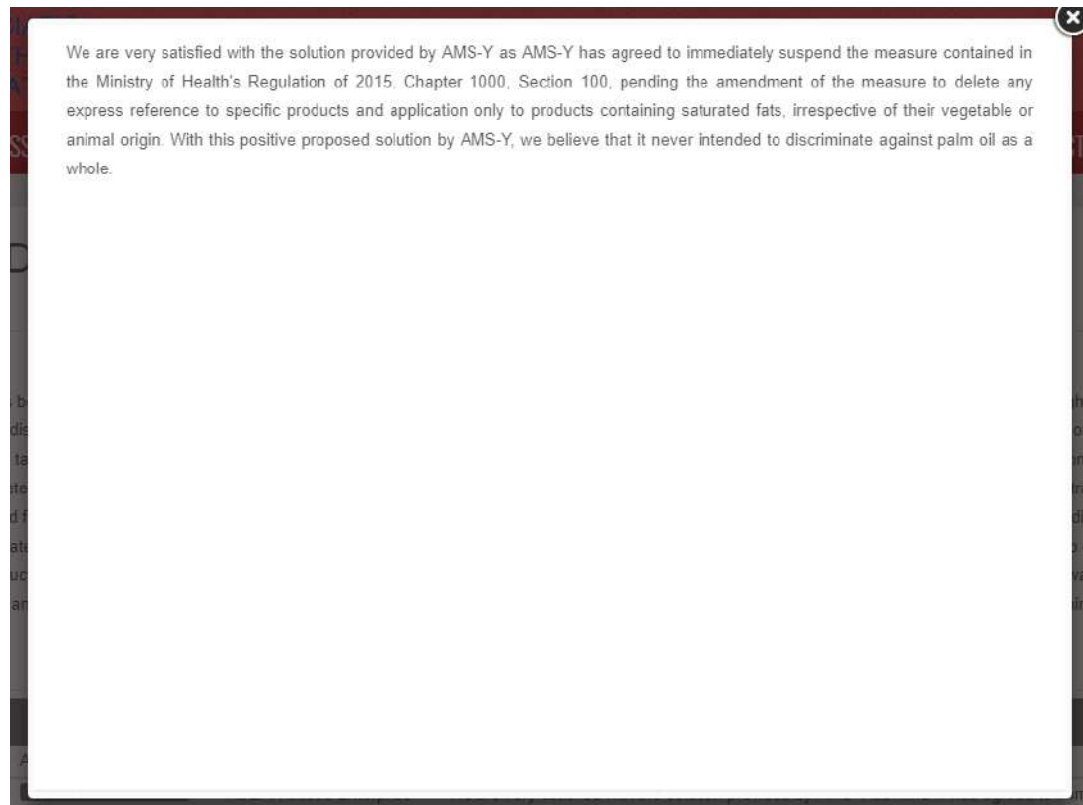
COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Goods
Registration Number	137511	Type of Problem Encountered	Goods / Internal taxes and charges levied on imports
Company Registration Proof	Annex 2: Simulated Professional License of Ms. Sierra Rivera.pdf	Destination Country	AMS-Y
Type of Business	Export/Import		
Description	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 feed 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).		
Attachment	Annex 2-Simulated Regulation of AMS-Y1.pdf Annex 3-Simulated Legal Brief-ARISE Partners1.pdf		

Central Administrator of ASSIST / ASEAN Secretariat - 70A JI. Setiabudi - Jakarta 12110 - Indonesia

ASSIST - Supported by ARISE - [Disclaimer]

- (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.



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).

ASSIST

STEP-BY-STEP TUTORIAL FOR CASE STUDY 4

(TRADE IN SERVICES)

Photo credit: Rio Lecatompessy on Unsplash

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:

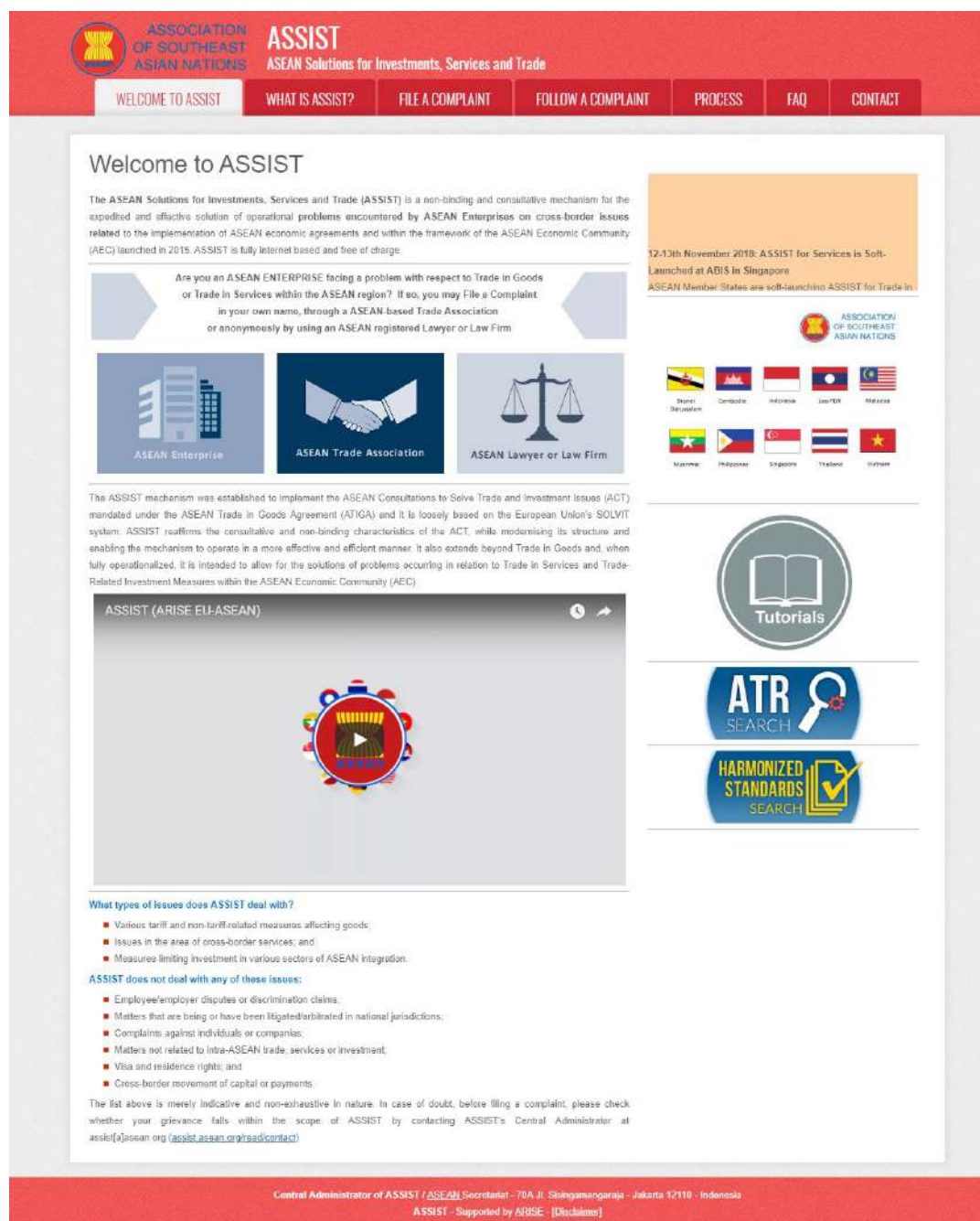
- Complainant = ASEAN Enterprise (AE)
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)
- Relevant National Authorities = Relevant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

STEP 1

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



The screenshot shows the ASSIST homepage with a red header and navigation bar. The main content area is titled "Welcome to ASSIST" and includes a description of the mechanism, a list of entities that can file a complaint (ASEAN Enterprise, ASEAN Trade Association, ASEAN Lawyer or Law Firm), and a list of ASEAN member states. A video player for "ASSIST (ARISE EU-ASEAN)" is also present. The right sidebar contains links to "Tutorials", "ATR SEARCH", and "HARMONIZED STANDARDS SEARCH". The footer provides contact information for the Central Administrator of ASSIST.

ASSIST
ASEAN Solutions for Investments, Services and Trade

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

Welcome to ASSIST

The ASEAN Solutions for Investments, Services and Trade (ASSIST) is a non-binding and consultative mechanism for the expedited and effective solution of 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) launched in 2015. ASSIST is fully Internet based and free of charge.

Are you an ASEAN ENTERPRISE facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region? If so, you may File a Complaint in your own name, through a ASEAN-based Trade Association or anonymously by using an ASEAN registered Lawyer or Law Firm

ASEAN Enterprise ASEAN Trade Association ASEAN Lawyer or Law Firm

The ASSIST mechanism was established to implement the ASEAN Consultations 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. 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. It also extends beyond Trade in Goods and, when fully operationalized, it is intended to allow for the solutions of problems occurring in relation to Trade in Services and Trade-Related Investment Measures within the ASEAN Economic Community (AEC).

ASSIST (ARISE EU-ASEAN)

What types of issues does ASSIST deal with?

- Various tariff and non-tariff-related measures affecting goods;
- Issues in the area of cross-border services; and
- Measures limiting investment in various sectors of ASEAN integration.

ASSIST does not deal with any of these issues:

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

The list above is merely indicative and non-exhaustive in nature. In case of doubt, before filing a complaint, please check whether your grievance falls within the scope of ASSIST by contacting ASSIST's Central Administrator at assist@asean.org (assist@asean.org or assist@asean.org).

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

12-13th November 2018: ASSIST for Services is Soft-Launched at ABI S in Singapore
ASEAN Member States are soft-launching ASSIST for Trade in

ASEAN Member States: Brunei Darussalam, Cambodia, Indonesia, Laos PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam

Tutorials


ATR SEARCH

HARMONIZED STANDARDS SEARCH

STEP 2

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](#)


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 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 Enterprise

NON-ANONYMOUS



ASEAN Trade Association

ANONYMOUS



ASEAN Lawyer or Law Firm

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 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 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 submitting an ASSIST complaint on behalf of a client, which must be a duly registered ASEAN Enterprise based in one 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.

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sekeloa Selatan I - Jakarta 12110 - Indonesia
ASSIST - Supported by ASEAN - [\[Download\]](#)

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




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 Filed by an ASEAN Enterprise



ASEAN Enterprise

Please fill-in the form below 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 should be submitted instead 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. Dedicated forms are available under the respective [links](#).

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please also check your spam/junk boxes)

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

300 characters maximum (300 maximum)

* City ZIP Code

* Country

CONTACT PERSON

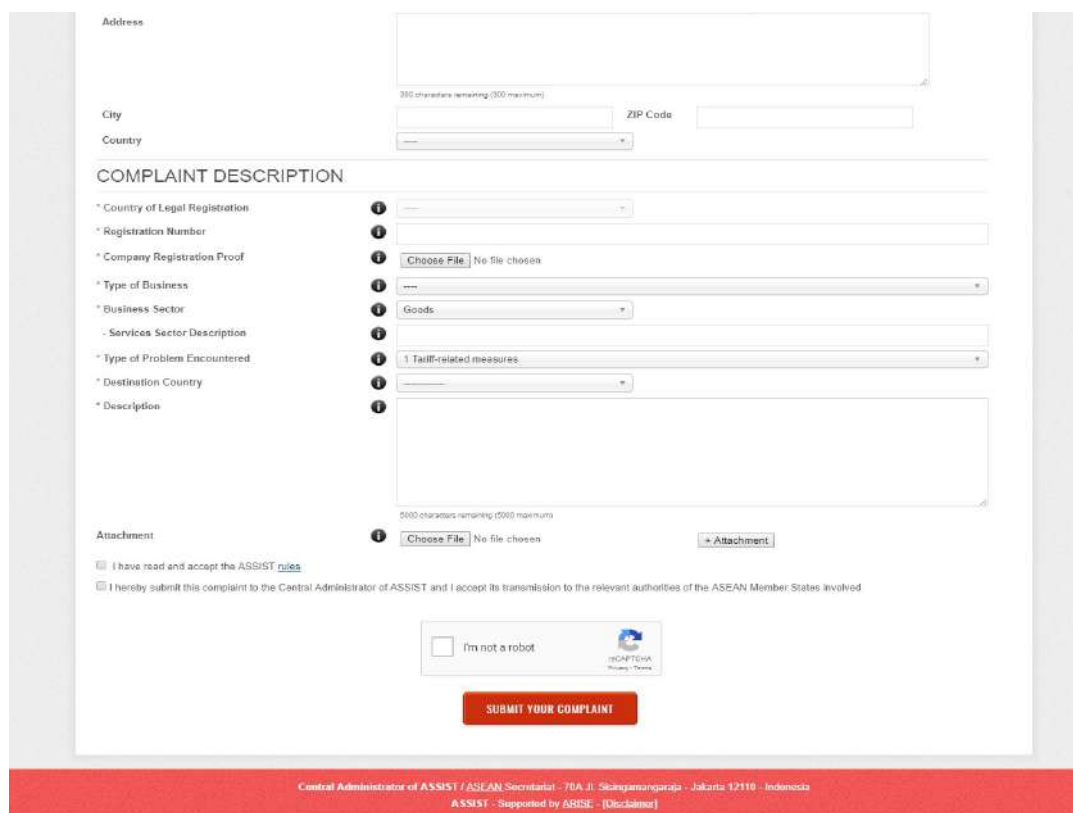
* Gender ☐ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email



Address

City

Country

ZIP Code

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

Attachment

☐ I have read and accept the ASSIST rules.

☐ 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.

☐ I'm not a robot

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - TDA JI. Sisingamangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ABISE - [Disclaimer]

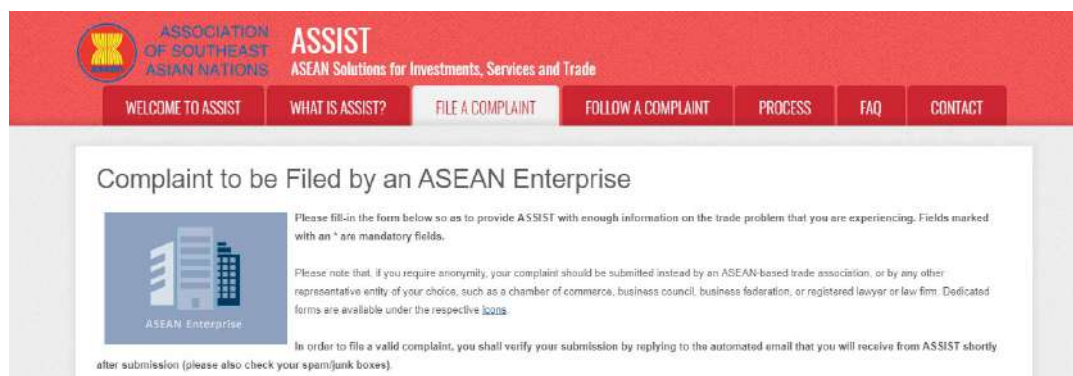
Fill-in the above form so as to provide ASSIST with enough information on the trade problem that you are experiencing. Fields marked with an asterisk (*) are mandatory fields. If you are not sure on what to fill-in for a field, the **i** buttons are available for detailed instructions on what to fill-in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

**STEP
3**

FILL-IN THE COMPLAINT FORM

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



Complaint to be Filed by an ASEAN Enterprise

Please fill-in the form below 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 should be submitted instead 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. Dedicated forms are available under the respective [laws](#).

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please also check your spam/junk boxes).

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address
City W
Country X

291 characters remaining (300 maximum)

* City ZIP Code

* Country

CONTACT PERSON

* Gender ☒ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email

Address
City W
Country X

291 characters remaining (300 maximum)

City ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

* Services Sector Description

* Type of Problem Encountered

* Destination Country


* Description

2972 characters remaining (3000 maximum)

Attachment

☒ I have read and accept the ASSIST [rules](#).

☒ 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.

☒ I'm not a robot 

Central Administrator of ASSIST / ASEAN Secretariat - TDA JI. Setiabudi - Jakarta 12110 - Indonesia

ASSIST - Supported 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 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

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).

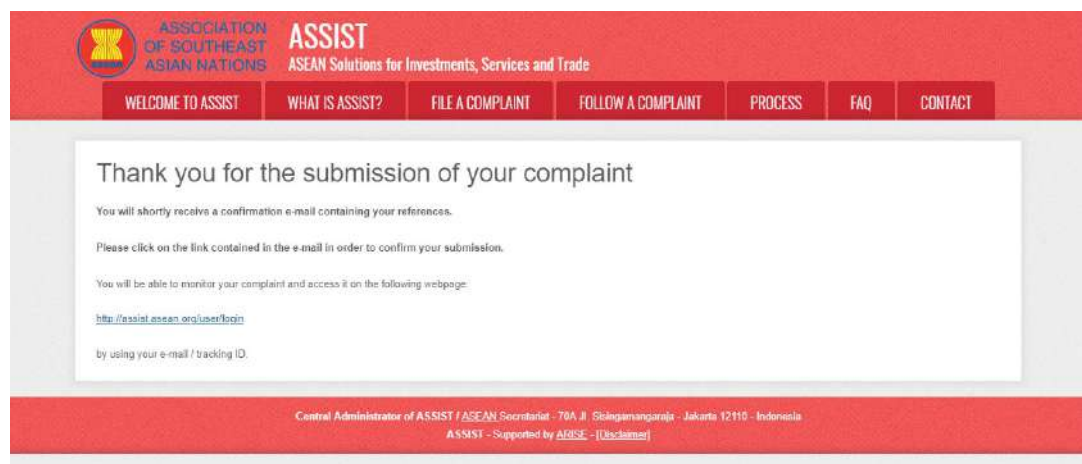
We are of the view that this new law is a clear measure of protectionism and is incompatible with free trade principles and customary law regarding international maritime services, which will seriously impact AMS-X's shipping companies that are offering cross-border maritime transport services in relation 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.

STEP 4

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.




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

**STEP
5**

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 **14620181017**.


Below is the email which you will receive from ASSIST.


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>

Wed, Oct 17, 2016 at 12:48 P



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for investments, Services and Trade

Dear Mr Paul Smith,

Thank you for having filed a complaint on **ASSIST**, the system of ASEAN Solutions for Investments, Services and Trade.

Please **confirm** your complaint **14620181017** on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.asean.org/user/confirm_email

After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the following webpage
<http://assist.asean.org/user/login> by using your e-mail / tracking ID: aseanenterprise0@gmail.com / **14620181017**

ASEAN Enterprise / Trade Association / Law Firm : Star 88 Co., Ltd. (Type Enterprise)
 Company size : 50 to 100
 Phone : +905 524 1532
 Website : www.star88.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 1711
 Country : **AMS-X**

Contact person : Mr Paul Smith
 Phone : +905 524 1532
 Position : Chief Executive Officer
 Email : aseanenterprise0@gmail.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 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 Sector : **Services /**
 Type of problem encountered : **Transport services**
 Destination Country : **AMS-Y**

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 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. 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.

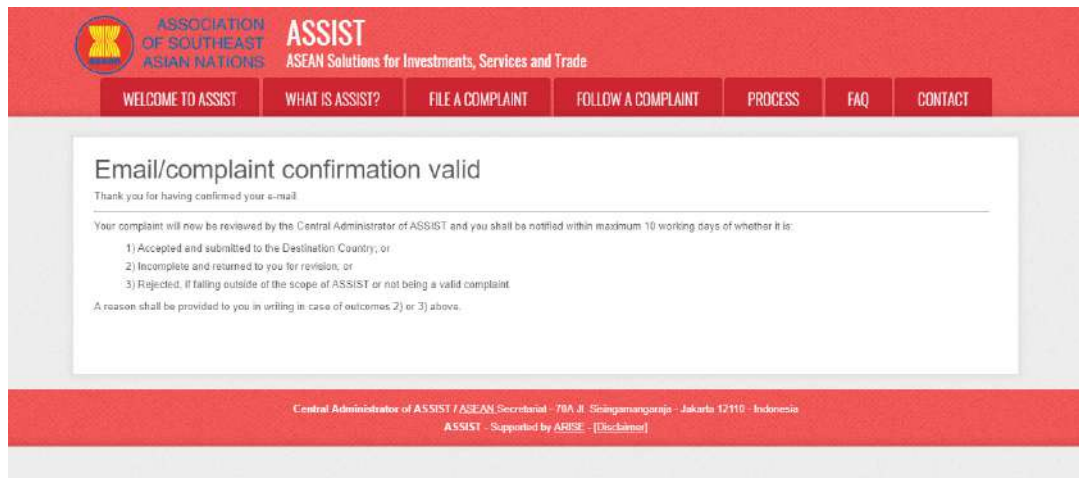
Thanking you, ASSIST is at your service.

assist.asean.org

3 attachments

-  **Annex_2-Simulated_Law_of_AMS-Y2.pdf**
47K
-  **Annex_3-Simulated_AMS-Y_Schedule_of_Specific_Commitments_Maritime_Transport_Services.pdf**
90K
-  **Annex_1-Simulated_Company_Registration_of_Star_88_Co.,_Ltd_.pdf**
50K

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



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:

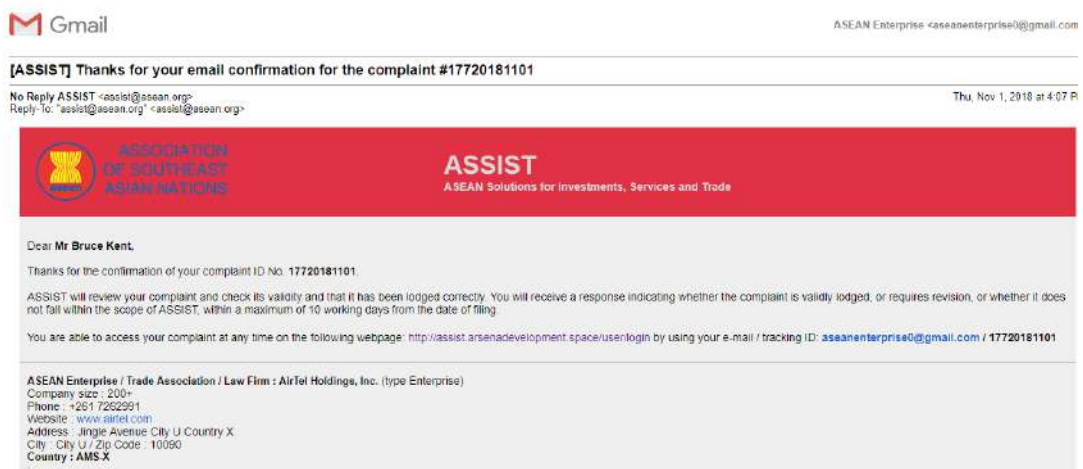
- 1) Accepted and submitted to the Destination Country; or
- 2) Incomplete and returned to you for revision; or
- 3) Rejected, if falling outside of the scope of ASSIST or not being a valid complaint.

Go to your email account.

**STEP
6**

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.



Contact person : Mr. Bruce Kent
Phone : +261 8159255399
Position : President
Email : aseanenterprise0@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 : 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. 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. ã€™s operating license has recently been revoked by AMS-Yã€™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 applicantã€™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.ã€™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 worldã€™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).


Thanking you, ASSIST is at your service.


assist.asean.org

4 attachments

 **Annex_2.Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf**
91K

 **Annex_3.Simulated_Law_of_AMS-Y1.pdf**
47K

 **Annex_4.Simulated_Amendment_Law_of_AMS-Y1.pdf**
47K

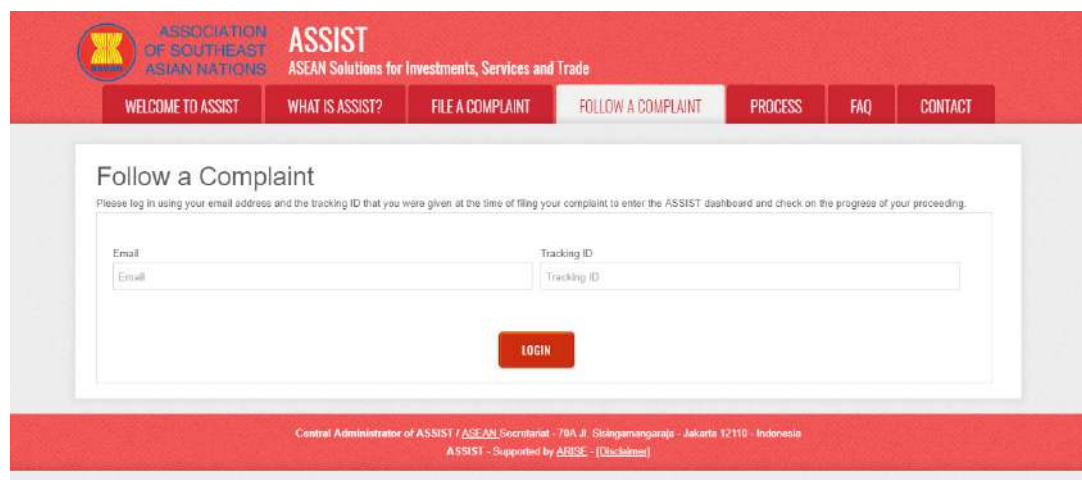
 **Annex_5.Simulated_Corporate_Regulation_of_AirTel_Holdings_Inc.pdf**

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.

**STEP
7**

MONITOR THE PROGRESS OF YOUR COMPLAINT

- (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.



Follow a Complaint

Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

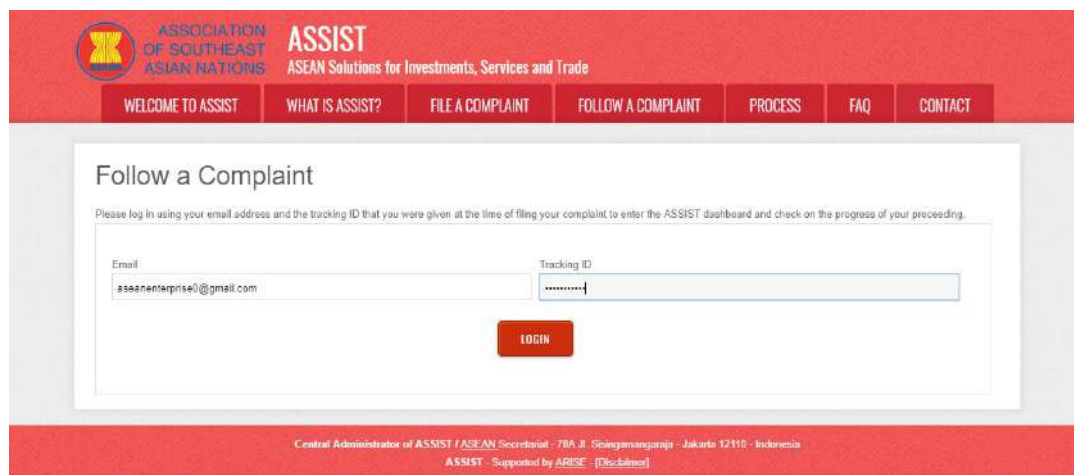
Email

Tracking ID

LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - 7BA Jl. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ABSE - [Download]

- (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**.



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

Follow a Complaint

Please log in using your email address and the tracking ID that you were given at the time of filing your complaint, to enter the ASSIST dashboard and check on the progress of your proceeding.

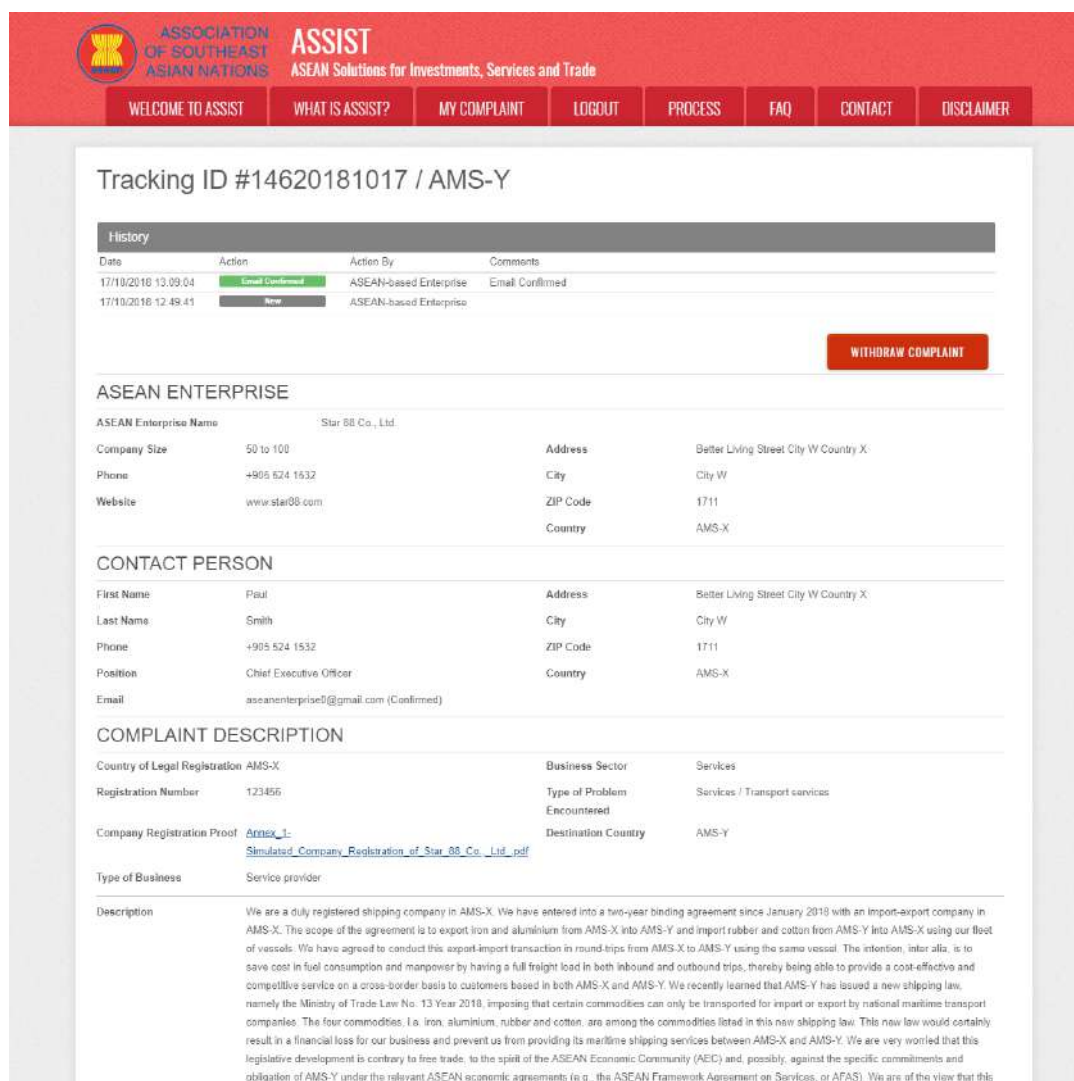
Email: aseenenterprise@gmail.com Tracking ID: *****

LOGIN

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Gongsangmangrapi - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

Once you login, you will see your ASSIST dashboard where you can monitor the progress of your complaint.

(c) View of your ASSIST Dashboard once you have successfully logged-in:



ASSOCIATION OF SOUTHEAST ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST WHAT IS ASSIST? MY COMPLAINT LOGOUT PROCESS FAQ CONTACT DISCLAIMER

Tracking ID #14620181017 / AMS-Y

History			
Date	Action	Action By	Comments
17/10/2016 13:09:04	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
17/10/2016 12:49:41	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name: Star 88 Co., Ltd.

Field	Value	Field	Value
Company Size	50 to 100	Address	Better Living Street City W Country X
Phone	+905 524 1532	City	City W
Website	www.star88.com	ZIP Code	1711
		Country	AMS-X

CONTACT PERSON

Field	Value	Field	Value
First Name	Paul	Address	Better Living Street City W Country X
Last Name	Smith	City	City W
Phone	+905 524 1532	ZIP Code	1711
Position	Chief Executive Officer	Country	AMS-X
Email	aseanenterprise@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Field	Value	Field	Value
Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Transport services
Company Registration Proof	Annex 1- Simulated Company Registration of Star 88 Co. Ltd..pdf	Destination Country	AMS-Y
Type of Business	Service provider		
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 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. 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		



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.

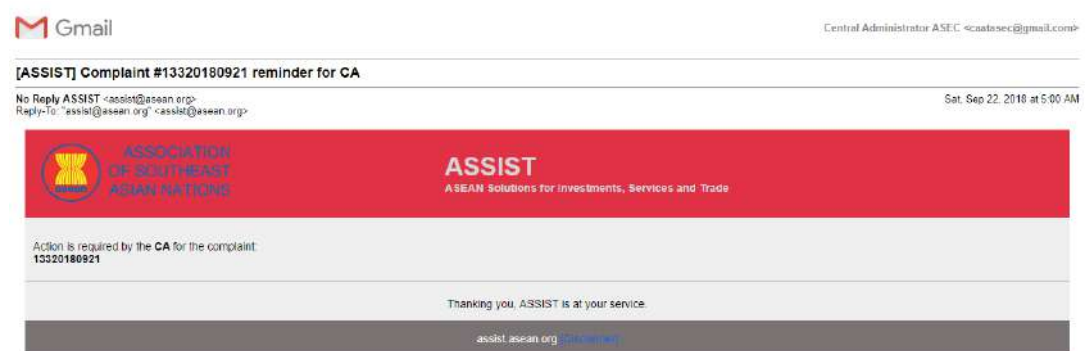
**STEP
8**

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:



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




ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Your complaint #14620181017 is accepted by CA

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

Wed, Oct 17, 2018 at 2:40 P



ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear **Mr Paul Smith**,

Your complaint ID No. **14620181017** has been accepted by ASSIST.

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.

Since your complaint has been accepted by ASSIST, the Destination Country will now be asked to review your complaint and either accept it, or reject it, or revert back to you with a request for more information within 10 working days from today.

You will be promptly notified of the response by the Destination Country through ASSIST.

ASEAN Enterprise / Trade Association / Law Firm : Star 88 Co., Ltd. (type Enterprise)
 Company size : 50 to 100
 Phone : +905 524 1532
 Website : www.star88.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 1711
 Country : **AMS-X**

Contact person : Mr. Paul Smith
 Phone : +905 524 1532
 Position : Chief Executive Officer
 Email : aseanenterprise0@gmail.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 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 Sector : **Services**
 Type of problem encountered : **Transport services**
 Destination Country : **AMS-Y**

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-Y. 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 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.

Thanking you, ASSIST is at your service.

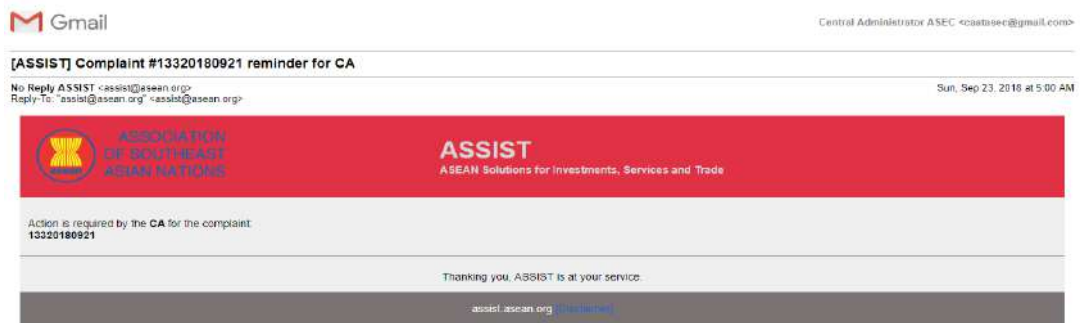
assist.asean.org

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:

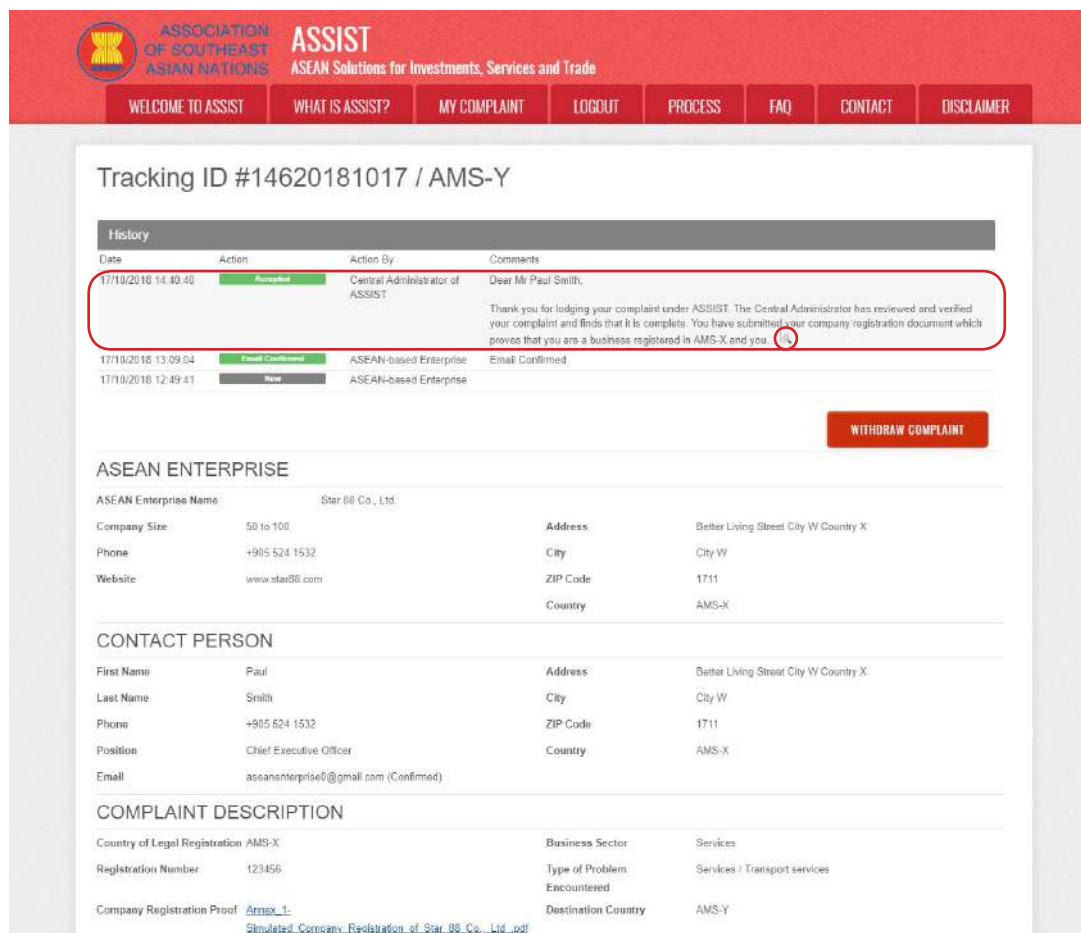


**STEP
9**

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.



Tracking ID #14620181017 / AMS-Y

Date	Action	Action By	Comments
17/10/2018 14:40:40	Accepted	Central Administrator of ASSIST	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.
17/10/2018 13:09:04	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
17/10/2018 12:49:41	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name: Star 88 Co., Ltd.

Company Size: 50 to 100
Phone: +905 524 1532
Website: www.star88.com

Address: Better Living Street City W Country X
City: City W
ZIP Code: 1711
Country: AMS-X

CONTACT PERSON

First Name: Paul
Last Name: Smith
Phone: +905 524 1532
Position: Chief Executive Officer
Email: aseanenterprise0@gmail.com (Confirmed)

Address: Better Living Street City W Country X
City: City W
ZIP Code: 1711
Country: AMS-X

COMPLAINT DESCRIPTION

Country of Legal Registration: AMS-X
Registration Number: 123456
Company Registration Proof: [Annex 1: Simulated Company Registration of Star 88 Co., Ltd.pdf](#)

Business Sector: Services
Type of Problem Encountered: Services / Transport services
Destination Country: AMS-Y

Type of Business	Service provider:
Description	<p>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-Y. 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 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.</p>
Attachment	<p>Annex 2 Simulated Law of AMS-Y2.pdf Annex 3 Simulated AMS-Y Schedule of Specific Commitments Maritime Transport Services.pdf</p>

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisinganegara - Jakarta 12110 - Indonesia
 ASSIST - Supported by ARSE - [Disclaimer]

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.



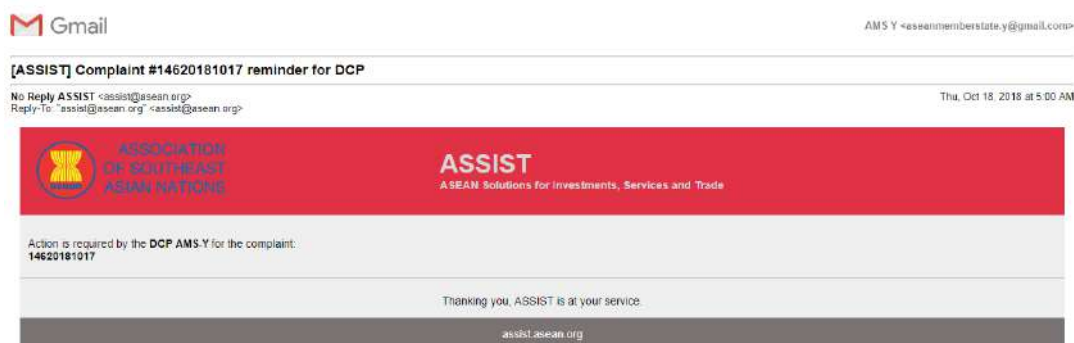
STEP
10

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

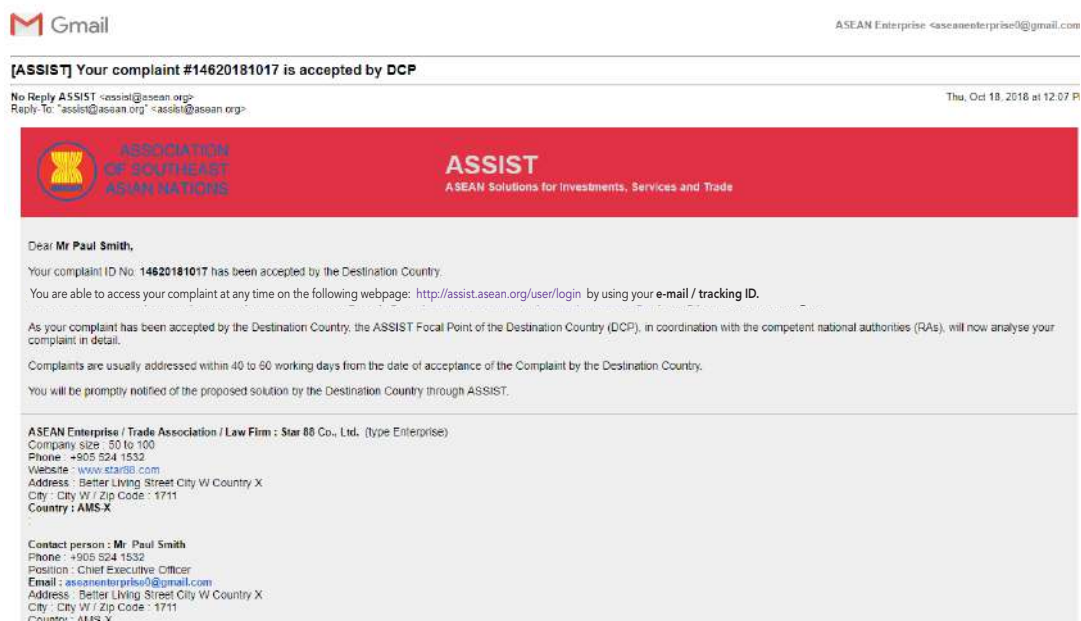
Within 10 working days after the response from the CA that your complaint is accepted, you will receive an email below informing that your complaint has been accepted or rejected by the DCP in AMS-Y.

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:



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.



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 : Services I
Type of problem encountered : Transport services
Destination Country : AMS-Y

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 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. 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.


Thanking you, ASSIST is at your service.

assist.asean.org [\[continue\]](#)

In this case, the complaint has been accepted by the DCP as can be seen above.


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:

 AMS-Y <aseanmemberstate.y@gmail.com>

[ASSIST] Complaint #14620181017 reminder for DCP

No Reply ASSIST <assist@asean.org>
Reply-To: "assist@asean.org" <assist@asean.org> Thu, Oct 18, 2018 at 5:00 AM

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Action is required by the DCP AMS-Y for the complaint:
14620181017

Thanking you, ASSIST is at your service.

assist.asean.org

Once the DCP accepts the complaint, the matter is forwarded to the Responsible Authorities (RAs) for input. Once the RAs complete their efforts, the DCP should review the solution and provide it to the CA within the 40 working day deadline. 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.

Regularly check your email within the 40 + 20 working days after you have been notified that the DCP has accepted your complaint. You will eventually receive a new email from ASSIST indicating the proposed solution by the DCP.

**STEP
11**

RECEIVE AN EMAIL NOTIFICATION FROM ASSIST THAT A SOLUTION IS PROPOSED BY AMS-Y AND ACCEPTED BY THE CENTRAL ADMINISTRATOR

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.




ASEAN Enterprise <aseanenterprise@gmail.com>

[ASSIST] Response for your #14620181017 complaint

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

Thu, Oct 18, 2016 at 12:38 PM



ASSIST
ASEAN Solutions for Investments, 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 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."

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 size : 50 to 100
 Phone : +905 524 1532
 Website : www.star88.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 1711
 Country : AMS-X

Contact person : Mr. Paul Smith
 Phone : +905 524 1532
 Position : Chief Executive Officer
 Email : aseanenterprise@gmail.com
 Address : Better Living Street City W Country X
 City : City W / Zip Code : 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 Sector : Services /
 Type of problem encountered : Transport services
 Destination Country : AMS-Y

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 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. 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 has 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.

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 solution 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 ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #14620181017 / AMS-Y

ASSIST Solution

Upon internal discussions between the DCP and the RAAs, 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 600 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.

Attachment

Date	Action	Action By	Comments
18/10/2018 12:39:25	Solution	Central Administrator of ASSIST	Upon internal discussions between the DCP and the RAAs, 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... Link
17/10/2018 14:40:40	Accepted	Central Administrator of ASSIST	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... Link
17/10/2018 13:09:04	Initial Confirmed	ASEAN-based Enterprise	Email Confirmed
17/10/2018 12:49:41	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name	Star 88 Co., Ltd.		
Company Size	50 to 100	Address	Better Living Street City W Country X
Phone	+905 624 1532	City	City W
Website	www.star88.com	ZIP Code	1711
		Country	AMS-X

CONTACT PERSON

First Name	Paul	Address	Better Living Street City W Country X
Last Name	Smith	City	City W
Phone	+905 624 1532	ZIP Code	1711
Position	Chief Executive Officer	Country	AMS-X
Email	aseanenterprise0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Transport services
Company Registration Proof	Annex 1: Simulated Company Registration of Star 88 Co., Ltd.pdf	Destination Country	AMS-Y
Type of Business	Service provider		
Description	<p>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 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.</p>		
Attachment	Annex 2: Simulated Law of AMS-Y2.pdf Annex 3: Simulated AMS-Y Schedule of Specific Commitments-Maritime Transport Services.pdf		

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisingamangaraja - Jakarta 12110 - Indonesia

ASSIST - Supported by AHSE - [Disclaimer]

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.

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:

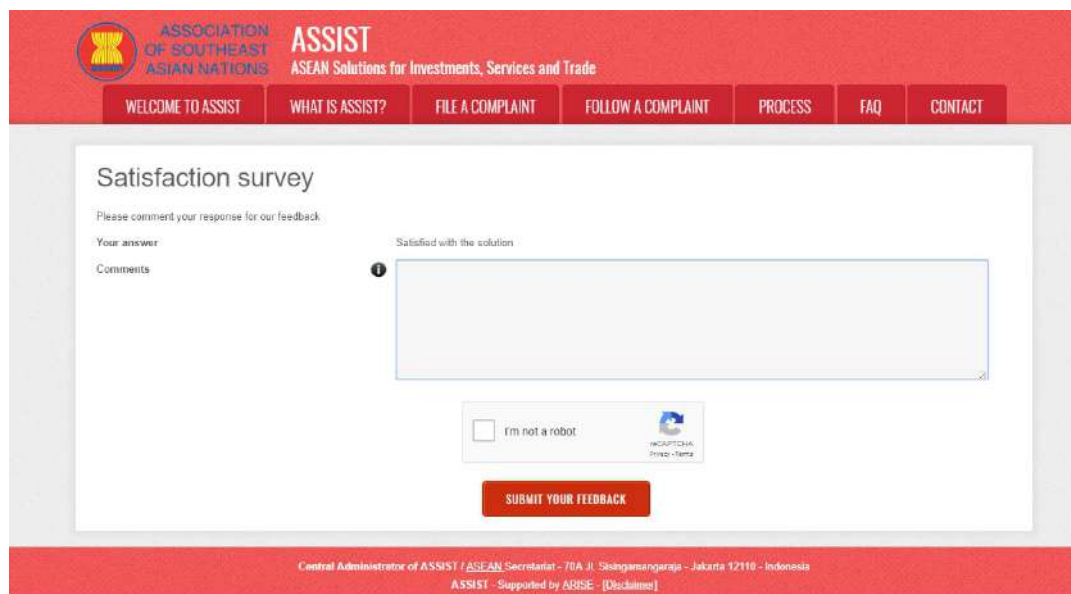
☒ Yes / ☐ No

In this case, the AE chooses "Yes".

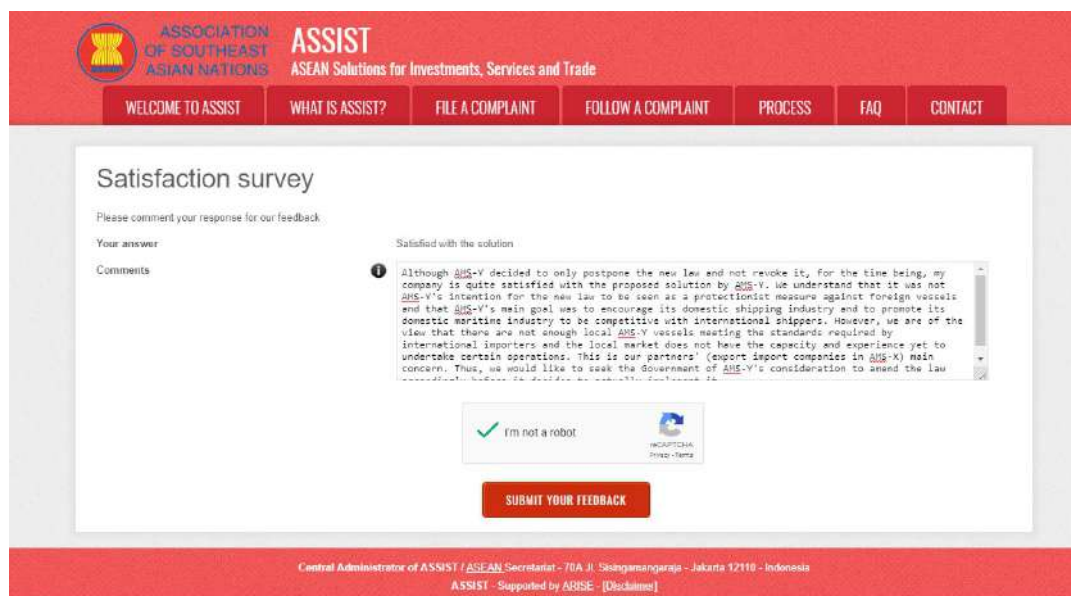
STEP 12

PROVIDE YOUR FEEDBACK TO THE PROPOSED SOLUTION PROVIDED BY AMS-Y IN THE SATISFACTION 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.

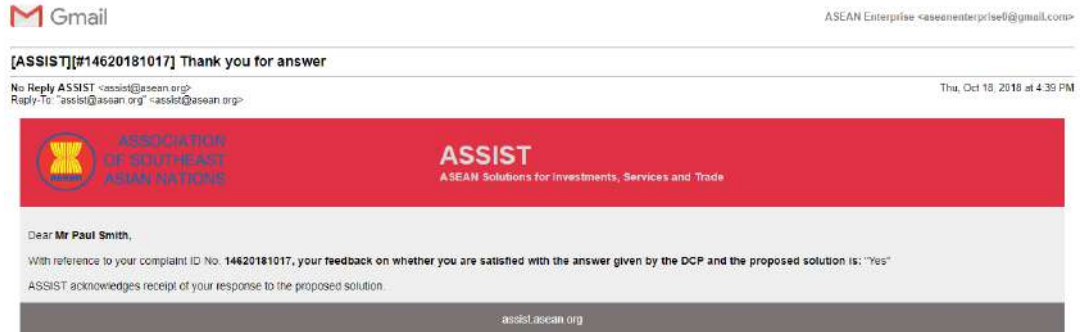


- (a) Fill-in the Satisfaction Survey. In this case, the AE is satisfied with the solution provided by ASSIST and thus indicates accordingly.



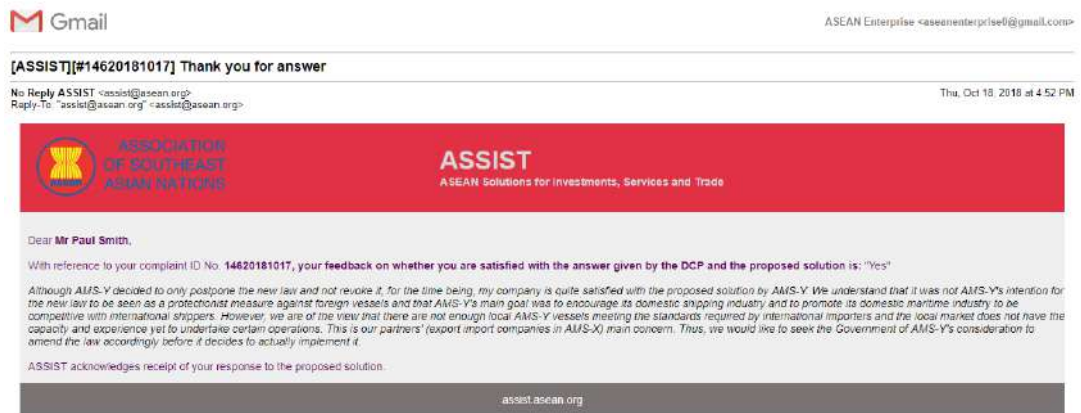
- (b) Go to your email account. You will receive one or two (if you have filled-in the Satisfaction Survey) new emails from ASSIST, which acknowledge receipt of your response to the proposed solution by AMS-Y. A copy of your responses will also be sent to the DCP and the HCP.

First Acknowledgement Email from ASSIST



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.



- (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.



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WHAT IS ASSIST?

MY COMPLAINT

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CONTACT

DISCLAIMER

Tracking ID #14620181017 / AMS-Y

ASSIST Solution

Upon internal discussions between the DCP and the RA, 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 600 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.

Attachment

Satisfied: Yes

History

Date	Action	Action By	Comments
10/10/2018 16:52:00	Satisfied	ASEAN-based Enterprise	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... Link
18/10/2018 12:38:29	Solution	Central Administrator of ASSIST	Upon internal discussions between the DCP and the RA, 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... Link
17/10/2018 14:40:40	Accepted	Central Administrator of ASSIST	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... Link
17/10/2018 13:09:04	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
17/10/2018 12:49:41	New	ASEAN-based Enterprise	

ASEAN ENTERPRISE

ASEAN Enterprise Name	Star 88 Co., Ltd.		
Company Size	50 to 100	Address	Better Living Street City W Country X
Phone	+905 524 1532	City	City W
Website	www.star88.com	ZIP Code	1711
		Country	AMS-X

CONTACT PERSON

First Name	Paul	Address	Better Living Street City W Country X
Last Name	Smith	City	City W
Phone	+905 524 1532	ZIP Code	1711
Position	Chief Executive Officer	Country	AMS-X
Email	aseanenterprise0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Transport services
Company Registration Proof	Annex 1: Simulated Company Registration of Star 88 Co. Ltd.pdf		
Type of Business	Service provider	Destination Country	AMS-Y

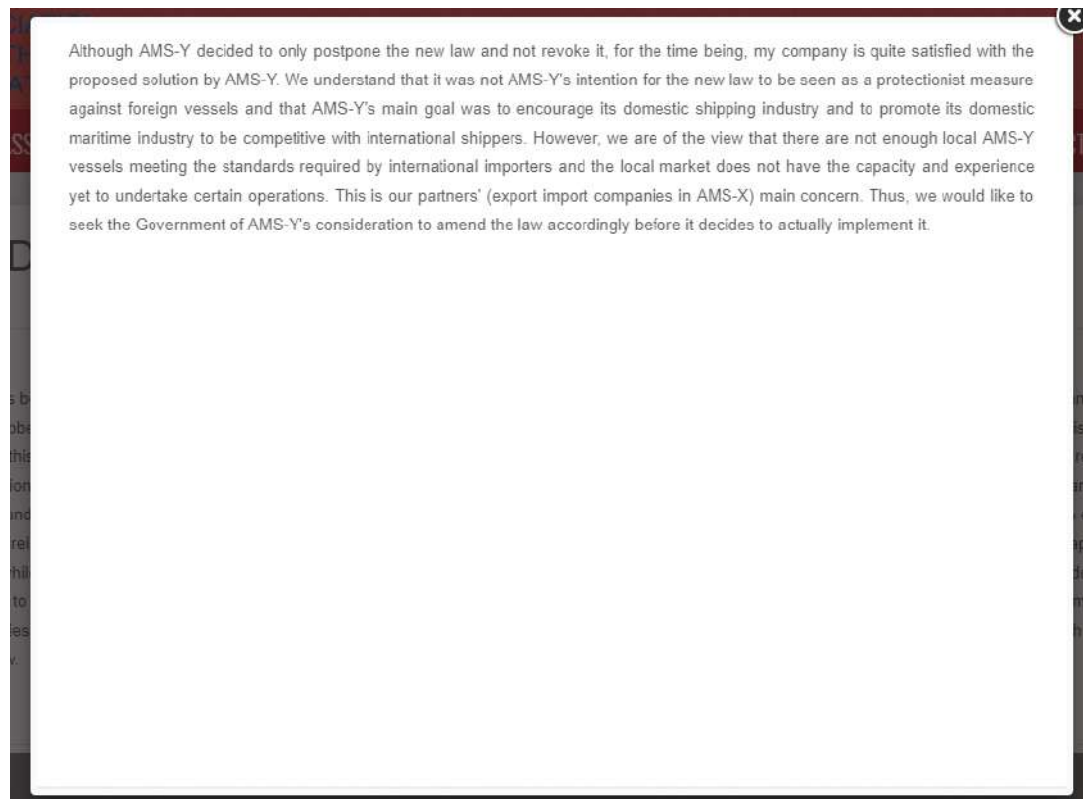
Description

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 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. 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.

Attachment

[Annex 2-Simulated Law of AMS-Y2.pdf](#)
[Annex 3-Simulated AMS-Y Schedule of Specific Commitments Maritime Transport Services.pdf](#)

- (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.



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

STEP-BY-STEP TUTORIAL FOR CASE STUDY 5 (TRADE IN SERVICES)

Photo credit: Nathan Associates - PSDA Project, Myanmar

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:

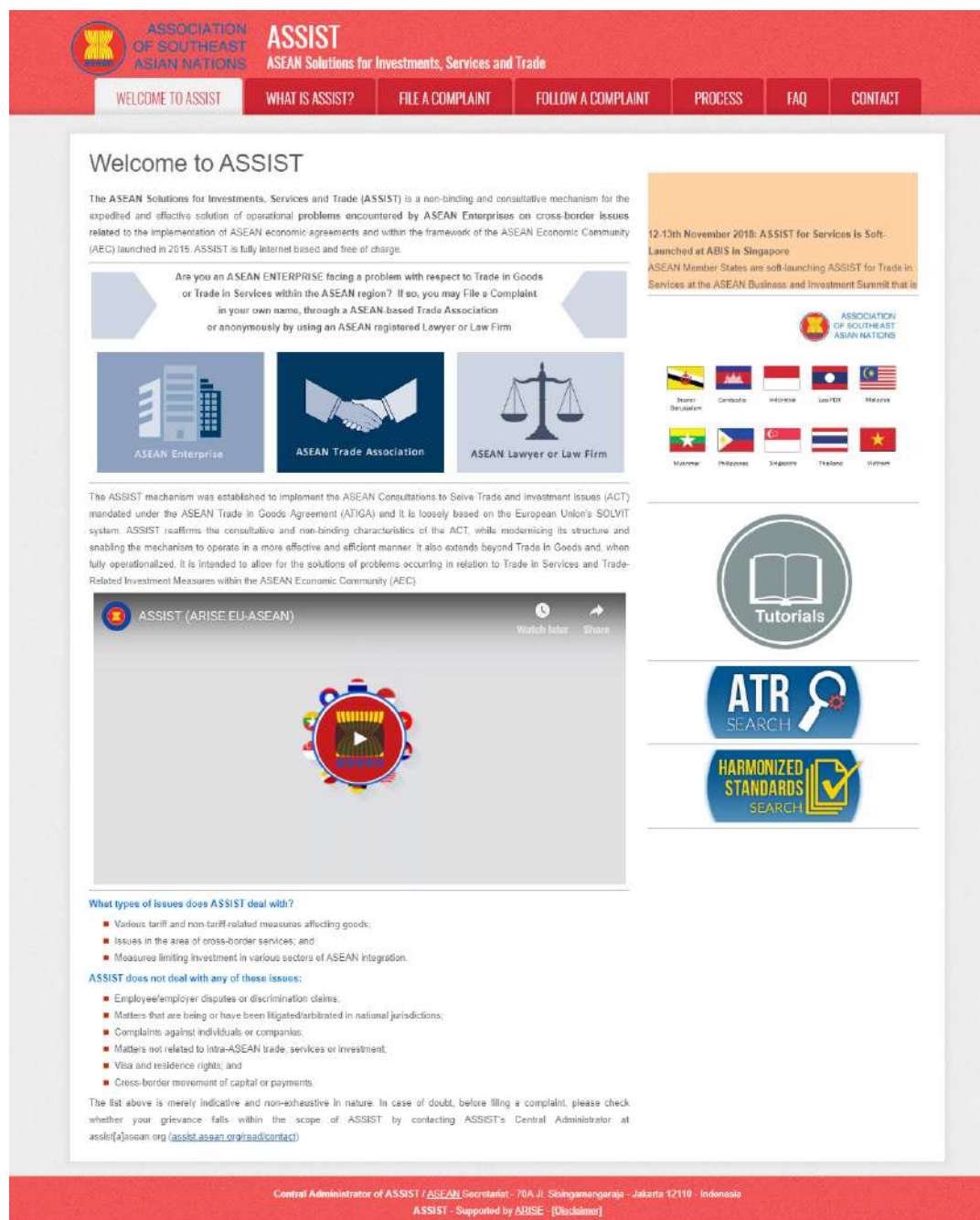
- Complainant = ASEAN Enterprise (AE)
- ASEAN Secretariat = Central Administrator of ASSIST (CA)
- Home Country = Home Contact Point (HCP) in ASEAN Member State-X (AMS-X)
- Destination Country = Destination Contact Point (DCP) in ASEAN Member State-Y (AMS-Y)
- Relevant National Authorities = Relevant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

STEP 1

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



The screenshot shows the ASSIST homepage with a red header and navigation bar. The main content area is white with a red sidebar on the right. The header includes the ASEAN logo and the text 'ASSIST ASEAN Solutions for Investments, Services and Trade'. The navigation bar has links: 'WELCOME TO ASSIST', 'WHAT IS ASSIST?', 'FILE A COMPLAINT', 'FOLLOW A COMPLAINT', 'PROCESS', 'FAQ', and 'CONTACT'. The main content area features a 'Welcome to ASSIST' section with a description of the mechanism, a 'What types of issues does ASSIST deal with?' section, and a 'What types of issues does ASSIST not deal with?' section. The sidebar on the right includes a 'Tutorials' section, an 'ATR SEARCH' section, and a 'HARMONIZED STANDARDS SEARCH' section. The footer contains contact information for the Central Administrator of ASSIST and the ASEAN Secretariat.

Welcome to ASSIST

The ASEAN Solutions for Investments, Services and Trade (ASSIST) is a non-binding and consultative mechanism for the expedited and effective solution of 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) launched in 2015. ASSIST is fully internet based and free of charge.

Are you an ASEAN ENTERPRISE facing a problem with respect to Trade in Goods or Trade in Services within the ASEAN region? If so, you may File a Complaint in your own name, through a ASEAN-based Trade Association or anonymously by using an ASEAN registered Lawyer or Law Firm

ASEAN Enterprise **ASEAN Trade Association** **ASEAN Lawyer or Law Firm**

The ASSIST mechanism was established to implement the ASEAN Consultations 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. 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. It also extends beyond Trade in Goods and, when fully operationalized, it is intended to allow for the solutions of problems occurring in relation to Trade in Services and Trade-Related Investment Measures within the ASEAN Economic Community (AEC).

What types of issues does ASSIST deal with?

- Various tariff and non-tariff-related measures affecting goods;
- Issues in the area of cross-border services; and
- Measures limiting investment in various sectors of ASEAN integration.

ASSIST does not deal with any of these issues:

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


The list above is merely indicative and non-exhaustive in nature. In case of doubt, before filing a complaint, please check whether your grievance falls within the scope of ASSIST by contacting ASSIST's Central Administrator at assist@asean.org (assist@asean.org or assist@asean.org).

Central Administrator of ASSIST / ASEAN Secretariat - 70A, JI. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ABSE - [Disclaimers]

STEP 2

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.



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[WELCOME TO ASSIST](#)
[WHAT IS ASSIST?](#)
[FILE A COMPLAINT](#)
[FOLLOW A COMPLAINT](#)
[PROCESS](#)
[FAQ](#)
[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 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 Enterprise

NON-ANONYMOUS



ASEAN Trade Association


ANONYMOUS



ASEAN Lawyer or Law Firm

ANONYMOUS

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



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[PROCESS](#)
[FAQ](#)
[CONTACT](#)

Complaint to be Filed by an ASEAN Enterprise

Please fill in the form below 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 should be submitted instead 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. Dedicated forms are available under the respective [icons](#).

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please also check your spam/junk boxes).

ASEAN ENTERPRISE

* ASEAN Enterprise Name

* Company Size

* Phone

Website

* Address

390 characters remaining (390 maximum)

* City ZIP Code

* Country

CONTACT PERSON

* Gender ☐ Mr ☐ Mrs ☐ Ms

* First Name * Last Name

* Phone

* Position

* Email



Address

City

ZIP Code

Country

COMPLAINT DESCRIPTION

* Country of Legal Registration

* Registration Number

* Company Registration Proof

* Type of Business

* Business Sector

- Services Sector Description

* Type of Problem Encountered

* Destination Country

* Description

Attachment

I have read and accept the ASSIST rules

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

I'm not a robot

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - TRA, Jl. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

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 **i** buttons are available for detailed instructions on what to fill-in for each field. Please click on the **i** 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.

STEP
3

FILL-IN THE COMPLAINT FORM

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

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 Filed by an ASEAN Enterprise

Please fill-in the form below 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 should be submitted instead 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. Dedicated forms are available under the respective [links](#).

In order to file a valid complaint, you shall verify your submission by replying to the automated email that you will receive from ASSIST shortly after submission (please also check your spam/junk boxes).

ASEAN ENTERPRISE

ASEAN Enterprise Name

AirTel Holdings, Inc.

Company Size

200+

Phone

+261 7262991

Website

www.airtel.com

Address

Jingie Avenue

City U

Country X

City

City U

ZIP Code

10090

Country

AMS-X

CONTACT PERSON

Gender

☒ Mr
 ☐ Mrs
 ☐ Ms

First Name

Bruce

Last Name

Kent

Phone

+261 0159265399

Position

President

Email

aseanenterprise0@gmail.com

Address

Jingie Avenue

City U

Country X

City

City U

ZIP Code

10090

Country

AMS-X

COMPLAINT DESCRIPTION

Country of Legal Registration

AMS-X

Registration Number

123456

Company Registration Proof

Choose File

Annex 1-Simulated Idings, Inc.pdf

Type of Business

Service provider

Business Sector

Services

Services Sector Description

Telecommunication

Type of Problem Encountered

2 Communication Services

Destination Country

AMS-Y

Description

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 recently 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. 1509, whereby foreign operators were no longer permitted to apply for Type B and Type C licenses.

Attachment

Choose File

Annex 2-Simulated AM...dated Schedule.pdf

+ Attachment

Choose File

Annex 3-Simulated Law of AMS-Y.pdf

Remove


Choose File

Annex 4-Simulated A...nt Law of AMS-Y.pdf


Remove

☒ I have read and accept the [ASSIST rules](#).

☒ 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.



I'm not a robot



WCAPTCHA

SUBMIT YOUR COMPLAINT

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Setiabudi - Jakarta 12110 - Indonesia

ASSIST - Supported by ARSE - [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

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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.

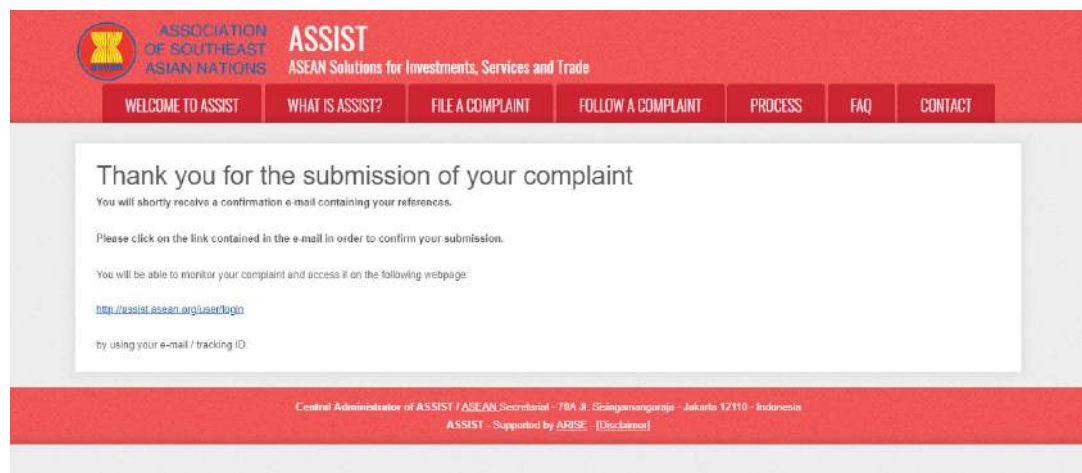
The revoking of AirTel Co., Ltd.'s license and the amendment of the business license regulation has caused AirTel Holdings, Inc., shares to fall 5.67% in AMS-X as AMS-Y is the world's second biggest cellular market. We believe that the revoking of its license is a discrimination against foreign investors 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.

STEP 4

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.




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

**STEP
5**

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.


ASEAN Enterprise <aseanenterprise0@gmail.com>

[ASSIST] Thanks to confirm your complaint #17720181101 submission

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

Thu, Nov 1, 2018 at 4:01 P



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

Dear Mr Bruce Kent,

Thank you for having filed a complaint on **ASSIST**, the system of ASEAN Solutions for Investments, Services and Trade.

Please confirm your complaint **17720181101** on the following link (or by copy-pasting the following link onto your Internet browser):
http://assist.asean.org/user/confirm_email

After your confirmation, ASSIST will monitor your complaint and you will be able to access it on the following 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 Holdings, Inc. (type Enterprise)
 Company Size : 200+
 Phone : +261 7262591
 Website : www.airtel.com
 Address : Jingle Avenue City U Country X
 City : City U / Zip Code : 10090
 Country : AMS-X

Contact person : Mr Bruce Kent
 Phone : +261 015925389
 Position : President
 Email : aseanenterprise0@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 : 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. 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.'s operating license has recently 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. 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).

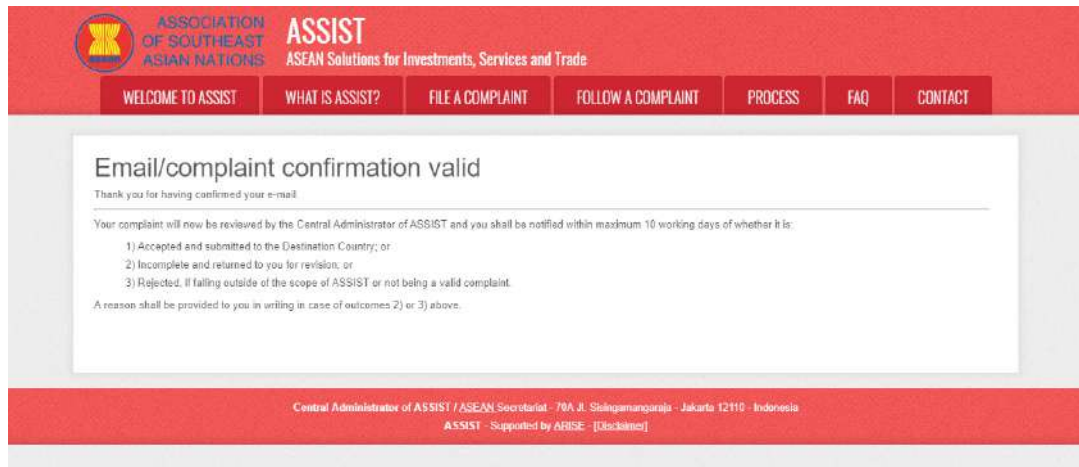
Thanking you, ASSIST is at your service.

assist.asean.org

4 attachments

-  **Annex_2.Simulated_AMS_Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf**
51K
-  **Annex_3.Simulated_Law_of_AMS.Y1.pdf**
47K
-  **Annex_4.Simulated_Amendment_Law_of_AMS.Y1.pdf**
47K
-  **Annex_1.Simulated_Company_Registration_of_AirTel_Holdings_Inc1.pdf**
49K

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



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:

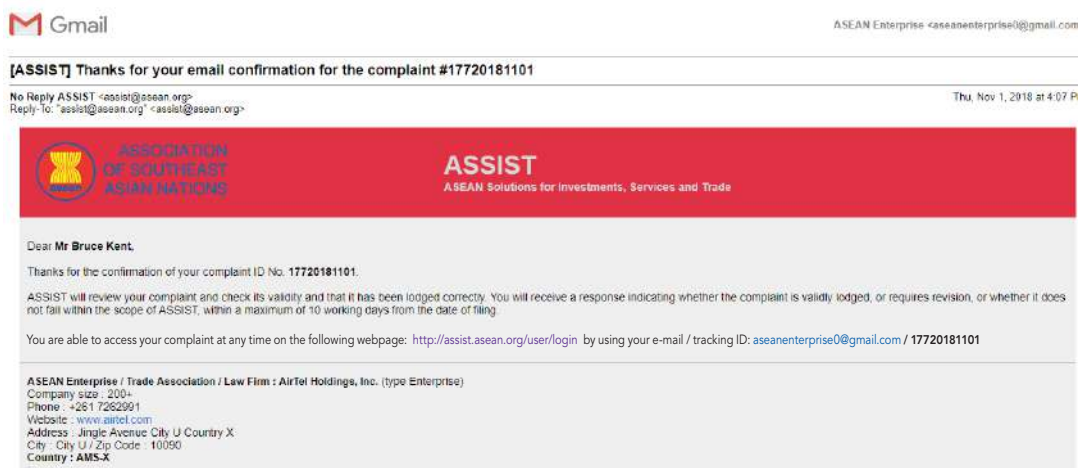
- 1) Accepted and submitted to the Destination Country; or
- 2) Incomplete and returned to you for revision; or
- 3) Rejected, if falling outside of the scope of ASSIST or not being a valid complaint.

Go to your email account.

**STEP
6**

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.



Contact person : Mr. Bruce Kent
Phone : +261 8159255399
Position : President
Email : aseanenterprise0@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 : 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. 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.'s operating license has recently 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. 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).

Thanking you, ASSIST is at your service.

assist.asean.org

4 attachments

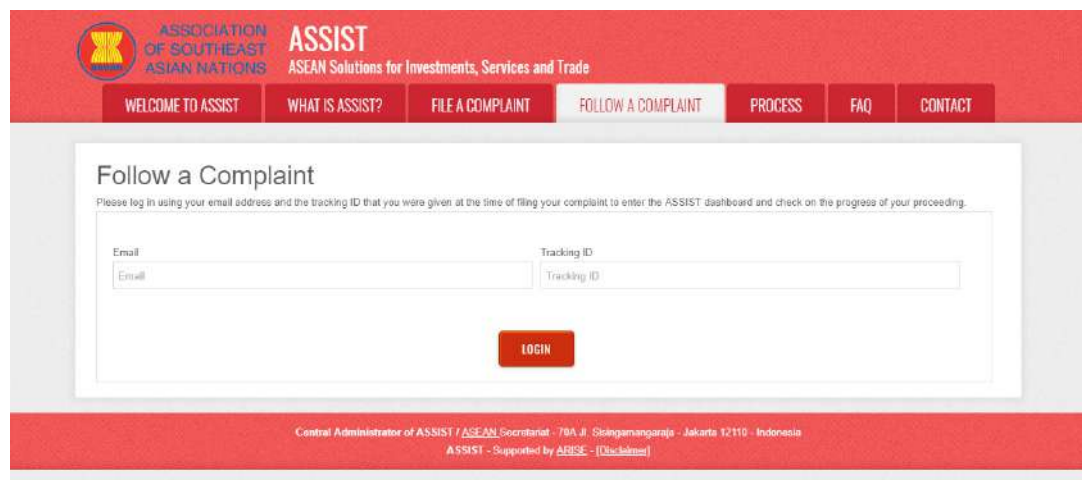
-  [Annex_2-Simulated_AMS-Y_Schedule_of_Specific_Commitments-AFAS_9_Consolidated_Schedule1.pdf](#)
91K
-  [Annex_3-Simulated_Law_of_AMS-Y1.pdf](#)
47K
-  [Annex_4-Simulated_Amendment_Law_of_AMS-Y1.pdf](#)
47K
-  [Annex_1-Simulated_Company_Registration_of_AirTel_Holdings_Inc1.pdf](#)
49K

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: <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.



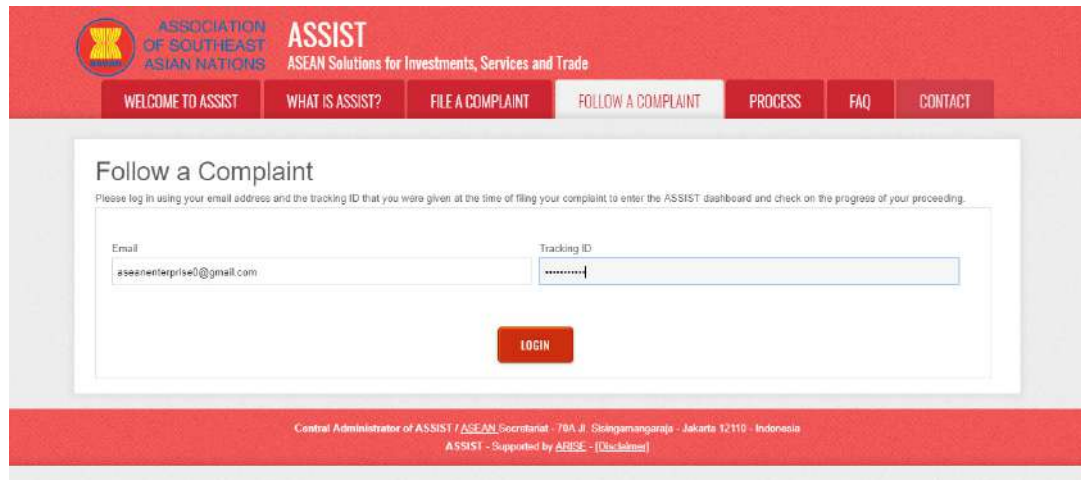
Follow a Complaint

Please log in using your email address and the tracking ID that you were given at the time of filing your complaint, to enter the ASSIST dashboard and check on the progress of your proceeding.

Email Tracking ID

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ABSE - [\(Disclaimer\)](#)

- (a) 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 17720181101.



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Follow a Complaint

Please log in using your email address and the tracking ID that you were given at the time of filing your complaint to enter the ASSIST dashboard and check on the progress of your proceeding.

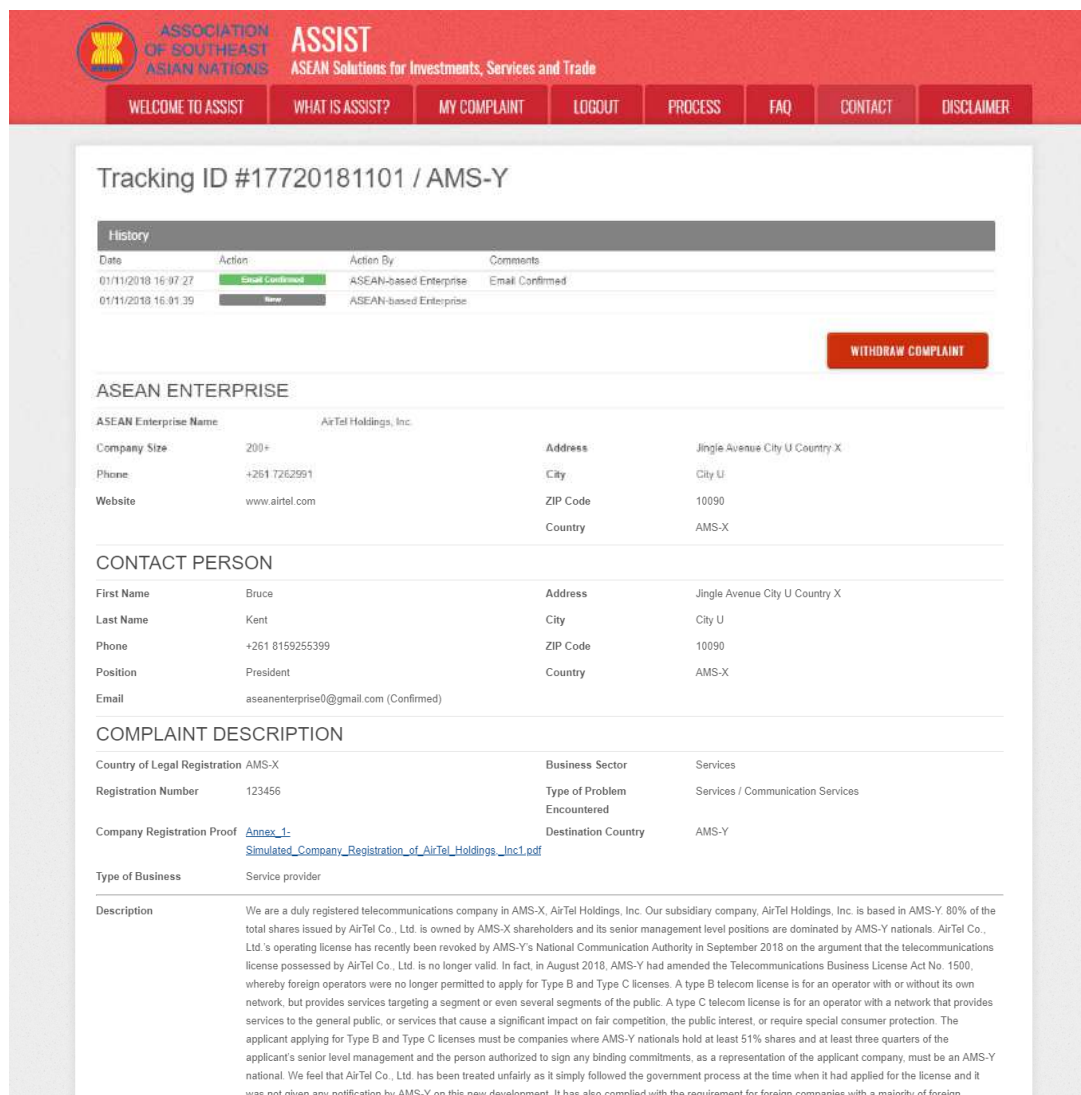
Email: Tracking ID:

[LOGIN](#)

Central Administrator of ASSIST / ASEAN Secretariat - 7BA Jl. Setiabudi - Jakarta 12110 - Indonesia
ASSIST - Supported by ARISE - [Disclaimer]

Once you login, you will see your ASSIST dashboard where you can monitor the progress of your complaint.

(c) View of your ASSIST Dashboard once you have successfully logged-in:



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[WELCOME TO ASSIST](#) [WHAT IS ASSIST?](#) [MY COMPLAINT](#) [LOGOUT](#) [PROCESS](#) [FAQ](#) [CONTACT](#) [DISCLAIMER](#)

Tracking ID #17720181101 / AMS-Y

History			
Date	Action	Action By	Comments
01/11/2018 16:07:27	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:39	New	ASEAN-based Enterprise	

[WITHDRAW COMPLAINT](#)

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	www.airtel.com	ZIP Code	10090
		Country	AMS-X

CONTACT PERSON

First Name	Bruce	Address	Jingle Avenue City U Country X
Last Name	Kent	City	City U
Phone	+261 8159255399	ZIP Code	10090
Position	President	Country	AMS-X
Email	aseanenterprise0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AirTel Holdings, Inc1.pdf		
Type of Business	Service provider		

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. 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.'s operating license has recently 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. 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

Attachment

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).

[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](#)

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Sisinganegara - Jakarta 12119 - Indonesia
ASSIST - Supported by ABSE - [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.

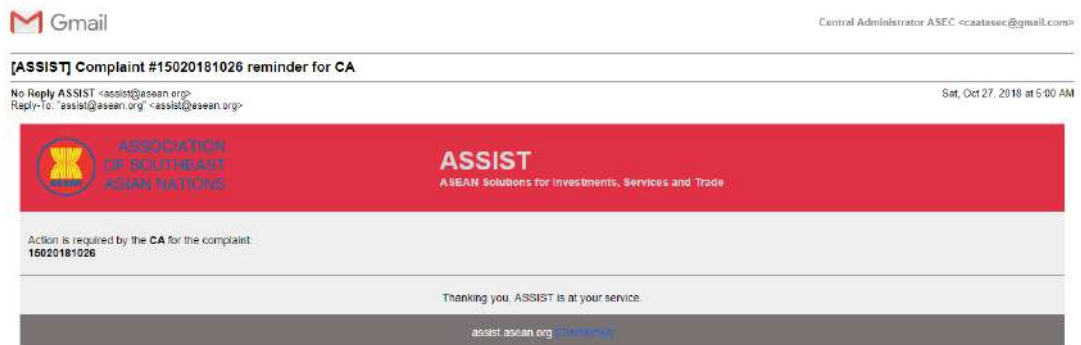
STEP 8

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

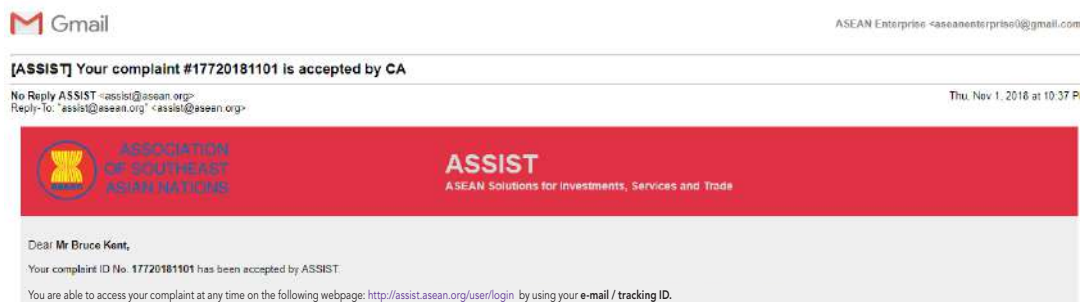
Once the CA has completed reviewing your complaint and decided on whether to accept/incomplete/reject, an email will be sent to you typically within 10 working days since you lodged your complaint.

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:



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



Since your complaint has been accepted by ASSIST, the Destination Country will now be asked to review your complaint and either accept it, or reject it, or revert back to you with a request for more information within 10 working days from today.

You will be promptly notified of the response by the Destination Country through ASSIST.

ASEAN Enterprise / Trade Association / Law Firm : AirTel Holdings, Inc. (type Enterprise)
 Company size : 200+
 Phone : +261 7262991
 Website : www.airtel.com
 Address : Jingle Avenue City U Country X
 City : City U / Zip Code : 10090
 Country : AMS-X
 :

Contact person : Mr. Bruce Kent
 Phone : +261 8159255399
 Position : President
 Email : aseanenterprise@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 : 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. 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.'s operating license has recently 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. 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).

Thanking you, ASSIST is at your service.

assist.asean.org

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:




Central Administrator ASEC <caatasec@gmail.com>

[ASSIST] Complaint #13320180921 reminder for CA

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

Sun, Sep 23, 2018 at 5:00 AM

 ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

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

**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.



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST
ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST

WHAT IS ASSIST?

MY COMPLAINT

LOGOUT

PROCESS

FAQ

CONTACT

DISCLAIMER

Tracking ID #17720181101 / AMS-Y

History			
Date	Action	Action By	Comments
01/11/2018 22:37:34	Accepted	Central Administrator of ASSIST	Dear Mr Bruce Kent, 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 AMS-Y's Specific Schedule of ASEAN Services Commitments, specifically in the Telecommunication Services sector, as well as the AMS-Y 2010 Telecommunications Law.
01/11/2018 16:07:27	Email Confirmed	ASEAN-based Enterprise	Email Confirmed
01/11/2018 16:01:39	New	ASEAN-based Enterprise	

WITHDRAW COMPLAINT

ASEAN ENTERPRISE

ASEAN Enterprise Name	AiTel Holdings, Inc.		
Company Size	200+	Address	Jingle Avenue City U Country X
Phone	+261 7262991	City	City U
Website	www.airetel.com	ZIP Code	10090
		Country	AMS-X

CONTACT PERSON

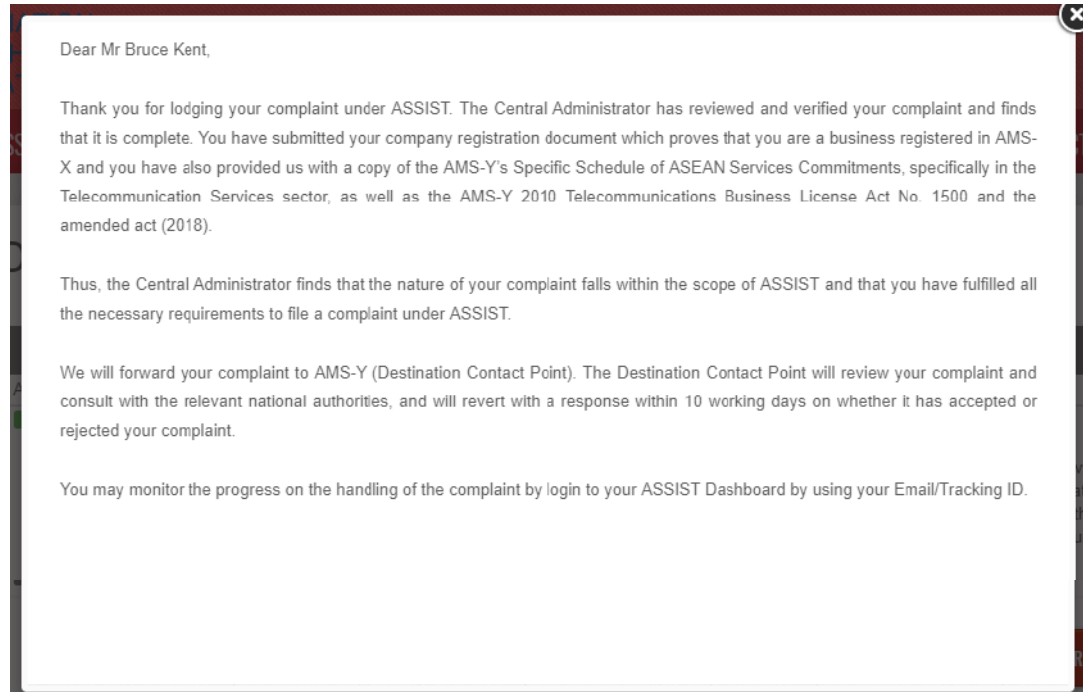
First Name	Bruce	Address	Jingle Avenue City U Country X
Last Name	Kent	City	City U
Phone	+261 6159255399	ZIP Code	10090
Position	President	Country	AMS-X
Email	aseanenterprise0@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AiTel Holdings, Inc.pdf	Destination Country	AMS-Y
Type of Business	Service provider		
Description	<p>We are a duly registered telecommunications company in AMS-X, AiTel Holdings, Inc. Our subsidiary company, AiTel Holdings, Inc. is based in AMS-Y. 86% of the total shares issued by AiTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AiTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2018 on the argument that the telecommunications license possessed by AiTel 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. We feel that AiTel 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 AiTel Co., Ltd.'s license and the amendment of the business license regulation has caused AiTel 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).</p>		
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		

Central Administrator of ASSIST / ASEAN Secretariat - 70A Jl. Satekangaraja - Jakarta 12110 - Indonesia
ASSIST - Supported by ARSE - [Disclaimer]

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

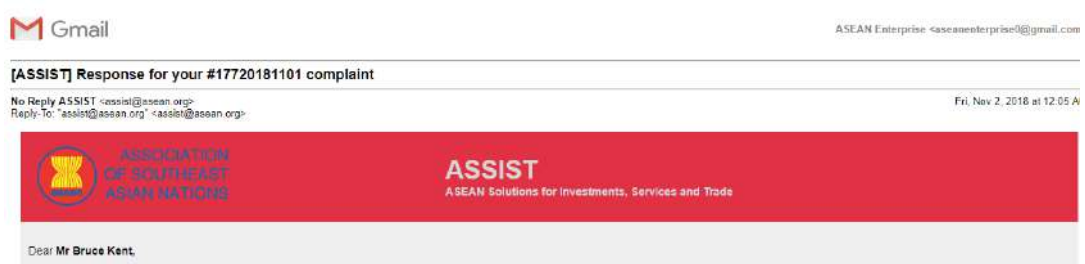


As informed in Step 8, once the complaint has been accepted by the CA, the complaint will be sent to the Destination Contact Point (DCP) in AMS-Y where you are facing trade problems. The DCP in AMS-Y will be given 10 working days to review your complaint and either accept or reject it. This is intended 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.

**STEP
10**

RECEIVE AN EMAIL NOTIFICATION FROM ASSIST THAT A RESPONSE TO YOUR COMPLAINT HAS BEEN PROVIDED BY AMS-Y AND ACCEPTED BY THE CENTRAL ADMINISTRATOR

- (a) Go to your email account. You will receive a new email from ASSIST indicating the response to your complaint from the DCP. In this case, your complaint has been rejected by the DCP (AMS-Y).



The response for your complaint **17720181101** is ready:

"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 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. The AMS-Y AFAS Horizontal Commitments is attached for ease of reference. In response to the AMS-Y'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."

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 : AirTel Holdings, Inc. (type Enterprise)
 Company size : 200+
 Phone : +261 7262991
 Website : www.airtel.com
 Address : Jingle Avenue City U Country X
 City : City U / Zip Code : 10090
 Country : AMS-X

Contact person : Mr. Bruce Kent
 Phone : +261 815925399
 Position : President
 Email : aseanenterprise@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 : 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. 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.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2019 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. 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).

Thanking you, ASSIST is at your service.

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.

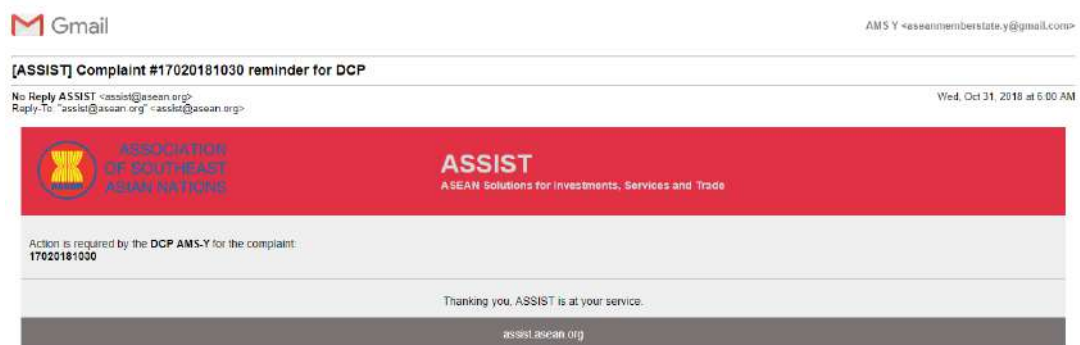
However, in cases such as this one where a complaint is **"Rejected"** by the DCP, you may not receive an email from ASSIST within the 10 working days deadline. The rejection and reason for rejection by the DCP will only be sent to the CA through ASSIST within the 10 working days. The CA will then review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

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 AE.

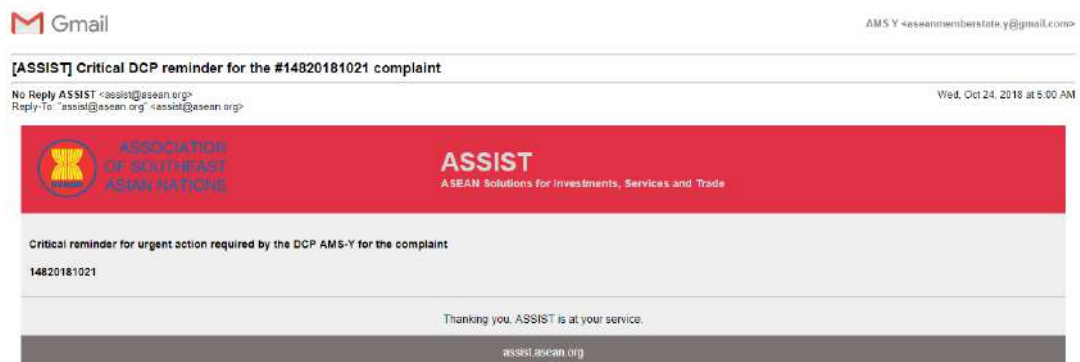
If no action has been taken in the meantime by the DCP, the DCP will receive the automatic reminder below via email from the ASSIST online system within 7 calendar days after the complaint has been accepted by the CA. As indicated above, the DCP must decide to accept or reject the complaint within 10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

Email Reminder 1 for the Destination Contact Point:




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:



(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.



ASSOCIATION
OF SOUTHEAST
ASIAN NATIONS

ASSIST

ASEAN Solutions for Investments, Services and Trade

WELCOME TO ASSIST
WHAT IS ASSIST?
MY COMPLAINT
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 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 2010 Telecommunications Business License Act No. 1500 is not in violation of AMS-Y's Schedule 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 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 2016.

Attachment

History

Date	Action	Action By	Comments
02/11/2018 00:05:11	Solution	Central Administrator of ASSIST	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 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 2010 Telecommunications Business License Act No. 1500 is not in violation of AMS-Y's Schedule 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 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 2016.
01/11/2018 22:37:34	Accepted	Central Administrator of ASSIST	Dear Mr Bruce Kent, 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 AMS-Y's Specific Schedule of ASEAN Services Commitments, specifically in the Telecommunication Services sector, 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	Sent	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	www.airtel.com	ZIP Code	10090
		Country	AMS-X

CONTACT PERSON

First Name	Bruce	Address	Jingle Avenue City U Country X
Last Name	Kent	City	City U
Phone	+261 815925399	ZIP Code	10090
Position	President	Country	AMS-X
Email	aseanenterprise@gmail.com (Confirmed)		

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X	Business Sector	Services
Registration Number	123456	Type of Problem Encountered	Services / Communication Services
Company Registration Proof	Annex 1: Simulated Company Registration of AirTel Holdings, Inc1.pdf		
Type of Business	Service provider		
Description	<p>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-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AirTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2016 on the argument that the telecommunications license possessed by AirTel Co., Ltd. is no longer valid. In fact, in August 2016, 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).</p>		
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		

Central Administrator of ASSIST / ASEAN Secretariat - TBA, Jl. Sisinganegara - Jakarta 12110 - Indonesia

ASSIST - Supported by ARISE - (Disclaimer)

Below is the response from the DCP:

"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

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 the 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."

- (c) In the bottom of the email from ASSIST in 10(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.

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:

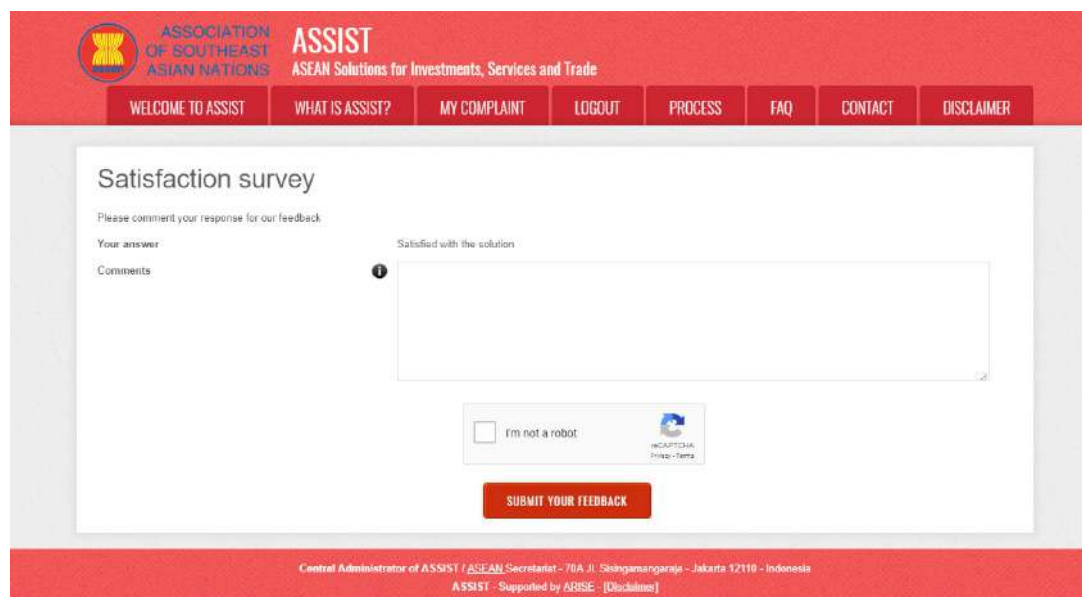
☒ Yes / ☐ No

In this case, the AE chooses "Yes".

STEP 11

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

Once you choose 'Yes/No' in Step 10(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 response/solution.



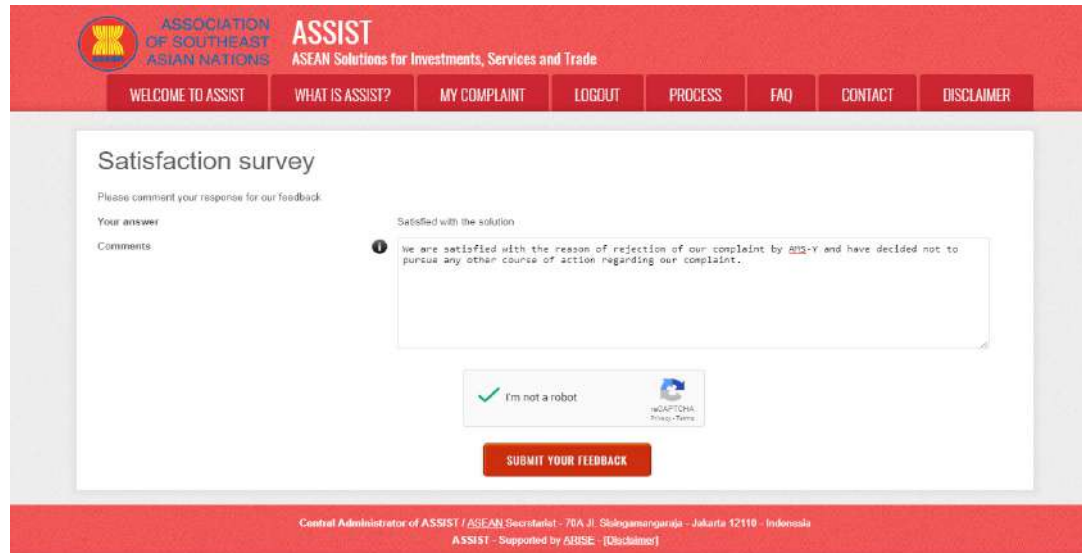
The screenshot shows the ASSIST website header with the logo and navigation menu. The main content area is titled "Satisfaction survey" and contains the following elements:

- A heading: "Please comment your response for our feedback"
- A label: "Your answer:" followed by a text input field containing "Satisfied with the solution"
- A label: "Comments:" followed by a large text area with a question mark icon
- A checkbox labeled "I'm not a robot" with a reCAPTCHA logo
- A red button labeled "SUBMIT YOUR FEEDBACK"

At the bottom of the page, there is a footer with the following text:

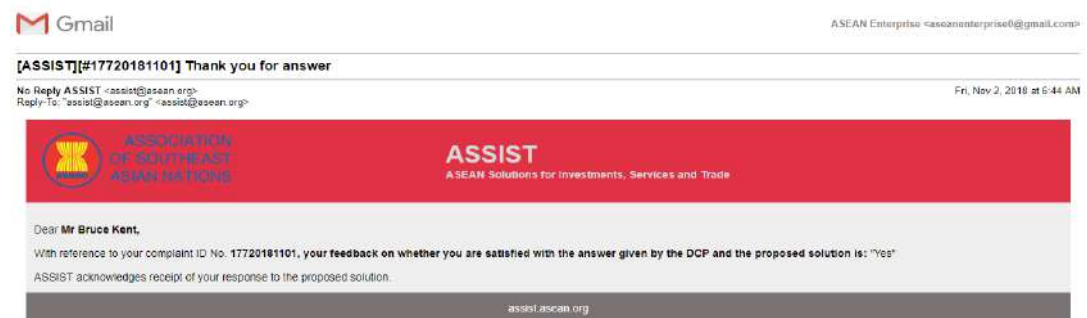
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- (a) Fill-in the Satisfaction Survey. In this case, the AE is satisfied with the solution/response provided by ASSIST and thus indicates accordingly.



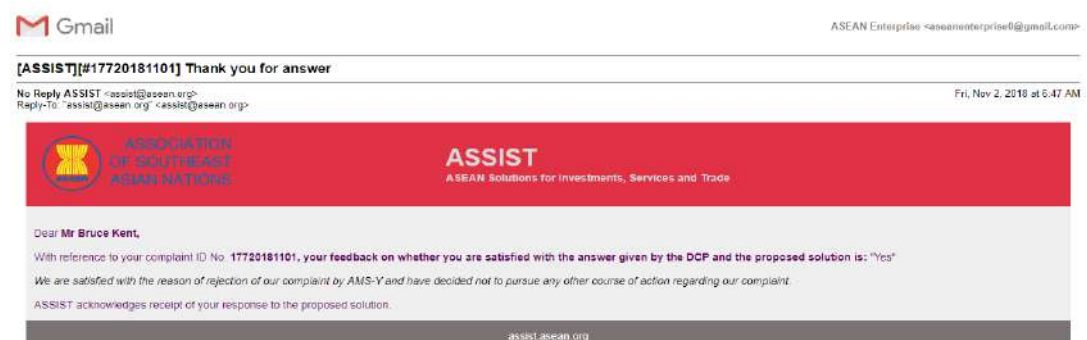
- (b) Go to your email account. You will receive one or two (if you have filled-in the Satisfaction Survey) new emails from ASSIST, which acknowledge receipt of your response to the proposed solution by AMS-Y. A copy of your responses will also be sent to the DCP and the HCP.

First Acknowledgement Email from ASSIST




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.



- (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.



ASSOCIATION
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WELCOME TO ASSIST
WHAT IS ASSIST?
MY COMPLAINT
LOGOUT
PROCESS
FAQ
CONTACT
DISCLAIMER

Tracking ID #17720181101 / AMS-Y

ASSIST Solution

AMS-Y finds sufficient basis that AMS-X 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 2010 Telecommunications Business License Act No. 1500 is not in violation of AMS-Y's Schedule 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 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.

Attachment

Satisfied : Yes

Date	Action	Action By	Comments
02/11/2018 08:47:04	Satisfied	ASEAN-based Enterprise	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.
02/11/2018 00:05:11	Solution	Central Administrator of ASSIST	AMS-Y finds sufficient basis that AMS-X 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: ... 1/4
01/11/2018 22:37:34	Accepted	Central Administrator of ASSIST	Dear Mr Bruce Kent, 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 AMS-Y's Specific Schedule of ASEAN Services Commitments, specifically in the Telecommunication Services sector, as well as the AMS-Y 2010 Telecommunications ... 1/4
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	AiTel Holdings, Inc.		
Company Size	200+	Address	Jingle Avenue City U Country X
Phone	+261 7262991	City	City U
Website	www.aitele.com	ZIP Code	10090
		Country	AMS-X

CONTACT PERSON

First Name	Bruce		
Last Name	Kent	Address	Jingle Avenue City U Country X
Phone	+261 8159255399	City	City U
Position	President	ZIP Code	10090
Email	aseanenterprise@gmail.com (Confirmed)	Country	AMS-X

COMPLAINT DESCRIPTION

Country of Legal Registration	AMS-X		
Registration Number	123456	Business Sector	Services
Company Registration Proof	Annex 1: Simulated Company Registration of AiTel Holdings, Inc.pdf	Type of Problem Encountered	Services / Communication Services
Type of Business	Service provider	Destination Country	AMS-Y
Description	We are a duly registered telecommunications company in AMS-X, AiTel Holdings, Inc. Our subsidiary company, AiTel Holdings, Inc. is based in AMS-Y. 86% of the total shares issued by AiTel Co., Ltd. is owned by AMS-X shareholders and its senior management level positions are dominated by AMS-Y nationals. AiTel Co., Ltd.'s operating license has recently been revoked by AMS-Y's National Communication Authority in September 2016 on the argument that the telecommunications license possessed by AiTel Co., Ltd. is no longer valid. In fact, in August 2016, 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 AiTel 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 AiTel Co., Ltd.'s license and the amendment of the business license regulation has caused AiTel 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).		
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		

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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.

